



DRAFT ENVIRONMENTAL IMPACT REPORT

San Francisco 2004 and 2009 Housing Element Draft EIR Appendices

PLANNING DEPARTMENT
CASE NO. **2007.1275E**

STATE CLEARINGHOUSE NO. 2008102033



SAN FRANCISCO
PLANNING
DEPARTMENT

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Written comments should be sent to:
Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103

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NOP Information

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Original and Revised NOPs



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Notice of Preparation of an Environmental Impact Report

Date: October 8, 2008
Case No.: **2007.1275E**
Project Title: **San Francisco 2004 Housing Element**
Block/Lot: Citywide
Project Sponsor: San Francisco Planning Department
Sarah Dennis, Project Contact, (415) 558-6314
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PROJECT DESCRIPTION

The City and County of San Francisco is preparing an Environmental Impact Report (EIR) for the 2004 Housing Element, a proposed update to the 1990 Residence Element of the General Plan. The Housing Element is a policy document that consists of goals and policies to guide the City and private and non-profit developers in providing housing for existing and future residents to meet projected housing demand, as required under Government Code section 65580 *et seq* ("State housing element law"). The attached information provides a description of the proposed policies.

A Public Scoping Meeting will be held by the Planning Department pursuant to the State of California Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15206 to receive oral comments concerning the scope of the EIR. The meeting will be held on **November 6, 2008 from 6:30 pm to 8:00 pm at 1650 Mission Street, Suite 400, San Francisco, Ca 94103, Room 431.** Written comments will also be accepted at this meeting and until the close of business on November 12, 2008. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

FINDING

This project may have a significant effect on the environment and an Environmental Impact Report is required. This determination is based upon the criteria of the State CEQA guidelines, Section 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance).

STATE AGENCIES

We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency.

October 22, 2008

Date

Bill Wycko

Bill Wycko

Acting Environmental Review Officer

Cc: Sarah Dennis, Citywide Planning and Policy; Kearstin Dischinger, Citywide Planning and Policy; Teresa Ojeda, Citywide Planning and Policy; Distribution List; Bulletin Board; Master Decision File.

San Francisco Housing Element EIR

Case No. 2007.1275E

INTRODUCTION

San Francisco's *General Plan* is composed of ten individual elements stating objectives and policies to guide the physical development in San Francisco that are applicable on a citywide basis, and eleven adopted area plans with policies and objectives to guide the physical development in specific neighborhoods. The Housing Element is the section of the *General Plan* that addresses housing strategies and seeks to ensure adequate housing for current and future residents.

The City and County's proposed 2004 Housing Element update is an update to the 1990 Residence Element. Although previously adopted by the San Francisco Planning Commission on May 13, 2004, and found in compliance with State housing element law by HCD on October 28, 2004, the California Court of Appeal found that the Mitigated Negative Declaration prepared for the element was inadequate and has required the preparation of an Environmental Impact Report (EIR).

The EIR for this project will address the Court of Appeal's mandate to analyze the potentially significant environmental impacts of the changes from the 1990 Residence Element embodied in the proposed 2004 Housing Element.

LOCATION

San Francisco lies on the northern tip of a peninsula surrounded by San Francisco Bay on its east side, the Golden Gate on its north side and the Pacific Ocean on the west side. Daly City and the City of Brisbane abut San Francisco to the south. San Francisco is approximately 49 square miles in size. Although it is relatively densely developed, there remain developable vacant parcels for new housing construction, as well as underused parcels available for increased development, in various locations throughout the City. The Housing Element would be applied throughout the City and County of San Francisco, as illustrated in **Figure 1**.

Figure 1. Project Location within the San Francisco Bay Area



STATE-MANDATED HOUSING ELEMENT REQUIREMENTS

State law requires each city and county in California to adopt a general plan containing at least seven elements including a housing element. Unlike the other mandatory general plan elements, the housing element must be updated periodically, usually every five years and is subject to detailed statutory requirements and mandatory review by the State Department of Housing and Community Development (HCD). Housing elements have been mandatory portions of general plans since 1969. Housing element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of the “regional housing need,” described below. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land use plans and regulatory schemes that provide opportunities for, and do not unduly constrain, housing development.

Under state law, HCD is required to allocate the region’s share of the projected statewide housing need to Councils of Government based on the Department of Finance population projections and regional population forecasts. The Association of Bay Area Governments (ABAG) is the regional authority charged with preparing the Regional Housing Needs Allocation (RHNA), quantifying the housing need for local jurisdictions in the San Francisco Bay Area. HCD recognizes that while land-use planning is fundamentally a local issue, the availability of housing is a matter of statewide importance. Therefore, State housing element law requires local Housing Elements to meet regional housing projections to balance the need for growth, including the need for additional housing, against competing local interests. Housing elements must at least include the following components:

- I. **Housing Needs Assessment.** The Housing Needs Assessment must address both the existing and projected housing needs as defined below.¹
 - a. *Existing Needs:* the number of households overpaying for housing, living in overcrowded conditions, or with special housing needs; the number of housing units that need rehabilitation; and assisted affordable units at-risk of converting to market-rate.
 - b. *Projected Needs:* The City and County’s share of the regional housing need as established in the RHNA prepared by ABAG, to accommodate expected population growth over the planning period of the housing element (five years). The RHNA provides a benchmark for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is sufficiently designating land and providing opportunities for housing development to address population growth and job generation.

¹ State of California Business, Transportation and Housing Agency, Department of Housing and Community Development, Division of Housing Policy Development. *Memorandum: State Housing Element Law*. This document is available at the State of California Department of Housing and Community Development website: <http://housing.hcd.ca.gov/hpd/hrc/plan/he/heoverview.pdf>. Accessed 06/24/2008.

- II. **Sites Inventory and Analysis.** The housing element must include a detailed land inventory and analysis, including a site specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of the environmental constraints and the availability of infrastructure; and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction's share of the RHNA projections by income level. If the analysis does not demonstrate adequate sites, appropriately zoned to meet RHNA projections, by income level, the element must include a program to provide the needed sites including providing zoning that allows owner-occupied and rental multi-family uses "by-right" with minimum densities and development standards that allow at least sixteen (16) units per site at a density of at least 20 units per acre for sites needed to address the housing need for lower-income households.²
- III. **Housing Constraints Analysis.** The housing element must include an analysis of housing constraints including land-use controls, fees and exactions, on- and off-site improvement requirements, building codes and their enforcement, permit and processing procedures, and potential constraints on the development or improvement of housing for persons with disabilities.³
- IV. **Housing Programs.** Programs identifying adequate sites to accommodate the locality's share of the RHNA, assist in the development of housing for low-and moderate-income households; remove or mitigate governmental constraints; conserve and improve the existing affordable housing stock; promote equal housing opportunity; and preserve the at-risk units identified.⁴
- V. **Quantified Objectives.** Estimates of the maximum number of units, by income level, to be constructed, rehabilitated, and conserved over the planning period of the element.⁵

The January 1999-June 2006 RHNA prepared by ABAG provides the basis for the 2004 Housing Element. San Francisco's share of the regional housing need for this period was calculated as 20,372 units. The housing need, by income, is distributed as follows:⁶

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Association of Bay Area Governments (ABAG). *ABAG Projections 2002: City, County and Census Tract Forecasts 2000-2025*. This document is available online at ABAG's website: <http://www.abag.ca.gov/abag/overview/pub/p2002/>. Accessed 06/24/2008.

Table 1. RHNA (1999-2006)		Percentage
Very Low	5,244	25.7%
Low	2,126	10.4%
Moderate	5,639	27.7%
Market	7,363	36.1%
Total	20,372	100%

In June 2008, ABAG released new RHNA projections for 2007-2014. The most recent RHNA numbers call for provision of an additional 10,800 units, a considerable increase in housing over the previous planning period. The RHNA allocation for 2007-2014 is as follows:⁷

Table 2. RHNA (2007-2014)		Percentage
Very Low	6,589	21%
Low	5,535	18%
Moderate	6,754	22%
Market	12,315	39%
Total	31,193	100%

EXISTING HOUSING SUPPLY

Between 1990 and 2000, San Francisco's population grew by almost 52,800 and approximately 55,250 new jobs were created. In the same period, only 10,800 new housing units were built to accommodate this growth. San Francisco, as a regional destination and a dynamic job center, will continue to attract new households, putting greater pressure on the already tight housing market.⁸

Each year San Francisco documents the status of San Francisco's housing inventory and provides an analysis of housing production trends. San Francisco's housing stock as of December 31, 2007 consists of approximately 360,399 dwelling units comprised of both multifamily units (approximately 70%) and

⁷ Association of Bay Area Governments (ABAG). *San Francisco Bay Area Housing Needs Plan (2007-2014)*. This document is available online at: <http://www.abag.org/planning/pdfs/SFHousingNeedsPlan.pdf>.

⁸ San Francisco General Plan, Housing Element. San Francisco Planning Department. May 13, 2004. This document is available online at the Planning Department website: http://www.sfgov.org/site/planning_index.asp?id=41412. Accessed 06/24/2008.

single family homes (approximately 30%).⁹ **Table 3**, below, shows the existing housing supply by Planning District as of December 31, 2007. **Figure 2** depicts the location of each Planning District.

Table 3. San Francisco Housing Supply by Planning District as of December 31, 2007

No.	District Name	Net Housing Units	No.	District Name	Net Housing Units
1	Richmond	36,537	9	South of Market	19,530
2	Marina	25,922	10	South Bayshore	11,439
3	Northeast	39,857	11	Bernal Heights	9,427
4	Downtown	29,435	12	South Central	25,701
5	Western Addition	29,459	13	Ingleside	22,813
6	Buena Vista	16,278	14	Inner Sunset	18,733
7	Central	25,649	15	Outer Sunset	26,081
8	Mission	23,538			
TOTAL					360,485

Figure 2. San Francisco Planning Districts



⁹ San Francisco Planning Department. April 2008. *San Francisco Housing Inventory, 2007*. This document is available on line at: http://www.sfgov.org/site/up21loadedfiles/planning/Citywide/pdf/Housing_Inventory_2007.pdf. Accessed 05/19/2008.

Approximately 2,567 units were added to San Francisco's housing stock in 2007 (these units are included in the **Table 3**, above), representing an approximately 34% increase from the number of units added to the housing stock in 2006.¹⁰ An additional 306 units were acquired or rehabbed in 2007, bringing the total new housing production, acquisition and rehabilitation to 2,873 units in 2007. This represents the largest annual increase in housing units since 1988.

In order to meet the projected RHNA allocation, San Francisco must construct approximately 4,159 new dwelling units per year, an approximately 62% increase in annual housing production. **Table 4**, below, details the annual housing production targets needed to meet the RHNA allocation for the current planning period (2007-2014).

Table 4. HOUSING PRODUCTION TARGETS, 2007-2014 and ACTUAL PRODUCTION, 2007 Including Acquisition and Rehabilitation of Existing Units as Permitted by HCD Guidelines

Income Category	ABAG/HCD Regional Housing Needs Determination (RHND) Production Goals 2007-June 2014		Annual Production Target to Meet Total Production Goals*	Actual New Housing Production and Acquisition/Rehabilitation 2007**		
	No. of Units	% of Total	No. of Units	No. of Units	% of Actual Production	% of RHND Goal
Very Low (< 50% AMI)	6,589	21.1%	879	718***	25.0%	10.9%
Low (50-79% AMI)	5,535	17.7%	738	120	4.2%	2.2%
Moderate (80-120% AMI)	6,754	21.7%	901	203	7.1%	3.0%
Market (over 120% AMI)	12,315	39.5%	1,642	1,832	63.8%	14.9%
TOTALS	31,193	100.0%	4,159	2,873	100.0%	9.2%

*Annual production based on 7.5 year reporting period (1 January 2007 - 30 June 2014)

**Source: Housing Inventory 2007

***Includes 306 units acquired or rehabbed in 2007

¹⁰ Ibid.

PROJECT DESCRIPTION

Part I of the 2004 Housing Element is the Data and Needs Analysis section, which includes San Francisco population and employment trends, housing data and inventories of land available for increased housing development. Data and information included in this section were collected from the U.S. Census Bureau (2000 Census), the Association of Bay Area Governments (ABAG Projections 2002), the California State Employment Development Department, the San Francisco Department of Building Inspection and other government sources. This section functions to provide a foundation for the proposed changes to the objectives, policies, and implementation strategies in the Element.

Part II of the proposed Housing Element update sets forth objectives, policies and implementing strategies to address the City's housing needs. The objectives and policies are revised from the 1990 Residence Element in the following ways: 1) the entire section is reorganized; 2) some objectives and policies are modified; 3) five new policies are added; and 4) certain policies from the 1990 Residence Element have been deleted.

Many of the policies and objectives in the proposed Housing Element update incorporated no text change whatsoever from the 1990 Residence Element. Attachment A is a comparison of the policies and objectives in the 1990 Residence Element and the policies and objectives in the 2004 Housing Element. Based on the definition of a "project" under the CEQA (Section 15378 of the CEQA Guidelines) and case law interpreting CEQA, environmental review of an amendment to a General Plan or General Plan element need only analyze *changes* from a previously adopted plan or element. Thus the proposed Housing Element EIR will address the changes from the 1990 Residence Element.

PROJECT APPROVALS

Following certification of the EIR, the San Francisco Planning Commission would consider approval of a recommendation that the Housing Element be adopted by the San Francisco Board of Supervisors. Once adopted, it would be formally submitted to the California Department of Housing and Community Development for state certification, in accordance with Government Code section 65584.09.

The Department is also initiating preparation of a revised 2009 Housing Element. This future revision to the Housing Element will be subject to environmental review consistent with state law, and will undergo the same approval and certification process as the 2004 Housing Element.

SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

The proposed project may result in significant environmental effects. A program EIR will be prepared to evaluate the potential environmental effects of the project, including those that would be less than significant or less than significant after mitigation, and to identify those potentially significant issues. A

program EIR, prepared in connection with a plan or program such as a general plan element, addresses environmental issues on a level of broad generalities. Due to the nature of the project, it is not as detailed as an EIR on a specific construction project. The intent of the program EIR is to allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early stage when the agency has flexibility to deal with general policy concerns or cumulative impacts. Potential effects from the rezoning of specific sites can be predicted and analyzed in more detail, but the analysis here may be limited by the absence of specific development proposals in most cases. However, environmental impacts will be analyzed assuming the maximum potential build out under specific policies.

The EIR will address impacts related to land use, aesthetics, cultural resources, transportation and circulation, population and housing, noise, air quality, wind and shadows, recreation, utilities and service systems, public services, geology and soils, hydrology and water quality, biological resources, hazards and hazardous materials, mineral and energy resources, and agriculture. The EIR will also address cumulative environmental impacts of the proposed changes from the 1990 Residence Element. The public is encouraged to comment on the scope of the environmental impacts during the public scoping period. The comments received during the scoping period will be considered during preparation of the EIR.

MITIGATION MEASURES AND PROJECT ALTERNATIVES

The EIR will analyze the potential environmental effects of changes to the 1990 Residence Element and identify feasible mitigation measures intended to lessen or reduce significant environmental impacts of the proposed project, if any are identified. These mitigation measures will be incorporated into the overall project.

Pursuant to CEQA and the State CEQA Guidelines, the EIR will also study a range of alternatives that would reduce or avoid significant environmental impacts identified in the EIR, as described in CEQA Guidelines Section 15126.6. The EIR will, at a minimum, include the following alternatives:

- *No Project Alternative.* This alternative assumes no change in the 1990 Residence Element, but would assume impacts from projects that could occur under the 1990 Residence Element.
- *Modified 2004 Housing Element Alternative.* The EIR may analyze other alternatives that consider revisions to the 2004 Housing Element.
- *2014 RHNA Housing Goal Alternative.* The EIR will also include an alternative that assumes the adoption of changes to the 2004 Housing Element to allow the City to meet or exceed the 2014 RHNA housing goals, through the use of strategies which may include height and density increases, and bonus options consistent with California State Law. The analysis of this alternative may be used as a basis for environmental review of the next Housing Element Update, which is due to the Department of Housing and Community Development in June of 2009.

ATTACHMENT A: COMPARISON OF 1990 RESIDENCE ELEMENT AND THE 2004 HOUSING ELEMENT

For the reader's comparison, the existing policies from the 1990 Residence Element are provided in *Italics* below each proposed revised policy, while the new objects and policies are provided in **BOLD**.

HOUSING SUPPLY

OBJECTIVE 1 (*Modified Objective 1 of 1990 RESIDENCE ELEMENT*)

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

(1990 RESIDENCE ELEMENT OBJECTIVE 1: To provide new housing, especially affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing created by employment growth.)

POLICY 1.1 (*Modified Policy 2.2*)

Encourage higher residential density areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

(RE Policy 2.2: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.)

POLICY 1.2 (NEW)

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs, or discouraging new employment opportunities.

POLICY 1.3 (*modified Policy 1.2*)

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

(RE Policy 1.2: Facilitate the conversion of underused industrial and commercial areas to residential use giving preference to permanently affordable housing uses.)

POLICY 1.4 (*modified Policy 1.4*)

Locate in-full housing on appropriate sites in established residential neighborhoods.

(RE Policy 1.4: Locate in-full housing on appropriate sites in established neighborhoods.)

POLICY 1.5 (*modified Policy 1.1*)

Support development of affordable housing on surplus public lands.

(RE Policy 1.1: Promote the development of permanently affordable housing on surplus, underused and vacant public lands)

POLICY 1.6 (modified Policy 1.3)

Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development project.

(RE Policy 1.3: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial developments.)

IMPLEMENTATION 1.6 (New)

The Planning Department will review the following incentives for commercial project developments in the Downtown C-3 District: floor-area-ratio (FAR) exemption for housing; no residential parking requirement; and no density requirements for residential projects. Housing in Excess of the base FAR in the Downtown General (C-3-G) and Downtown Support (C-3-S) Districts has also been proposed by the Board of Supervisors.

POLICY 1.7 (NEW)

Encourage and support the construction of quality, new family housing.

POLICY 1.8 (Policy 1.5, no text change)

Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.

POLICY 1.9 (modified Policy 1.7)

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

(RE Policy 1.7: Obtain assistance from office developments and higher educational institutions in meeting the housing demand they generate, particularly the need for affordable housing for lower income workers and students.)

HOUSING RETENTION

OBJECTIVE 2 (Objective 3, no text change)

RETAIN THE EXISTING SUPPLY OF HOUSING

POLICY 2.1 (Objective 3.1, no text change)

Discourage the demolition of sound existing housing.

POLICY 2.2 (modified Policy 3.2)

Control the merger of residential units to retain existing housing.

(RE Policy 3.2: Control the merger of residential units.)

POLICY 2.3 (merged Policies 3.4 and 3.5)

Restrict the conversion of rental housing to other forms of tenure or occupancy.

(RE Policy 3.4: Restrict the conversion of rental housing to condominiums or other forms of tenure or occupancy.)

(RE Policy 3.5: Prohibit the conversion of rental housing to time share, corporate suite or hotel use.)

POLICY 2.4 *(modified Policy 3.6)*

Retain sound existing housing in commercial and industrial areas.

(RE Policy 3.6: Restrict the conversion of housing in commercial and industrial areas.)

POLICY 2.5 *(Policy 3.7 no text change)*

Preserve the existing stock of residential hotels.

POLICY 2.6 *(Policy 3.3 no text change)*

Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.

HOUSING CONDITIONS

OBJECTIVE 3 *(Modified Objective 5)*

ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.

(RE OBJECTIVE 5: TO MAINTAIN AND IMPROVE THE PHYSICAL CONDITION OF HOUSING WHILE MAINTAINING EXISTING AFFORDABILITY LEVELS.)

POLICY 3.1 *(merged Policies 5.1 and 5.2)*

Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households.

(RE Policy 5.1: Assure that existing housing is maintained in decent, safe sanitary conditions at existing affordability levels.)

(RE Policy 5.2: Promote and support voluntary housing rehabilitation which does not result in the displacement of lower income occupants.)

POLICY 3.2 *(modified Policy 10.2)*

Preserve at risk, privately owned assisted housing.

(RE Policy 10.2: Protect existing buildings at risk of losing their subsidies or being converted to market Rate housing.)

POLICY 3.3 *(modified Policy 5.4)*

Maintain and improve the condition of the existing supply of public housing.

(RE Policy 5.4: Maintain and improve the existing supply of public housing.)

POLICY 3.4 *(modify Policy 5.3)*

Monitor the correction of serious continuing code violations to prevent the loss of housing.

(RE Policy 5.3: Assure correction of serious continuing code violations and loss of housing.)

POLICY 3.5 *(modified Policy 4.3)*

Improve the seismic stability of existing housing without reducing the supply of affordable housing.

(RE Policy 4.3: Improve the seismic stability of existing housing.)

POLICY 3.6 *(Policy 5.5, no text change)*

Preserve landmark and historic residential buildings.

HOUSING AFFORDABILITY

OBJECTIVE 4 *(Modified Objective 7)*

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY

(RE OBJECTIVE 7: TO INCREASE LAND AND IMPROVE BUILDING RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING)

POLICY 4.1 *(modify Policy 7.1)*

Actively identify and pursue opportunity sites for permanently affordable housing.

(RE Policy 7.1: Create more housing opportunity sites for permanently affordable housing.)

POLICY 4.2 *(Policy 7.2, no text change)*

Include affordable units in larger housing projects.

POLICY 4.3 *(modified Policy 1.8)*

Encourage the construction of affordable units for single households in residential hotels and “efficiency” units.

(RE Policy 1.8: Encourage construction of new single room occupancy residential hotels)

POLICY 4.4 *(modified Policy 7.3)*

Grant density bonuses and parking requirement exemptions for the construction of affordable or senior housing.

(RE Policy 7.3: Grant density bonuses for construction of affordable or senior housing)

POLICY 4.5 *(modify Policy 2.3)*

Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

(RE Policy 2.3: Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.)

POLICY 4.6 *(MERGED Policies 7.4, 7.5, 7.6 and 7.7)*

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

(RE Policy 7.4: Promote more economical housing construction to achieve affordable housing.)

(RE Policy 7.5: Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing cost.)

(RE Policy 7.6: Encourage industrialized housing production techniques where such techniques result in compatible quality of design at lower cost.)

(RE Policy 7.7: Allow construction of unconventional housing types that reduce cost, if quality can be maintained.)

OBJECTIVE 5 *(modified Objective 6)*

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

(RE OBJECTIVE 6: TO IMPROVE THE CITYWIDE AFFORDABLE HOUSING DELIVERY SYSTEM.)

POLICY 5.1 *(MERGED Policies 6.1 and 6.3)*

Prioritize affordable housing projects in the planning review and approval processes, and work with the development community to devise methods of streamlining housing projects.

(RE Policy 6.1: Reorganize and coordinate governmental activity related to affordable housing.)

(RE Policy 6.3: Improve the planning review and approval process and give priority to permanently affordable housing projects.)

POLICY 5.2 *(Policy 6.2)*

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

(RE Policy 6.2: Expand affordable housing capacities of community based non-profit organizations.)

POLICY 5.3 *(modified Policy 6.4)*

Create greater public awareness about the quality and character of affordable housing projects and generate community-wide support for new affordable housing.

(RE Policy 6.4: Create greater public awareness of the affordable housing problem and support for affordable housing.)

POLICY 5.4 *(modified Policy 6.1)*

Coordinate governmental activities related to affordable housing.

(RE Policy 6.1: Reorganize and coordinate governmental activity related to affordable housing.)

OBJECTIVE 6 *(Modified Objective 10)*

PROTECT THE AFFORDABILITY OF EXISTING HOUSING.

(RE OBJECTIVE 10: TO PROTECT THE EXISTING AFFORDABILITY OF HOUSING)

POLICY 6.1 *(modified Policy 10.2)*

Protect the affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing.

(RE Policy 10.2: Protect existing buildings at risk of losing their subsidies or being converted to market rate housing.)

POLICY 6.2 *(modified Policy 9.2)*

Ensure that housing developed to be affordable is kept affordable

(RE Policy 9.2: Make affordable housing permanently affordable.)

POLICY 6.3 (*modified Policy 10.4*)

Safeguard tenants from excessive rent increases.

(*RE Policy 10.4: Safeguard tenants from excessive rent increases while assuring landlords fair and adequate rents.*)

POLICY 6.4 (*modified Policy 11.1*)

Achieve permanent affordability through community land trusts and limited equity housing ownership and management.

(*RE Policy 11.1: Encourage non-profit and limited equity ownership and management of housing.*)

POLICY 6.5 (NEW)

Monitor and enforce the affordability of units provided as a condition of approval of housing projects.

OBJECTIVE 7 (*Objective 8, no text change*)

EXPAND THE FINANCIAL RESOURCES AVAILABLE FOR PERMANENTLY AFFORDABLE HOUSING.

POLICY 7.1 (*Policy 8.1*)

Enhance existing revenue sources for permanently affordable housing.

POLICY 7.2 (MERGED Policies 8.2 and 8.3)

Create new sources of revenue for permanently affordable housing, including dedicated long-term financing for housing programs.

(*RE Policy 8.2: Create new sources of revenue for permanently affordable housing.*)

(*RE Policy 8.3: Provide new mechanisms to assure long-term financing for permanently affordable housing.*)

POLICY 7.3 (*Policy 8.4*)

Develop greater investments in and support for affordable housing programs by corporations, churches, unions, foundations, and financial institutions.

HOUSING CHOICE

OBJECTIVE 8 (*modified Objective 13*)

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES

(*RE OBJECTIVE 13: TO PROVIDE MAXIMUM HOUSING CHOICE.*)

POLICY 8.1 (*modified Policy 13.6*)

Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable units wherever possible.

(*RE Policy 13.6: Provide adequate rental housing opportunities.*)

POLICY 8.2 (*modified Policy 9.1*)

Employ uniform definitions of affordability that accurately reflect the demographics and housing needs of San Francisco.

(*RE Policy 9.1: Employ uniform definitions of permanent affordability.*)

POLICY 8.3 (modified Policy 10.3)

Ensure affirmative marketing of affordable housing.

(RE Policy 10.3: Ensure equal access to, protection for, and affirmative marketing of affordable housing.)

POLICY 8.4 (modified Policy 13.5)

Encourage greater economic integration within housing projects and throughout San Francisco.

(Policy 13.5: Encourage economic integration in housing by ensuring that new permanently affordable housing is located in all of the City's neighborhoods, and by requiring that all new large market rate residential developments include affordable units.)

POLICY 8.5 (modified Policy 13.1)

Prevent housing discrimination.

(RE Policy 13.1: Prevent housing discrimination based on age, race, religion, sex, sexual preference, marital status, ancestry, national origin, color, disability, health (AIDS/ARC), source or amount of income, citizenship, or employment status as a family day care provider.)

POLICY 8.6 (modified Policy 13.3)

Increase the availability of units suitable for users with supportive housing needs.

(RE Policy 13.3: Increase the availability of units suitable for special user groups with special housing needs including large families, the elderly, and the homeless.)

POLICY 8.7 (Policy 13.4, no text change)

Eliminate discrimination against households with children.

POLICY 8.8 (modified Policy 13.2)

Promote the adaptability and maximum accessibility of residential dwellings for disabled and elderly occupants.

(RE Policy 13.2: Promote adaptability and maximum accessibility of residential dwellings for disabled occupants.)

POLICY 8.9 (merged Policies 11.2 and 13.7)

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

(RE Policy 11.2: Support new affordable ownership programs.)

(RE Policy 13.7: Expand opportunities for home ownership without significantly diminishing the supply of rental housing.)

POLICY 8.10 (modified Policy 13.8)

Ensure an equitable distribution of quality board and care centers, and adult day care facilities throughout the City.

(RE Policy 13.8: Amend regulations relating to group housing to ensure a distribution of quality board and care, adult day care facilities and single room occupancies.)

OBJECTIVE 9 (modified Objective 14)

AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT

(RE OBJECTIVE 14: TO AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT)

POLICY 9.1 (modified Policy 14.1)

Minimize the hardships of displacement by providing essential relocation services.

(RE Policy 14.1: Minimize relocation hardship and displacement caused by the public or private demolition or conversion of housing.)

POLICY 9.2 (modified Policy 14.2)

Offer displaced households the right of first refusal to occupy replacement housing units that are comparable in size, location, cost, and rent control protection.

(RE Policy 14.2: Permit displaced households the right of first refusal to occupy replacement housing units of comparable in size, location, cost and rent control protection.)

HOMELESSNESS

OBJECTIVE 10 (modified Objective 15)

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.

(RE OBJECTIVE 15: TO DEAL WITH THE ROOT CAUSES OF HOMELESSNESS, RECOGNIZING THE SOLUTION IS MORE THAN THE PROVISION OF EMERGENCY SHELTERS.)

POLICY 10.1 (modified Policy 15.1)

Focus efforts on the provision of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

(RE Policy 15.1: Shift focus from provision of temporary shelter to provision of permanent affordable housing.)

POLICY 10.2 (modified Policy 15.2)

Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

(RE Policy 15.2: Develop strategies to deal with root causes of homelessness including lack of financial resources, employment and health services.)

POLICY 10.3 (modified Policy 15.3)

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

(RE Policy 15.3: Provide emergency assistance programs including emergency access to food, clothing and shelter, improve coordination of services in existing shelter programs and expand health care outreach services.)

POLICY 10.4 (Policy 15.4, no text change)

Facilitate childcare and educational opportunities for homeless families and children.

HOUSING DENSITY, DESIGN, AND QUALITY OF LIFE

OBJECTIVE 11 (modified Objective 12)

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO CONTINUE SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

(RE OBJECTIVE 12: TO PROVIDE A QUALITY LIVING ENVIRONMENT.)

POLICY 11.1 (NEW)

Use new housing development as means to enhance neighborhood vitality and diversity.

POLICY 11.2 (modified Policy 12.1)

Ensure housing is provided with adequate public improvements, services, and amenities.

(RE Policy 12.1: Assure housing is provided with adequate public improvements, services and amenities.)

POLICY 11.3 (modified Policy 12.2)

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

(RE Policy 12.2: Allow appropriate neighborhood-serving commercial activities in residential areas.)

POLICY 11.4 (modified Policy 12.3)

Avoid or minimize disruption caused by expansion of institutions, large-scale uses and auto-oriented development into residential areas.

(RE Policy 12.3: Minimize disruption caused by expansion of institutions into residential areas.)

POLICY 11.5 (modified Policy 12.4)

Promote the construction of well-designed housing that enhances existing neighborhood character.

(RE Policy 12.4: Promote the construction of well-designed housing that conserves existing neighborhood character.)

POLICY 11.6 (modify Policy 12.5)

Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas, and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.

(RE Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.)

POLICY 11.7 (NEW)

Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.

POLICY 11.8 (NEW)

Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

POLICY 11.9 (modify Policy 2.1)

Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

(RE Policy 2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.)

POLICY 11.10 *(modified Policy 7.5)*

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

(RE Policy 7.5: Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing costs.)

REGIONAL AND STATE HOUSING NEEDS

OBJECTIVE 12 *(modified Objective 16)*

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

(RE OBJECTIVE 16: TO ADDRESS AFFORDABLE HOUSING NEEDS THROUGH A COORDINATED STATE AND REGIONAL APPROACH.)

POLICY 12.1 *(modified Policy 16.1)*

Work with localities across the region to establish a better relationship between economic growth and increased housing needs.

(RE Policy 16.1: Encourage the balancing of regional employment growth with the development and growth of affordable housing in the region.)

POLICY 12.2 *(modified Policy 16.2)*

Support the production of well-planned housing region wide that address regional housing needs and improve the overall quality of life in the Bay Area.

(RE Policy 16.2: Encourage development of housing in the Bay Area which will meet regional housing needs and contribute to the quality of life in the region.)

POLICY 12.3 *(modified Policy 16.3)*

Encourage jurisdictions throughout the Bay Area to recognize their share in the responsibility to confront the regional affordable housing crisis.

(RE Policy 16.3: Encourage the distribution of affordable housing throughout the Bay Area without diminishing efforts to expand such housing in the City.)

POLICY 12.4 (NEW)

Foster educational programs across the region that increase public understanding of the need for affordable housing and generate support for quality housing projects.

POLICY 12.5 *(modified Policy 16.4)*

Support the State of California in developing and implementing state affordable housing plans and programs.

(RE Policy 16.4: Encourage the State of California to develop and implement an affordable housing plan.)

The following Objectives and Policies have been deleted from the 1990 Residence Element:

1990 RESIDENCE ELEMENT OBJECTIVE 2

To increase the supply of housing without over crowding or adversely affect the prevailing character of existing neighborhoods.

1990 RESIDENCE ELEMENT POLICY 2.4

Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Preparation of an Environmental Impact Report

Date: September 2, 2009
Case No.: **2007.1275E**
Project Title: **San Francisco 2004 and 2009 Housing Element**
Block/Lot: Citywide
Project Sponsor: San Francisco Planning Department
Kearstin Dischinger, (415) 558-6284
Lead Agency: San Francisco Planning Department
Staff Contact: Jessica Range, (415) 575-9018
Jessica.range@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The City and County of San Francisco is preparing an Environmental Impact Report (EIR) for the 2004 and 2009 Housing Element. The Housing Element is a policy document that consists of goals and policies to guide the City and private and nonprofit developers in providing housing for existing and future residents to meet projected housing demand, as required under Government Code section 65580 *et seq* ("State housing element law"). Future housing demand is determined by regional agencies. In the Bay Area, the regional agency charged with determining the region's housing needs is the Association of Bay Area Governments (ABAG). ABAG, in coordination with the State Department of Housing and Community Development (HCD), uses population and job growth projections from the State Department of Finance to determine the regional housing needs for the Bay Area and allocates housing to cities and counties within the Bay Area through the Regional Housing Needs Allocation (RHNA). Local governments must show, among other things, that they can meet their projected RHNA through their Housing Element. In compliance with state housing element law, the City has prepared the 2004 and 2009 Housing Element, an update to the City's General Plan.

The attached information provides a comprehensive Project Description that details the state mandated requirements of a Housing Element, discusses the RHNA, provides background information on the City's existing capacity to absorb new housing units, as well as discusses housing units that are either under construction or being reviewed by the Planning or Building Departments, and introduces the 2004 and 2009 Housing Element policies that are the subject of this EIR. Some policies, such as those directed at affordability of housing units, would clearly not result in significant physical environmental impacts. Other policies, such as those that would increase housing density, could result in physical environmental impacts to transit, transportation and cultural resources (depending on the site). Other policies such as those that encourage the modification of physical controls could impact neighborhood character and aesthetics. Those policies that could result in significant physical environmental impacts are the subject of this EIR.

FINDING

This project may have a significant effect on the environment and an Environmental Impact Report is required. This determination is based upon the criteria of the State CEQA Guidelines, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance).

PUBLIC SCOPING PROCESS

Pursuant to the State of California Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15206, a public scoping meeting will be held to receive oral comments concerning the scope of the EIR. The meeting will be held on **Wednesday, September 30th 2009 from 6:30 pm to 8:00 pm at 1650 Mission Street, Suite 400, San Francisco, CA 94103, Room 431**. Written comments will also be accepted at this meeting and until the close of business on October 5, 2009. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

If you work for a responsible State agency, we need to know the views of your agency regarding the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency.

August 31, 2009
Date

Bill Wycko
Bill Wycko
Environmental Review Officer

IV. PROJECT DESCRIPTION

A. INTRODUCTION

The subject of this Notice of Preparation (NOP) of an Environmental Impact Report (EIR) is the proposed update to the Housing Element of the San Francisco General Plan (General Plan). The EIR will evaluate the environmental impacts of adoption of the 2004 Housing Element and the proposed 2009 Housing Element. This EIR will also analyze, at an equal level of detail, a modified 2009 Housing Element (Housing Element B) (collectively, “the proposed projects”).

This section is organized into the following seven subsections:

- A. Introduction: This subsection provides a discussion of housing element law, the project location, type of EIR being prepared, and the purpose of the EIR.
- B. Regulatory Setting: This subsection describes the state mandated requirements of a housing element, the regional housing need, and the Court of Appeal decision regarding the environmental review previously prepared for the 2004 Housing Element.
- C. Background: This subsection briefly describes the population and employment trends and projections that constitute the technical data used in developing the proposed 2009 Housing Element objectives, policies and implementation measures.
- D. Project Objectives: This subsection provides a list of the project objectives.
- E. Approach: This subsection briefly details the three housing element options to be analyzed in the EIR. In addition, existing capacity and pipeline projects are described.
- F. Project Characteristics: This subsection describes each housing element option and how they are different from the 1990 Residence Element.
- G. Public Scoping: This subsection summarizes the previously held public scoping meeting held for the 2004 Housing Element EIR and discusses the public scoping meeting and comment period for this EIR.

The housing element is a public policy document that comprehensively addresses issues relating to housing needs for San Francisco residents and households. The housing element is prepared in response to California’s housing element law, Government Code sections 65580 *et seq.*, which, since 1969, has required local jurisdictions to adequately plan for and address the housing needs of all segments of its population, such that all communities contribute to the attainment of the state housing goals.

State housing element law requires that each city and county develop local housing programs designed to meet its “fair share” of housing needs for all income groups. The “fair share” allocation of regional housing needs are determined by regional planning agencies and seeks to ensure that each jurisdiction accepts responsibility for the housing that represents the number of additional dwelling units that would

be required to accommodate the anticipated growth in households, replace expected demolitions and conversions of housing units to non-housing uses, and achieve a future vacancy rate that allows for the healthy functioning of the housing market.

State law requires the housing element to be updated periodically, usually every five years. The most recent update of the housing element occurred in 2004, when the City adopted the 2004 Housing Element, an update to the 1990 Residence Element. Subsequent to adoption of the 2004 Housing Element, the California Court of Appeal determined the environmental document prepared for the 2004 Housing Element inadequate, and directed the City to prepare an EIR for the 2004 Housing Element. The City must also comply with state housing element law and prepare a periodic update of the housing element. The City has undergone a comprehensive planning process and prepared the next update of the housing element, the proposed 2009 Housing Element. The EIR will satisfy the City's legal requirements for preparing an EIR on the 2004 Housing Element and will also analyze the environmental effects of the 2009 Housing Element.

Location

San Francisco is a consolidated city and county. As illustrated in Figure 1, the City and County of San Francisco (the City) is located on the tip of the San Francisco Peninsula with the Golden Gate Strait to the north, San Francisco Bay to the east, San Mateo County to the south, and the Pacific Ocean to the west. The City is one of nine counties adjacent to San Francisco and San Pablo Bays. Daly City and the City of Brisbane abut San Francisco to the south. San Francisco is approximately 49 square miles in size. As illustrated in Figure 2, the City is made up several distinct neighborhoods and plan areas (areas which have undergone, or are in the process of, a comprehensive community planning effort). Although San Francisco is densely developed, there remain developable vacant parcels for new housing construction, as well as underused parcels available for increased development, in various locations throughout the City.

Type of EIR

The City has determined that the appropriate process for analyzing the proposed projects' environmental effects is the preparation of a "Program EIR". Program EIRs are prepared for programs composed of a series of actions related (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. This Draft EIR constitutes a "Program EIR" under Section 15168 of the California Environmental Quality Act (CEQA) Guidelines. Based on the definition of a "project" under the CEQA (Section 15378 of the CEQA Guidelines) and case law interpreting CEQA, environmental review of an amendment to a General Plan or General Plan element need only analyze *changes* from a previously adopted plan or element. Thus, this EIR will address the changes of the proposed projects from the 1990 Residence Element.

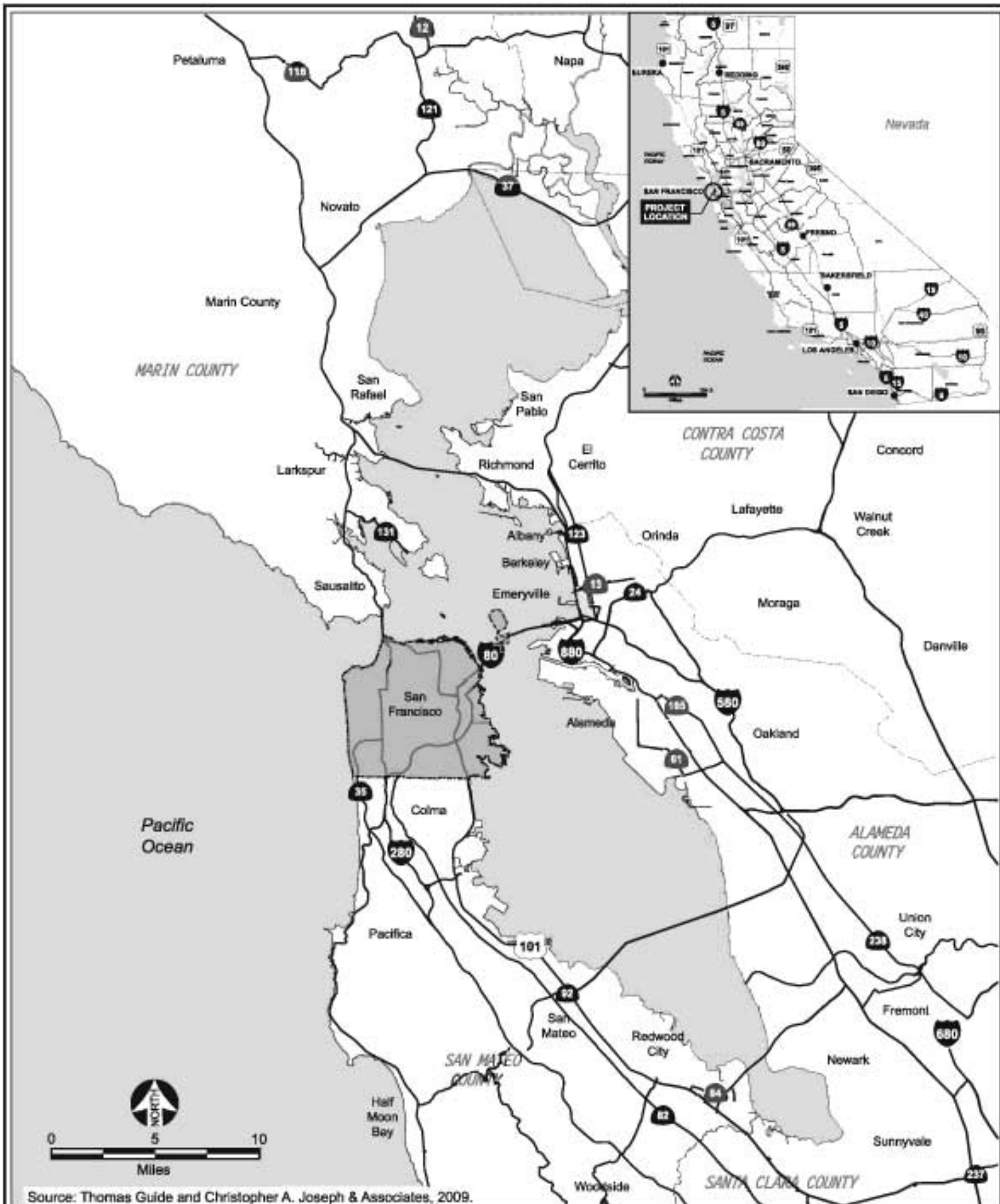


Figure 1
City and County of San Francisco
Regional Map

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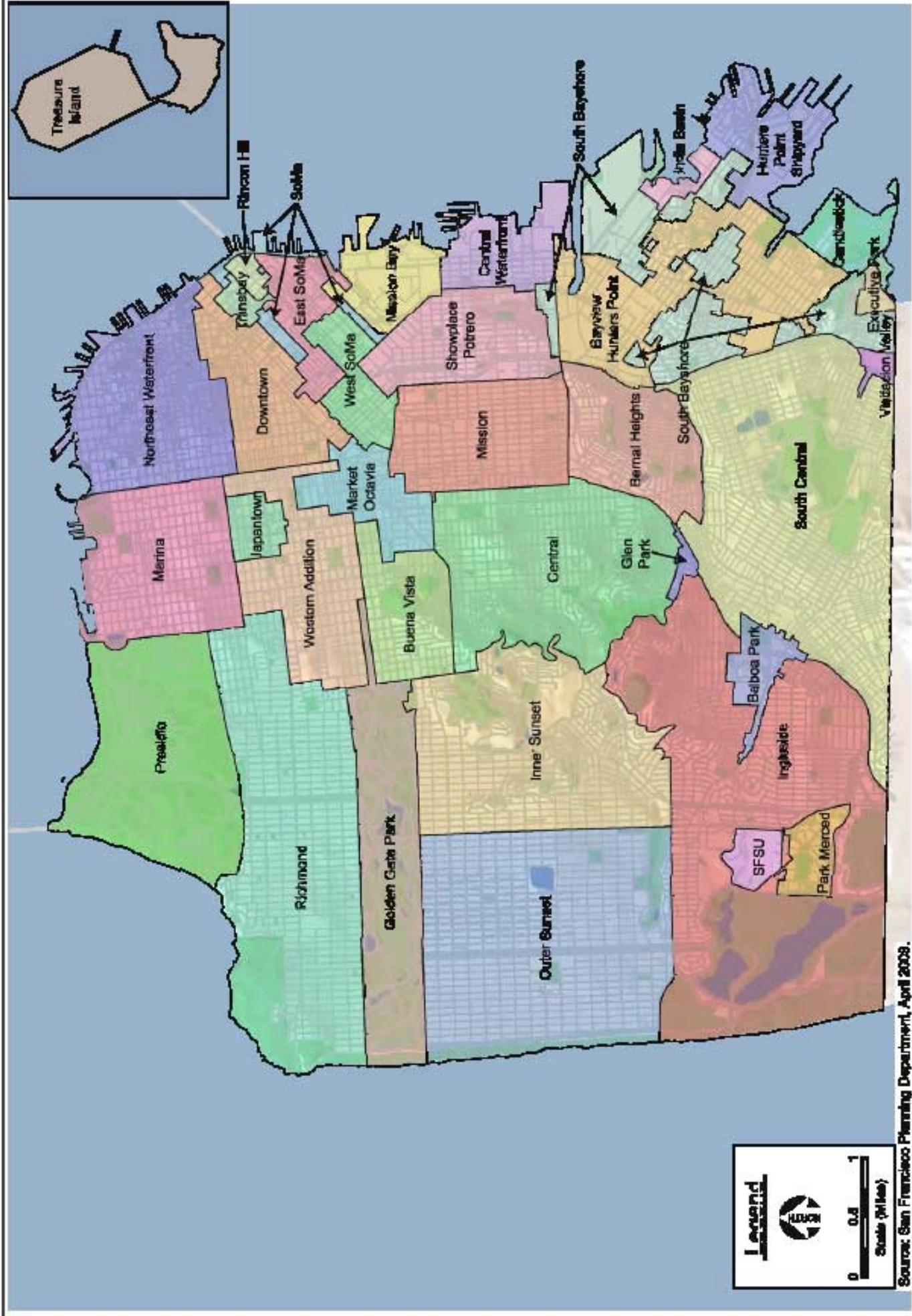


Figure 2
San Francisco Neighborhoods

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Under CEQA, the Lead Agency (City and County of San Francisco Planning Department) is the public agency with authority to certify the EIR and approve or deny the proposed project.

Purpose of the EIR

The City has commissioned the EIR for the following purposes:

- To satisfy CEQA requirements.
- To inform the general public, the local community, and responsible, trustee, and state and federal agencies of the nature of the proposed Housing Elements, any potentially significant environmental effects that are associated with adoption and implementation of these documents, feasible policies and mitigation measures to reduce those effects, and reasonable and feasible alternatives.
- To enable the City to consider the environmental consequences of approving the proposed project.
- To allow for consideration by responsible agencies in issuing permits and approvals for the proposed project.
- To satisfy legal requirements regarding the 2004 Housing Element.

As described in Sections 15121(a) and 15362 of the CEQA Guidelines, an EIR is an informational document that will inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to a project. The purpose of the EIR, therefore, is to focus on the potentially significant environmental effects that could result from the proposed projects, as determined by the Lead Agency. In addition, the EIR will identify the feasible alternatives and mitigation measures, as applicable, that could reduce significant impacts to less-than-significant levels.

The Lead Agency is required to consider the information in the EIR, along with any other relevant information, in making its decision on the proposed project. Although the EIR does not determine the ultimate decision that will be made regarding approval or implementation of the proposed project, CEQA requires the City to consider the information in the EIR and make findings regarding each significant effect of the proposed project.

This Draft EIR will be prepared in accordance with Section 15151 of the CEQA Guidelines, which defines the standards for EIR adequacy:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The

courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.

B. PROJECT APPROVALS

Following certification of the EIR, the City could re-adopt the entire 2004 Housing Element. In addition, certification of the EIR would also allow the City to adopt the proposed 2009 Housing Element or the 2009 Housing Element B. Under Planning Code Section 340, general plan amendments must be approved by the Planning Commission and the Board of Supervisors. In addition, in order to receive certain state funding or be eligible for certain state programs, the Housing Element must be certified as compliant with state housing element law by HCD.

C. PROJECT OBJECTIVES

The objectives of the proposed project are to:

1. Provide a vision for the City's housing and growth management through 2014;
2. Maintain the existing housing stock to serve housing needs;
3. Ensure capacity for the development of new housing to meet the RHNA at all income levels;
4. Encourage housing development where supported by existing or planned infrastructure, while maintaining existing neighborhood character;
5. Encourage, develop and maintain programs and policies to meet projected affordable housing needs;
6. Develop a vision for San Francisco that supports sustainable local, regional and state housing and environmental goals; and
7. Adopt a housing element that substantially complies with California housing element law as determined by the California Department of Housing and Community Development.

D. REGULATORY SETTING

This section includes a discussion of the legal requirements for compliance with state housing element law and provides an overview of the Court of Appeal decision to require preparation of an EIR for the 2004 Housing Element.

State Mandated Housing Element Requirements

The housing element is one of the seven required elements in a general plan, and its required contents are set forth in Government Code section 65583. Housing element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of the "regional

housing need,” described below. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land use plans and regulatory schemes that provide opportunities for, and do not unduly constrain, housing development. Specifically, Section 65583 states that the housing element shall consist of “[...] an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing.” The housing element must also contain a schedule of actions that the local government is undertaking to implement the goals, objectives, and quantified objectives (i.e., the City’s required contribution to the provision of housing for the region) described in the housing element. As discussed above, state law requires that the housing element be updated periodically, usually every five years and is subject to detailed statutory requirements and mandatory review by the State Department of Housing and Community Development (HCD).

Under state law, HCD is required to allocate the region’s share of the projected statewide housing need to Councils of Government based on the Department of Finance population projections and regional population forecasts. The Association of Bay Area Governments (ABAG) is the regional authority charged with preparing the Regional Housing Needs Allocation (RHNA), quantifying the housing need for local jurisdictions in the San Francisco Bay Area. HCD recognizes that while land-use planning is fundamentally a local issue, the availability of housing is a matter of statewide importance. Therefore, State housing element law requires local housing elements to meet regional housing projections to balance the need for growth, including the need for additional housing, against competing local interests. Government Code Section 65583 requires that the housing element include the following components:

- I. **Housing Needs Assessment.** The Housing Needs Assessment must address both the existing and projected housing needs as defined below.¹
 - a. *Existing Needs:* the number of households overpaying for housing, living in overcrowded conditions, or with special housing needs; the number of housing units that need rehabilitation; and assisted affordable units at-risk of converting to market-rate.
 - b. *Projected Needs:* The City and County’s share of the regional housing need, as established in the RHNA prepared by ABAG, to accommodate expected population growth over the planning period of the housing element (five years). The RHNA provides a benchmark for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is sufficiently designating land and providing opportunities for housing development to address population growth and job generation.

¹ *State of California Business, Transportation and Housing Agency, Department of Housing and Community Development, Division of Housing Policy Development. Memorandum: State Housing Element Law. This document is available at the State of California Department of Housing and Community Development website: <http://housing.hcd.ca.gov/hpd/hrc/plan/he/heoverview.pdf>. Accessed 06/24/2008.*

- II. **Sites Inventory and Analysis.** The housing element must include a detailed land inventory and analysis, including a site specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of the environmental constraints and the availability of infrastructure; and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction's share of the RHNA projections by income level. If the analysis does not demonstrate adequate sites, appropriately zoned to meet RHNA projections, by income level, the element must include a program to provide the needed sites including providing zoning that allows owner-occupied and rental multi-family uses "by-right" with minimum densities and development standards that allow at least sixteen (16) units per site at a density of at least 20 units per acre for sites needed to address the housing need for lower-income households.²
- III. **Housing Constraints Analysis.** The housing element must include an analysis of housing constraints including land-use controls, fees and exactions, on- and off-site improvement requirements, building codes and their enforcement, permit and processing procedures, and potential constraints on the development or improvement of housing for persons with disabilities.³
- IV. **Housing Programs.** Programs identifying adequate sites to accommodate the locality's share of the RHNA, assist in the development of housing for low- and moderate-income households; remove or mitigate governmental constraints; conserve and improve the existing affordable housing stock; promote equal housing opportunity; and preserve the at-risk units identified.⁴
- V. **Quantified Objectives.** Estimates of the maximum number of units, by income level, to be constructed, rehabilitated, and conserved over the planning period of the element.⁵

The proposed Housing Elements are each organized into two main parts. Part I of each 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 increased housing development. Part I also functions to provide a foundation for the proposed changes to the objectives and policies contained in Part II of each Housing Element. In order to have an adequate housing element, it is necessary that the document contain an updated Data and Needs Analysis (Part I). Therefore, all housing element proposals analyzed in this EIR will include the most recent Data and Needs Analysis conducted for the 2009 Housing Element update.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

Regional Housing Need

As discussed above, the ABAG, in coordination with the HCD, determined the Bay Area's regional housing need based on regional trends, projected population job growth, and existing needs. The City's fair share of regional housing need is calculated for each established planning horizon. The housing needs determination effort seeks to alleviate a tight housing market stemming from forecasted household and employment growth as well as to allocate regional household and employment growth to jurisdictions with established or planned transit infrastructures. The RHNA determination includes production targets for housing to serve various household income categories. For more information on ABAG's calculation of the RHNA, see the ABAG website at www.abag.ca.gov.

San Francisco's fair share of the regional housing need for January 1999 through June 2006, the planning period for the 2004 Housing Element, was calculated as 20,372 units, or 2,717 units per year. The RHNA for the 2004 Housing Element is presented in Table 1.

Table 1
2004 Housing Element Regional Housing Needs Assessment

Household Income Category	Percentage of Area Median Income (AMI)	No. of Units	Percentage
Very Low	< 50%	5,244	25.7%
Low	50 – 79%	2,126	10.4%
Moderate	80 – 120%	5,639	27.7%
Above Moderate	> 120%	7,363	36.1%
Total	--	20,372	100%
<i>Source: City and County of San Francisco, Planning Department, Housing Element, May 2004, at page 80.</i>			

The proposed 2009 Housing Element presents an updated calculation of San Francisco's fair share of the regional housing need. This updated calculation of San Francisco's share of the regional housing need is for January 2007 through June 2014 and shows a need for 31,193 housing units, or 4,159 units per year. The RHNA for the 2009 Housing Element is presented in Table 2.

Table 2
2009 Housing Element Regional Housing Needs Allocation

Household Income Category	Percentage of AMI	No. of Units	Percentage
Extremely Low	< 30%	3,294	10.5%
Very Low	31 – 50%	3,295	10.6%
Low	51 – 80%	5,535	17.7%
Moderate	81 – 120%	6,754	21.7%
Above Moderate	> 120%	12,315	39.5%
Total	--	31,193	100%
<i>Source: City and County of San Francisco, Planning Department, Part I: Data and Needs Analysis, April 2009, at page 41. Data derived from ABAG "San Francisco Bay Area Housing Needs Plan 2007-2014, June 2008. Link: http://www.abag.ca.gov/planning/pdfs/SFHousingNeedsPlan.pdf</i>			

2004 Housing Element Court of Appeal Decision

Prior to 2004, the City last updated its Housing Element in 1990, when it adopted the 1990 Residence Element. The EIR prepared to evaluate the 1990 Residence Element concluded that reaching the housing goals in the 1990 Residence Element could be achieved without any significant adverse effects to the environment. According to the EIR, meeting the housing goals in the 1990 Residence Element would reduce traffic congestion and thus improve air quality because people who work in the City would have shorter commutes.

The City's 2004 Housing Element was adopted on May 13, 2004, and deemed in compliance with state housing element law by the HCD. The San Francisco Planning Department prepared an Initial Study for the 2004 Housing Element, which examined several new policies that were proposed for addition to the 2004 Housing Element. The Initial Study concluded that although proposed revisions were meant to promote increased housing production, no environmental impacts would result from the adoption of the 2004 Housing Element because the element did not specify any development, rezoning, or area plans. The Initial Study stated that any environmental impact analysis would be conducted in connection with the approval of any future development projects, area plans, or rezoning. The Planning Department then prepared a Negative Declaration, which concluded that revisions to the Housing Element could not have a significant effect on the environment.

Subsequent to adoption of the 2004 Housing Element, the California Court of Appeal found the Negative Declaration prepared for the 2004 Housing Element by the City to be inadequate and determined that an EIR should be prepared (per *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* [June 22, 2007, A112987] [unpublished opinion]). In response to this directive, the Planning Department has prepared this EIR assessing the environmental impacts of the changes from the 1990 Residence Element to the 2004 Housing Element.

After the Court of Appeal's determination, the San Francisco Superior Court, ordered the City to refrain from enforcing, relying upon, approving or implementing policies and objectives identified as changes from the 1990 Residence Element, together with their accompanying interpreting text and implementation actions until an EIR is prepared and certified for the 2004 Housing Element. As such, the 2004 Housing Element is a truncated version of the original 2004 Housing Element, similar in scope and focus to the 1990 Residence Element, while utilizing an updated data and needs analysis.

E. BACKGROUND

This section briefly discusses the population and employment trends and projections for the City and County of San Francisco.

Demographics

As mentioned above, Part I of the 2004 Housing Element and proposed 2009 Housing Element contains a description and analysis of the City's population and employment trends, existing housing characteristics, overall housing need, and capacity for new housing based on land supply. The discussion below provides a summary of the demographic information presented in the 2004 and proposed 2009 Housing Elements.

Table 3 presents population and household trends between 1990 and 2030. As shown, the City experienced significant growth between 1990 and 2000. ABAG projects continued population growth to 857,200 by 2020 or an overall increase of approximately 48,500 people that would require housing between 2010 and 2020.

Table 3
Population Trends and ABAG Projections, San Francisco, 1990-2030

	1990	2000	2010	2020	2030
Total Population	723,959	776,733	808,700	857,200	922,600
Population Change		52,774	31,967	48,500	65,400
% Population Change		7.3%	4.1%	6.0%	7.6%
Household Population	699,330	756,976	787,800	835,900	900,800
% Household Population Change		8.2%	4.1%	6.1%	7.8%
Households	305,584	329,700	348,330	367,430	386,680
Households Change		24,116	18,630	19,100	19,250
% Households Change		7.9%	5.7%	5.5%	5.2%

Source: City and County of San Francisco, Planning Department, Part I: Data and Needs Analysis, April 2009, at page 4.

The City's population experienced a slight shift in ethnic composition since the 2000 Census. The percentage of residents claiming white racial affiliation increased 6 percent, totaling nearly 56 percent of the City's population according to the 2007 American Community Survey (ACS), while the African-American population continued to decline, dropping from 11 percent in 2000 to 7 percent in 2007. Residents of Chinese origin grew slightly, while the portion of residents identifying with Hispanic origins (any race) remained stable. In 2000, almost 70 percent of all households in the City were comprised of one or two people and household sizes are expected to remain proportionally the same as previous decades; however, the proportion of single person households is growing. The 2007 ACS estimates the median household income at just under \$65,450 or about a 19 percent increase since 2000. However, when adjusted for inflation, incomes have remained relatively flat.

Table 4 presents employment growth in the City between 1990 and 2030. According to Part I of the 2009 Housing Element, the City's population and employment dropped between 2000 and 2010, but the numbers are projected to return to a healthy level of growth between 2010 and 2030. ABAG forecasts an increase in employment between 2010 and 2030. Approximately 90,940 new jobs are expected between 2010 and 2020 and approximately 98,250 new jobs are expected between 2020 and 2030.

Table 4
San Francisco Employment Trends and Projections, 1990-2030

Year	Total No. of Jobs	Growth (Loss)	% Change
1990	579,180	26,980	4.9%
2000	634,430	55,250	9.5%
2010	593,370	(41,060)	-6.5%
2020	684,310	90,940	15.3%
2030	782,560	98,250	14.4%

Source: City and County of San Francisco, Planning Department, Part I: Data and Needs Analysis, April 2009, at page 12.

The median age within the City was estimated to be 39.4 years old in 2006, an increase from the median age of 36.5 in 2000. In 2000, residents 14 years and younger constituted only 12 percent of the City's population. The number of these residents is expected to grow, almost doubling to 184,700 in 2010 and making up 23 percent of the total population.

F. APPROACH

As discussed above, the Court of Appeal mandated that the City prepare an EIR for the 2004 Housing Element. Since preparation for the 2004 Housing Element EIR began, the City also completed a draft of the proposed 2009 Housing Element, as required by state housing element law. Because the proposed 2009 Housing Element must also undergo environmental review under CEQA, the EIR will evaluate both the 2004 and the proposed 2009 Housing Element in the same EIR. This section outlines the three proposed projects that will be evaluated in the EIR. This approach facilitates a streamlined process in which the potential environmental impacts of implementing each housing element option are analyzed at similar levels of detail, meeting the requirements of CEQA and the Planning Department's responsibilities under the court's decision.

Proposed Housing Elements Analyzed in this EIR

As previously discussed, in order to be in compliance with state housing element law, a housing element must include an updated Data and Needs Analysis; therefore, each proposed Housing Element utilizes the most recent data on citywide housing found in the Draft 2009 Housing Element Part I Data and Needs Analysis. Further, in order to meet the project objectives of having a housing element that substantially complies with state housing element law, the proposed project must meet the most recent regional housing needs assessment. Therefore, all project options will be analyzed for their ability to meet the 2007-2014 RHNA. This EIR analyzes the following three Housing Element proposals:

1. 2004 Housing Element: This option includes the objectives, policies, and implementation programs of the 2004 Housing Element. For purposes of the EIR analysis however, the 2004 Housing Element utilizes the updated Data and Needs Analysis (Part I) of the 2009 Housing Element and an updated RHNA.
2. 2009 Housing Element: This option includes the objectives, policies, implementation measures, strategies for further review and RHNA of the proposed 2009 Housing Element. The purpose for

including the proposed 2009 Housing Element in this EIR is discussed in subsection F (Project Characteristics).

3. 2009 Housing Element B: This option includes objectives, policies, and implementation measures that more aggressively encourage attainment of the RHNA. This option could include housing related policies introduced at the Board of Supervisors, or modifications to the 2004 or 2009 Housing Element policies based on comments received during the public scoping period for the EIR. This option will be analyzed at a similar level of detail as the 2004 and 2009 Housing Elements.
4. The No Project Option consists of the policies and objectives of the 1990 Residence Element coupled with Part I of the proposed 2009 Housing Element which utilizes an updated RHNA. The No Project Alternative assumes that the City would comply with state housing element law, which mandates the inclusion of an updated housing element in the City's General Plan. Thus, the No Project Alternative will use the objectives and policies contained in the 1990 Residence Element coupled with the most recently identified RHNA allocation and an updated Data and Needs Analysis.

Existing Capacity

Housing element law requires local governments to prepare an inventory of land suitable for residential development to help identify sites that can be developed for housing within the housing element planning period. Using various data sources, the Planning Department has taken an inventory of land on which new residential development could occur under existing zoning. This was done to satisfy the HCD requirement to identify the supply of land still available to help the City meet its share of the regional housing need as projected by the RHNA.

Existing Zoning

Generally, the highest housing densities in the City exist in the Downtown area, at an average density of up to 283 dwelling units per acre, while lower densities (as low as 14 dwelling units per acre) exist in the western and southern areas in the City (see Figure 3).

According to Part I of the proposed 2009 Housing Element, approximately 42,951 new housing units could be accommodated under existing zoning. Specifically, as presented in Table 5, there are approximately 1,780 parcels totaling 396 acres that are classified as vacant or near vacant (sites that are developed to less than 5 percent of their maximum potential) where over 14,970 new housing units could potentially be constructed. Another 4,095 lots are also seen as underdeveloped and could be redeveloped for residential uses, which could possibly yield another 27,980 new units. Underdeveloped sites are generally classified as soft sites, sites with development potential, or opportunity sites. The City identifies two levels of soft sites, sites that are built to only 30 percent of their maximum potential, and sites that are built to only five percent of their maximum potential, as determined by the zoning for that parcel. In addition, Mission Bay, Treasure Island, and Hunter's Point Naval Shipyard (not included in Table 5) are

Table 5
Estimated New Housing Potential in Undeveloped and Underdeveloped Sites by Zoning District

Zoning Groups That Allow Housing	Vacant or Near Vacant Sites			Underdeveloped Sites			No. of Parcels	Net Units	Total Acres
	No. of Parcels	Net Units	Acres	No. of Parcels	Net Units	Acres			
Residential ¹	911	2,947	98.5	749	4,905	103.7	1,660	7,852	202.1
Neighborhood Commercial ²	259	4,094	67.6	1,982	10,037	249.5	2,241	14,131	317.1
Mixed Use Districts ³	232	3,354	68.2	535	7,252	113.9	767	10,606	182.0
Downtown Commercial ⁴	70	319	14.2	234	1,376	78.3	304	1,695	92.5
Downtown Residential ⁵	13	612	2.0	21	2,115	8.0	34	2,727	10.0
Industrial ⁶	293	3,644	145.7	574	2,296	408.7	867	5,940	554.4
Totals	1,778	14,970	396.2	4,095	27,981	962.0	5,873	42,951	1,358.1

Source: City and County of San Francisco, Planning Department, Draft Housing Element, Part I: Data and Needs Analysis, April 2009, at page 59.

¹ Zoning group includes the following zoning districts: RH, RM, and RTO.

² Zoning group includes the following zoning districts: NCD, NC, NCTD, NCT, and SoMa NCT.

³ Zoning group includes the following zoning districts: C-2, C-3, and C-M.

⁴ Zoning group includes the following zoning districts: SB-DTR, VNMDRSUD, and RH DTR.

⁵ Zoning group includes the following zoning districts: CCB, CRNC, CVR, India Basin SUD, MUG, MUO, MUR, RC-3, RC-4, RED, RSD, SLI, SPD, UMU, SLR, and SSO.

⁶ Zoning group includes the following zoning districts: M-1 and M-2.

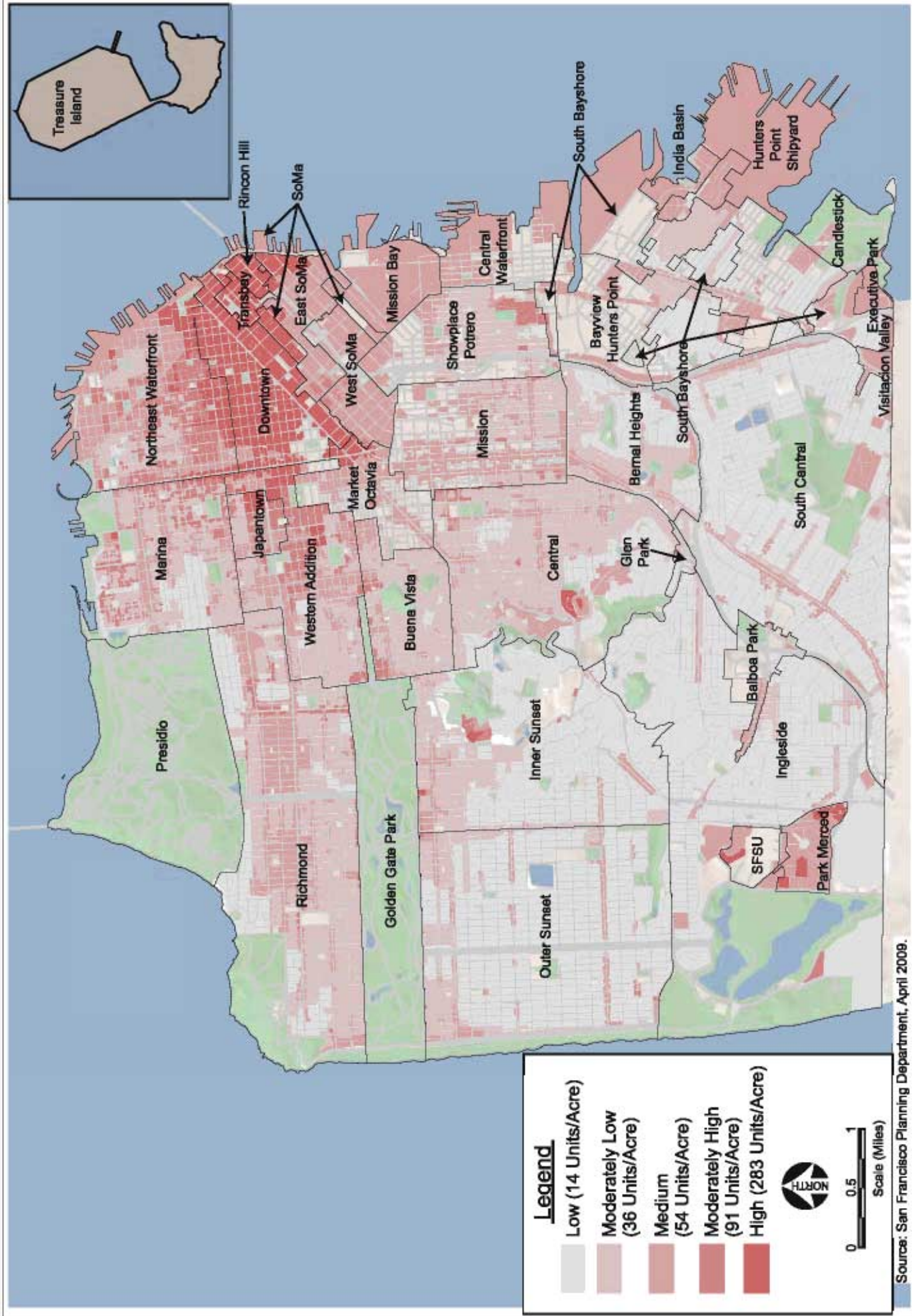


Figure 3
Generalized Housing Density by
Zoning District

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expected to be able to accommodate another 11,800 units, for a total of 54,751 units.⁶ These units represent the allowable number of new housing units that could be accommodated under existing zoning. The City is also in the process of updating zoning controls for many of San Francisco's neighborhoods. These rezoning efforts will increase the existing capacity in those neighborhoods, allowing for the development of additional housing units.

Updated Zoning Controls

The City Planning Department has recently updated zoning controls for the following neighborhoods: Market/Octavia, Mission, East South of Market (SOMA), Showplace Square/Potrero Hill, Central Waterfront, and Balboa Park. These planning efforts have developed appropriate zoning, heights, bulks, and densities in balance with infrastructure and funding strategies to support new growth. A number of other planning efforts are currently underway including the Transit Center District Plan, Treasure Island, and West SoMa, which could result in increased residential development potential. Under existing zoning capacity, these planning areas could accommodate 5,014 net new housing units, representing about 9 percent of the total citywide existing capacity of 54,751 units as described above. The additional potential capacity with rezoning initiatives currently underway is approximately 27,844 units (see Table 6). Should these rezoning initiatives be adopted and implemented, the City would be able to accommodate 83,595 net new housing units; representing a 23 percent increase in the City's housing stock.⁷

Table 6
Estimated New Housing Construction Potential with Proposed Rezoning of Select Neighborhoods

Area	Under Current Zoning			With Proposed Rezoning	
	Undeveloped	Underdeveloped	Total Estimate	Total New Estimate	Additional Potential Units with Rezoning
Executive Park	114	97	211	1,600	1,389
Glen Park	5	6	11	100	89
Japantown ¹	99	514	613	To be determined	
Park Merced	3	0	3	5,600	5,597
Transit Center District	44	78	122	1,200	1,078
Visitacion Valley	885	460	1,345	1,200	0
Western SoMa	466	743	1,209	2,700	1,491
India Basin				1,200	1,200
Hunters Point Shipyard			1,500	4,000	2,500
Candlestick Point				7,500	7,500
Treasure Island				8,000 ²	8,000
Total	1,616	1,898	5,014	32,100³	27,844
<i>Source: City and County of San Francisco, Planning Department, Draft Housing Element, Part I: Data and Needs Analysis, April 2009, at page 84.</i>					

⁶ This information is based on the Draft Housing Element: Part I: Data and Needs Analysis. April 2009. Draft for public review. Table I-55 (page 61). This document is available online at the Planning Department's website at: www.sfgov.org/planning.

⁷ City and County of San Francisco, Planning Department, Draft Housing Element, Part I: Data and Needs Analysis, April 2009, at page 24. The existing housing stock is estimated at 363,662 housing units citywide.

Table 6
Estimated New Housing Construction Potential with Proposed Rezoning of Select Neighborhoods

Area	Under Current Zoning			With Proposed Rezoning	
	Undeveloped	Underdeveloped	Total Estimate	Total New Estimate	Additional Potential Units with Rezoning
¹	Planning efforts for Japantown are currently underway and the estimated number of new housing units that could be accommodated with rezoning initiated as part of this area plan is currently unknown.				
²	This figure varies from that in Part I: Data and Needs Analysis, April 2009, page 84 because Treasure Island is now proposing 8,000 units instead of 7,000 units, therefore the totals have also been increased by 1,000 to reflect these new proposed units.				
³	This total does not include potential new housing that could be accommodated by implementation of the Japantown Better Neighborhoods area plan.				

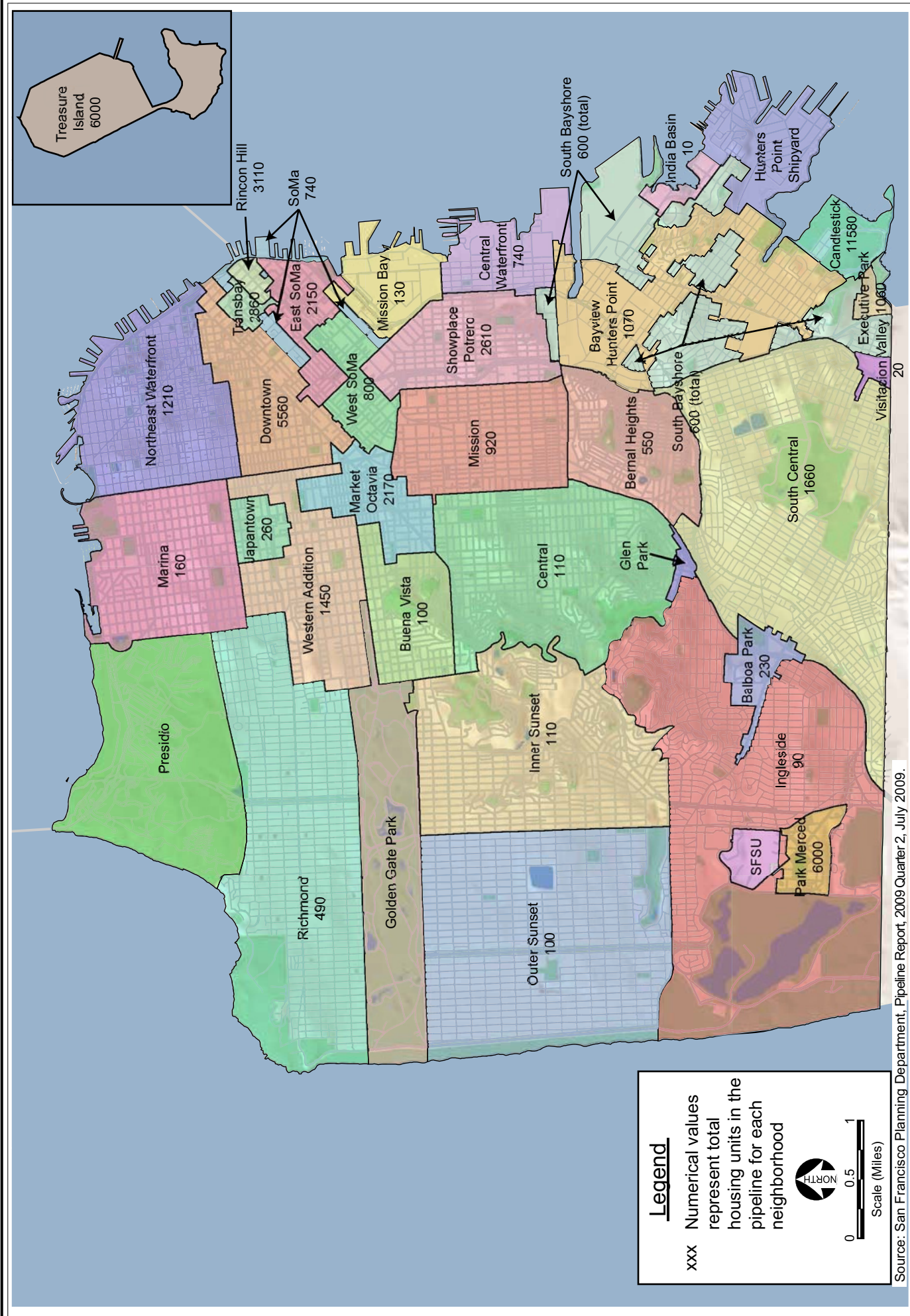
Pipeline Projects

According to Part I of the proposed 2009 Housing Element and the City's most recent Pipeline Report (Quarter 2 2009), as of July 2009, there are approximately 324 projects under construction or with approved building permits in the City that could add up to 9,360 new housing units (see Table 7 and Figure 4). An additional 538 projects have been approved by the Planning Department, filed for Planning approval, or filed for a building permit. These projects could result in an additional 45,430 new residential units. Collectively, these 54,790 new units represent San Francisco's pipeline projects. Pipeline projects include project currently under construction, projects which have approved building permits, projects which have building department applications on file, projects which have been approved by the Planning Department, and projects which have Planning Department applications on file. It is possible that some of these projects may not go forward due to shifts in economic and legislative conditions. However, production trends over the last decade show that as much as 85 percent to 90 percent of pipeline project units are completed within five to seven years.⁸

Table 7
New Housing Construction Pipeline (2nd Quarter of 2009)

Type of Activity	No. of Projects	No. of Units
Under Construction	156	6,510
Building Permit Approved/Issued	168	2,850
Building Permit Application Filed	316	4,480
Planning Department Approved	92	6,200
Planning Department Filed	130	34,750
Total Pipeline	862	54,790¹
Source: City and County of San Francisco, Planning Department, Pipeline Report, 2009 Quarter 2, July 2009, at page 3.		
¹ Total No. of Housing Units as presented in the Pipeline Report.		

⁸ City and County of San Francisco, Planning Department, Part I: Data and Needs Analysis, April 2009, at page 83.



Source: San Francisco Planning Department, Pipeline Report, 2009 Quarter 2, July 2009.

Figure 4
Residential Pipeline Projects

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G. PROJECT CHARACTERISTICS

State law mandates that cities and counties have a housing element as part of their general plan. In addition, state housing element law requires cities and counties to update their housing elements periodically, usually every five years, based on the RHNA provided by ABAG. Because an updated housing element is a mandatory obligation under state law, the EIR will assume that the City will update Part I – the Data and Needs Analysis – under any housing element alternative ultimately chosen for adoption. Part I, which was discussed previously under the “Regulatory Setting” and “Background” subheadings, provides background demographics and regional housing need information, but does not include objectives or policies. Part II of each housing element sets forth the objectives, policies, and implementing strategies intended to address the City’s housing needs. Part II of each option analyzed in the EIR is discussed below. Table 8 lists the policies of the 2004 Housing Element and the proposed 2009 Housing Element that could potentially result in physical environmental impacts, together with the corresponding objectives or policies of the 1990 Residence Element (if any), the environmental impacts of which were addressed in a previously prepared EIR. For reference, a summary of the 1990 Residence Element objectives and policies are included as Appendix A to this NOP.

2004 Housing Element

The purpose of the revisions in the 2004 update of the City’s Housing Element was to reorganize, clarify, and update the 1990 Residence Element in order to guide the City in addressing its housing production. The update was one component of a comprehensive planning effort called the Citywide Action Plan (CAP) being undertaken by the Planning Department. As part of the CAP, the Housing Element was updated in order to provide a policy basis for more specific planning efforts, including the Better Neighborhoods Program; the Eastern Neighborhoods Community Plans for the Mission, Central Waterfront, East SOMA, and Showplace Square/Potrero Hill districts; and the Downtown Neighborhoods Community Plans for the C-3-O and Rincon Hill districts. The 2004 Housing Element update did not include any specific proposals for future development, but was rather a set of policies intended to guide the City’s consideration of future development plans and proposals with regard to housing.

The objectives and policies in the 2004 Housing Element were revised in the following ways: (1) Part II was reorganized; (2) 52 policies and nine objectives also included in the 1990 Residence Element were at least partially re-worded; (3) five policies and three objectives found in the 1990 Residence Element were removed; (4) seven new policies were added; and (5) a series of Implementation Measures were added to serve as a tool for implementing the policies and objectives. In general, the policies contained in the 2004 Housing Element were intended to encourage increased residential density, especially in areas well served by transit, improve the livability of existing neighborhoods, protect the affordability of housing, streamline the housing production process, create mixed-income communities, provide more family housing, and manage homelessness. The 2004 Housing Element also identified areas for potential housing development throughout the City. The 2004 Housing Element objectives and policies are included in Appendix B to this NOP.

The 2004 Housing Element focused on the following themes: housing supply; housing retention; housing condition; housing affordability; housing choice; homelessness; housing density, design, and quality of

life; and regional and state housing needs. Some objectives, policies, and implementation measures, such as those focused on housing affordability, would not result in physical environmental impacts. Other policies, such as those which could result in increased density, could result in physical environmental impacts to transit, transportation, and cultural resources (depending on the site). Policies, such as those that encourage modification of physical controls could impact neighborhood character and aesthetics. Those objectives, policies, and implementation measures that could result in significant physical environment impacts will be the subject of this EIR.

The five policies from the 1990 Residence Element that were removed in the 2004 Housing Element are as follows:

- Policy 1.6: Discourage development of new housing in areas unsuitable for residential occupancy, or on sites containing existing housing worthy of retention.
- Policy 2.4: Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.
- Policy 4.1: Build new replacement housing to compensate for the affordable housing rendered uninhabitable by the October 1989 earthquake.
- Policy 9.3: Establish affordable housing priorities which emphasize the needs for very low income housing.
- Policy 12.6: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.

The seven new policies included in the 2004 Housing Element are as follows:

- Policy 1.2: Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.
- Policy 1.7: Encourage and support the construction of quality, new family housing.
- Policy 6.5: Monitor and enforce the affordability of units provided as a condition of approval of housing projects.
- Policy 11.1: Use new housing development as a means to enhance neighborhood vitality and diversity.
- Policy 11.7: Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.
- Policy 11.8: Strongly encourage project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

- Policy 12.4: Foster educational programs across the region that increase public understanding of the need for affordable housing and generate support for quality housing projects.

2009 Housing Element

Part II of the proposed 2009 Housing Element sets forth the objectives, policies, and implementing strategies intended to address the City's housing needs based on the RHNA provided by ABAG in 2007.

The objectives and policies are revised from the 1990 Residence Element in the following ways: (1) Part II is reorganized by grouping policies under different broad themes and objectives (see Table 8); (2) 18 policies and one objective found in the 1990 Residence Element are removed; (3) 15 policies and one objective not found in the 1990 Residence Element are added; and (4) a series of Implementation Measures are added to serve as a tool for implementing the policies and objectives of the proposed 2009 Housing Element. In general, the policies contained in the proposed 2009 Housing Element are intended to prioritize 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. The 2009 Housing Element also identifies areas with development capacity under existing zoning (or soft sites, as discussed above) for future potential housing throughout the City. A complete list of the policies and objectives in the 2009 Housing Element are presented in Appendix C to this NOP. Additional information on the proposed 2009 Housing Element can be found at <http://housingelement2009.sfplanning.org/>.

The proposed 2009 Housing Element also includes a series of "Strategies for Further Review." These strategies 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. In some instances, the strategies are more concrete and could potentially become implementation measures.

The 2009 Housing Element focuses on themes such as adequate housing sites; conservation and improvement of existing housing stock; equal housing opportunities; affordable housing; removing constraints to the construction and rehabilitation of housing; maintaining the character of neighborhoods; and balancing construction and infrastructure. Some objectives, policies, and implementation measures focused on such issues as affordable housing would not result in physical environmental impacts. Other policies, such as those related to balancing development with infrastructure, could result in physical environmental impacts. Those objectives, policies, and implementation measures that could result in significant physical environmental impacts are the subject of this EIR.

Table 8 groups the 2009 Housing Element policies that could potentially result in physical environmental impacts.

The 18 policies from the 1990 Residence Element that were removed in the proposed 2009 Housing Element are as follows:

- Policy 1.2: Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing sites.
- Policy 2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.
- Policy 2.2: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.
- Policy 2.3: Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if the flexibility results in creation of significant number of dwelling units that are permanently affordable to lower income households.
- Policy 2.4: Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.
- Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.
- Policy 3.3: Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.
- Policy 3.6: Restrict the conversion of housing in commercial and industrial areas.
- Policy 4.1: Build new replacement housing to compensate for the affordable housing rendered uninhabitable by the October 1989 earthquake.
- Policy 4.2: Reduce seismic hazard in unreinforced masonry buildings without reducing the supply of affordable housing.
- Policy 7.2: Include affordable units in larger housing projects.
- Policy 9.1: Employ uniform definitions of permanently affordable.
- Policy 9.3: Establish affordable housing priorities which emphasize the needs for very low income housing.
- Policy 10.4: Safeguard tenants from excessive rent increases while assuring landlords fair and adequate rents.

- Policy 12.5: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.
- Policy 14.2: Permit displaced households the right of first refusal to occupy replacement housing units of comparable size, location, cost and rent control protection.
- Policy 15.4: Facilitate childcare and education for children of homeless families.
- Policy 16.4: Encourage the State of California to develop and implement an affordable housing plan.

The 15 new policies included in the proposed 2009 Housing Element are as follows:

- Policy 1.1: Plan for the full range of existing and projected housing needs in the City and County of San Francisco.
- Policy 1.3: Continue community planning processes to plan for housing growth.
- Policy 2.3: Prevent the destruction or reduction of housing for parking.
- Policy 5.1: Ensure all residents of the City of San Francisco have access to subsidized housing units.
- Policy 5.2: Increase access to housing, particularly for those who might not be aware of their housing choices.
- Policy 5.4: Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.
- Policy 6.2: Prioritize the highest incidences of homelessness, as well as those most in need, including families and immigrants.
- Policy 7.3: Recognize the importance of funds for operation, maintenance and services to the success of affordable housing programs.
- Policy 7.6: Acquire and rehabilitate existing housing to maximize effective use of affordable housing resources.
- Policy 8.2: Encourage employers located within San Francisco to work together to develop and advocate for housing appropriate for employees.
- Policy 9.2: Continue prioritization of affordable preservation as the most effective means of providing affordable housing.

- Policy 10.4: Support state legislation and programs that promote environmentally favorable projects.
- Policy 11.3: Foster a sense of community through architectural design, using features that promote community interaction.
- Policy 11.6: Reflect upon local culture, needs and values when planning for new uses and housing; strengthen each area's sense of place and history.
- Policy 13.3: Promote sustainable land use patterns that integrate land use and transportation to increase transit, pedestrian and bicycle trips.

2009 Housing Element B

The 2009 Housing Element B will analyze, in a similar level of detail, policies which more aggressively encourage attainment of the 2007-2014 RHNA. This option could include housing related policies introduced at the Board of Supervisors, or modifications to the 2004 or 2009 Housing Element policies based on comments received during the public scoping period for the EIR.

H. PUBLIC SCOPING

The Planning Department printed and circulated a Notice of Preparation (NOP) on October 8, 2008 that solicited comments regarding the content of the proposed EIR for the 2004 Housing Element. The NOP for the Draft EIR was circulated for 30 days in accordance with CEQA Guidelines Section 15082(b). During the NOP circulation period, a public scoping meeting was held on November 6, 2008.

Subsequent to the circulation of the NOP, a Draft of the proposed 2009 Housing Element was completed. The scope of this EIR was therefore revised to include the 2004 Housing Element, the 2009 Housing Element, and 2009 Housing Element B. Therefore, the Planning Department printed and is recirculating this NOP to solicit comments regarding the content of the EIR for the proposed three projects (options). This NOP will be circulated for thirty days to receive public comment, with the public comment period ending on Monday, October 5, 2009. During the public comment period, the Planning Department will hold a second public scoping meeting on September 30, 2009. Information regarding the scoping meeting time and location are included on the cover of this NOP.

Table 8
Policies With Potential for Physical Environmental Impacts¹

Corresponding 1990 Residence Element Policy	2004 Housing Element	2009 Housing Element
Supply Of New Housing²	Housing Supply	Adequate Sites
1.2: Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing uses. 1.7: Obtain assistance from office developments and higher educational institutions in meeting the housing demand they generate, particularly the need for affordable housing for lower income workers and students.	1.2: Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities. 1.7: Encourage and support the construction of quality, new family housing. 1.9: Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.	1.1: Plan for the full range of existing and projected housing needs in the City and County of San Francisco. 1.2: Work proactively to identify and secure opportunity sites for permanently affordable housing. 1.4: Through community planning processes, establish land use controls that support efficient use of land. 1.7: Include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.
Retention Of Existing Housing	Housing Retention	Conserve And Improve Existing Stock
3.5: Prohibit the conversion of rental housing to time share, corporate suite or hotel use. 3.6: Restrict the conversion of housing in commercial and industrial areas.		2.1: Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing. 2.2: Retain existing housing by controlling the merger of residential units, except in instances where a merger supports the need for family housing. 2.3: Prevent the destruction or reduction of housing for parking.
Affordability	Housing Affordability	Facilitate Permanently Affordable Housing
6.3: Improve the planning review and approval process and give priority to permanently affordable housing projects. 7.1: Create more housing opportunity sites for permanently affordable housing. 7.3: Grant density bonuses for construction of affordable	4.1: Actively identify and pursue opportunity sites for permanently affordable housing. 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.	7.5: Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval process.

Table 8
Policies With Potential for Physical Environmental Impacts¹

Corresponding 1990 Residence Element Policy	2004 Housing Element	2009 Housing Element
or senior housing.		
7.5: Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing cost.		
11.2: Support new affordable ownership programs.		
Neighborhood Environment	Housing Density, Design, And Quality Of Life	Maintain The Unique And Diverse Character Of San Francisco's Neighborhoods
12.4: Promote construction of well designed housing that conserves existing neighborhood character.	11.1: Use new housing development as a means to enhance neighborhood vitality and diversity.	
12.5: Relate land use controls to the appropriate scale for new and existing residential areas.	11.5: Promote the construction of well-designed housing that enhances existing neighborhood character.	
	11.6: Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.	
	11.7: Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.	
	11.8: Strongly encourage project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.	
	11.9: Set allowable densities and parking standards in residential areas at levels that promote the City's	

Table 8
Policies With Potential for Physical Environmental Impacts¹

Corresponding 1990 Residence Element Policy	2004 Housing Element	2009 Housing Element
	overall housing objectives while respecting neighborhood scale and character.	
	11.10: Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.	
Accessibility	Housing Choice	Equal Housing Opportunities
13.7: Expand opportunities for home ownership without significantly diminishing the supply of rental housing.		
State And Regional Coordination	Regional And State Housing Needs	Remove Government Constraints to the Construction And Rehabilitation of Housing
Housing Density		
2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood character.		
		Balance Housing Construction And Community Infrastructure
		12.2: Consider the proximity of quality of life elements such as open space, child care and neighborhood services, when developing new housing units.
		12.3: Ensure new housing shall be sustainably supported by water, sewer, and power systems.

Table 8
Policies With Potential for Physical Environmental Impacts¹

Corresponding 1990 Residence Element Policy	2004 Housing Element	2009 Housing Element
		Prioritizing Sustainable Development 13.1: Support “smart” regional growth that locates new housing close to jobs and transit. 13.3: Promote sustainable land use patterns that integrate land use and transportation to increase transit, pedestrian and bicycle trips.
¹ The policies in this table are not exhaustive and, where necessary, the EIR will also address potential physical environmental impacts associated with the objectives, implementation measures, and strategies in the Housing Elements. ² The Housing Elements contain additional themes beyond what is presented in this table. However, those themes, which include (but are not limited to) Homelessness, Housing Condition, Seismic Safety, and Displacement, do not have associated policies that would result in potential environmental impacts.		

Appendix A

Summary of the 1990 Residence Element Objectives and Policies

SUMMARY OF OBJECTIVES AND POLICIES

SUPPLY OF NEW HOUSING

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT GROWTH.

POLICY 1

Promote development of permanently affordable housing on surplus, underused and vacant public lands.

POLICY 2

Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing uses.

POLICY 3

Create incentives for the inclusion of housing, including permanently affordable housing in commercial developments.

POLICY 4

Locate infill housing on appropriate sites in established neighborhoods.

POLICY 5

Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.

POLICY 6

Discourage development of new housing in areas unsuitable for residential occupancy, or on sites containing existing housing worthy of retention.

POLICY 7

Obtain assistance from office developments and higher educational institutions in meeting the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

POLICY 8

Encourage construction of new single room occupancy residential hotels.

HOUSING DENSITY

OBJECTIVE 2

TO INCREASE THE SUPPLY OF HOUSING WITHOUT OVER CROWDING OR ADVERSELY AFFECTING THE PREVAILING CHARACTER OF EXISTING NEIGHBORHOODS.

POLICY 1

Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.

POLICY 2

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.

POLICY 3

Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if

the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

POLICY 4

Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.

RETENTION OF EXISTING HOUSING

OBJECTIVE 3

TO RETAIN THE EXISTING SUPPLY OF HOUSING.

POLICY 1

Discourage the demolition of sound existing housing.

POLICY 2

Control the merger of residential units.

POLICY 3

Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.

POLICY 4

Restrict the conversion of rental housing to condominiums or other forms of tenure or occupancy.

POLICY 5

Prohibit the conversion of rental housing to time share, corporate suite or hotel use.

POLICY 2

Promote adaptability and maximum accessibility of residential dwellings for disabled occupants.

POLICY 3

Increase the availability of units suitable for special user groups with special housing needs including large families, the elderly, and the homeless.

POLICY 4

Eliminate discrimination against households with children.

POLICY 5

Encourage economic integration in housing by ensuring that new permanently affordable housing is located in all of the City's neighborhoods, and by requiring that all new large market rate residential development includes affordable units.

POLICY 6

Provide adequate rental housing opportunities.

POLICY 7

Expand opportunities for home ownership without significantly diminishing the supply of rental housing.

POLICY 8

Amend regulations relating to group housing to ensure a distribution of quality board and care, adult day care facilities and single room occupancies.

DISPLACEMENT

OBJECTIVE 14

TO AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT.

POLICY 1

Minimize relocation hardship and displacement caused by the public or private demolition or conversion of housing.

POLICY 2

Permit displaced households the right of first refusal to occupy replacement housing units of comparable in size, location, cost and rent control protection.

POLICY 3

Provide relocation services where publicly funded or private actions cause displacement.

HOMELESSNESS

OBJECTIVE 15

TO DEAL WITH THE ROOT CAUSES OF HOMELESSNESS, RECOGNIZING THE SOLUTION IS MORE THAN THE PROVISION OF EMERGENCY SHELTER.

POLICY 1

Shift focus from provision of temporary shelter to provision of permanent affordable housing.

POLICY 2

Develop strategies to deal with root causes of homelessness including lack of financial resources, employment and health services.

POLICY 3

Provide emergency assistance programs including emergency access to food, clothing and shelter, improve coordination of services in existing shelter programs and expand health care outreach services.

POLICY 4

Facilitate childcare and education for children of homeless families.

POLICY 5

Adopt measures that prevent homelessness.

STATE AND REGIONAL COORDINATION

OBJECTIVE 16

TO ADDRESS AFFORDABLE HOUSING NEEDS THROUGH A COORDINATED STATE AND REGIONAL APPROACH.

POLICY 1

Encourage the balancing of regional employment growth with the development and growth of affordable housing in the region.

POLICY 2

Encourage development of housing in the bay area which will meet regional housing needs and contribute to the quality of life in the region.

POLICY 3

Encourage the distribution of affordable housing throughout the Bay Area without diminishing efforts to expand such housing in the City.

POLICY 4

Encourage the State of California to develop and implement an affordable housing plan.

Appendix B

2004 Housing Element Objectives and Policies

I. SUMMARY OF OBJECTIVES AND POLICIES

Housing Supply

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.1

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

POLICY 1.2

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

POLICY 1.3

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

POLICY 1.4

Locate in-fill housing on appropriate sites in established residential neighborhoods.

POLICY 1.5

Support development of affordable housing on surplus public lands.

POLICY 1.6

Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

POLICY 1.7

Encourage and support the construction of quality, new family housing.

POLICY 1.8

Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.

POLICY 1.9

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

Housing Retention

OBJECTIVE 2

Retain the existing supply of housing.

POLICY 2.1

Discourage the demolition of sound existing housing.

POLICY 2.2

Control the merger of residential units to retain existing housing.

POLICY 2.3

Restrict the conversion of rental housing to other forms of tenure or occupancy.

POLICY 2.4

Retain sound existing housing in commercial and industrial areas.

POLICY 2.5

Preserve the existing stock of residential hotels.

POLICY 2.6

Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.

Housing Condition

OBJECTIVE 3

Enhance the physical condition and safety of housing without jeopardizing the use or affordability.

POLICY 3.1

Ensure that existing housing is maintained in a decent, safe, and sanitary condition without increasing rents or displacing low-income households.

POLICY 3.2

Preserve at risk, privately owned assisted housing.

POLICY 3.3

Maintain and improve the condition of the existing supply of public housing.

POLICY 3.4

Monitor the correction of serious continuing code violations to prevent the loss of housing.

POLICY 3.5

Improve the seismic stability of existing housing without reducing the supply of affordable housing.

POLICY 3.6

Preserve landmark and historic residential buildings.

Housing Affordability

Objective 4

Support affordable housing production by increasing site availability and capacity.

POLICY 4.1

Actively identify and pursue opportunity sites for permanently affordable housing.

POLICY 4.2

Include affordable units in larger housing projects.

POLICY 4.3

Encourage the construction of affordable units for single households in residential hotels and “efficiency” units.

POLICY 4.4

Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

POLICY 4.5

Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

POLICY 4.6

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

OBJECTIVE 5

Increase the effectiveness and efficiency of the City’s affordable housing production system.

POLICY 5.1

Prioritize affordable housing projects in the planning review and approval processes, and work with the development community to devise methods of streamlining housing projects.

POLICY 5.2

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

POLICY 5.3

Create greater public awareness about the quality and character of affordable housing projects and generate community-side support for new affordable housing.

POLICY 5.4

Coordinate governmental activities related to affordable housing.

OBJECTIVE 6

Protect the affordability of existing housing.

POLICY 6.1

Protect the affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing.

POLICY 6.2

Ensure that housing developed to be affordable is kept affordable.

POLICY 6.3

Safeguard tenants from excessive rent increases.

POLICY 6.4

Achieve permanent affordability through community land trusts and limited equity housing ownership and management.

POLICY 6.5

Monitor and enforce the affordability of units provided as a condition of approval of housing projects.

OBJECTIVE 7

Expand the financial resources available for permanently affordable housing.

POLICY 7.1

Enhance existing revenue sources for permanently affordable housing.

POLICY 7.2

Create new sources of revenue for permanently affordable housing, including dedicated long-term financing for housing programs.

POLICY 7.3

Develop greater investments in and support for affordable housing programs by corporations, churches, unions, foundations, and financial institutions.

Housing Choice

OBJECTIVE 8

Ensure equal access to housing opportunities.

POLICY 8.1

Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

POLICY 8.2

Employ uniform definitions of affordability that accurately reflect the demographics and housing needs of San Franciscans.

POLICY 8.3

Ensure affirmative marketing of affordable housing.

POLICY 8.4

Encourage greater economic integration within housing projects and throughout San Francisco.

POLICY 8.5

Prevent housing discrimination.

POLICY 8.6

Increase the availability of units suitable for users with supportive housing needs.

POLICY 8.7

Eliminate discrimination against households with children.

POLICY 8.8

Promote the adaptability and maximum accessibility of residential dwellings for disabled and elderly occupants.

POLICY 8.9

Encourage the provision of new home ownership opportunities through new construction so that increases in owner occupancy do not diminish the supply of rental housing.

POLICY 8.10

Ensure an equitable distribution of quality board and care centers, and adult day care facilities throughout the City.

OBJECTIVE 9

Avoid or mitigate hardships imposed by displacement.

POLICY 9.1

Minimize the hardships of displacement by providing essential relocation services.

POLICY 9.2

Offer displaced households the right of first refusal to occupy replacement housing units that are comparable in size, location, cost and rent control protection.

Homelessness

OBJECTIVE 10

Reduce homelessness and the risk of homelessness in coordination with relevant agencies and service providers.

POLICY 10.1

Focus efforts on the provision of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

POLICY 10.2

Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

POLICY 10.3

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

POLICY 10.4

Facilitate childcare and educational opportunities for homeless families and children.

Housing Density, Design and Quality of Life

OBJECTIVE 11

In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.

POLICY 11.1

Use new housing development as a means to enhance neighborhood vitality and diversity.

POLICY 11.2

Ensure housing is provided with adequate public improvements, services, and amenities.

POLICY 11.3

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

POLICY 11.4

Avoid or minimize disruption caused by expansion of institutions, large-scale uses and auto-oriented development into residential areas.

POLICY 11.5

Promote the construction of well-designed housing that enhances existing neighborhood character.

POLICY 11.6

Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.

POLICY 11.7

Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.

POLICY 11.8

Strongly encourage project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

POLICY 11.9

Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

POLICY 11.10

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

Regional and State Housing Needs

OBJECTIVE 12

Strengthen citywide affordable housing programs through coordinated regional and state efforts.

POLICY 12.1

Work with localities across the region to establish a better relationship between economic growth and increase housing needs.

POLICY 12.2

Support the production of well-planned housing region-wide that address regional housing needs and improve the overall quality of life in the Bay Area.

POLICY 12.3

Encourage jurisdictions throughout the Bay Area to recognize their share in the responsibility to confront the regional affordable housing crisis.

POLICY 12.4

Foster educational programs across the region that increase public understanding of the need for affordable housing and generate support for quality housing projects.

POLICY 12.5

Support the State of California in developing and implementing state affordable housing plans and programs.

Appendix C

Proposed 2009 Housing Element Objectives and Policies

I. SUMMARY OF OBJECTIVES & POLICIES

ISSUE 1: ADEQUATE SITES

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS.

POLICY 1.1

Plan for the full range of existing and projected housing needs in the City and County of San Francisco.

POLICY 1.2

Work proactively to identify and secure opportunity sites for permanently affordable housing.

POLICY 1.3

Continue using community planning processes to plan for housing growth.

POLICY 1.4

Through community planning processes, establish land use controls that support efficient use of land.

POLICY 1.5

Support new housing projects on sites that are located close to major transit lines.

POLICY 1.6

Consider public health objectives when designating and promoting housing development sites.

POLICY 1.7

Include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

ISSUE 2: CONSERVE AND IMPROVE EXISTING STOCK

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS.

POLICY 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

POLICY 2.2

Retain existing housing by controlling the merger of residential units, except in instances where a merger clearly supports the need for family housing.

POLICY 2.3

Prevent the destruction or reduction of housing for parking.

POLICY 2.4

Promote physical improvements and continued maintenance to existing units to ensure their long term habitation and safety.

POLICY 2.5

Encourage and support the seismic retrofitting of the existing housing stock.

OBJECTIVE 3

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

POLICY 3.1

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

POLICY 3.2

Maintain balance in affordability of existing housing stock by protecting affordable rental units while supporting affordable moderate ownership opportunities.

POLICY 3.3

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

POLICY 3.4

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

ISSUE 3: EQUAL HOUSING OPPORTUNITIES

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

POLICY 4.1

Develop new housing, and encourage the remodeling of existing housing, for families.

POLICY 4.2

Provide a range of housing options for residents with special needs for housing support and services.

POLICY 4.3

Create housing for physically disabled and elderly occupants by including universal design principles in new and rehabilitated housing units.

POLICY 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

POLICY 4.5

Encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

POLICY 4.6

Consider environmental justice issues when planning for new housing and locating affordable and assisted housing.

OBJECTIVE 5

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

POLICY 5.1

Ensure all residents of the City of San Francisco have access to subsidized housing units

POLICY 5.2

Increase access to housing, particularly for who might not be aware of their housing choices.

POLICY 5.3

Prevent housing discrimination, particularly against immigrants and households with children.

POLICY 5.4

Provide a range of unit types for all segments of need, and work to move residents up that housing ladder.

OBJECTIVE 6

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

POLICY 6.1

Continue to pursue both short- and long-term strategies to eliminate homelessness

POLICY 6.2

Prioritize the highest incidences of homelessness, as well as those most in need, including families and immigrants.

ISSUE 4: FACILITATE PERMANENTLY AFFORDABLE HOUSING

OBJECTIVE 7

SECURE FUNDING AND RE-SOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

POLICY 7.1

Expand the financial resources available for permanently affordable housing, especially permanent sources.

POLICY 7.2

Strengthen San Francisco's affordable housing efforts by planning and advocating at regional, State and federal levels.

POLICY 7.3

Recognize the importance of operations, maintenance and services funding to the success of affordable housing programs.

POLICY 7.4

Facilitate affordable housing development through land subsidy programs, such as land trusts and land dedication.

POLICY 7.5

Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.

POLICY 7.6

Acquire and rehabilitate existing housing to reduce resources required to provide affordable housing.

POLICY 7.7

Support housing for middle income households, especially through programs that do not require a direct public subsidy.

POLICY 7.8

Develop, promote, and improve ownership models which enable households to achieve homeownership within their means, such as down-payment assistance, and limited equity cooperatives.

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

POLICY 8.1

Support all efforts to produce and manage permanently affordable housing.

POLICY 8.2

Encourage employers located within San Francisco to work together to develop and advocate for housing appropriate for employees.

POLICY 8.3

Create greater public awareness about the quality and character of affordable housing projects and generate community-wide support for new affordable housing.

OBJECTIVE 9

PRESERVE UNITS SUBSIDIZED BY THE FEDERAL, STATE OR LOCAL SOURCES.

POLICY 9.1

Protect the affordability of units at risk of losing subsidies or being converted to market rate housing.

POLICY 9.2

Continue prioritization of affordable preservation as the most effective means of providing affordable housing.

POLICY 9.3

Maintain and improve the condition of the existing supply of public housing, through programs such as HOPE SF.

I. SUMMARY OF OBJECTIVES & POLICIES

ISSUE 5: REMOVE CONSTRAINTS TO THE CONSTRUCTION AND REHABILITATION OF HOUSING

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS

POLICY 10.1

Create certainty in the development entitlement process, through housing regulations that make community parameters for development clear.

POLICY 10.2

Reduce the need for discretionary processes such as conditional use approval, and ensure an effective decision-making process that ensures adequate community review where discretion is warranted.

POLICY 10.3

Use best practices to reduce excessive time or redundancy in local application of CEQA review.

POLICY 10.4

Support state legislation and programs that promote environmentally favorable projects.

ISSUE 6: MAINTAIN THE UNIQUE AND DIVERSE CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS

OBJECTIVE 11

RECOGNIZE THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and fits within existing neighborhood character.

POLICY 11.2

Ensure implementation of the good design standards in project approvals.

POLICY 11.3

Foster a sense of community through architectural design, using features that promote community interaction.

POLICY 11.4

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

POLICY 11.5

Consider a neighborhood's physical character when integrating new uses into residential areas, and restrict uses that disrupt the residential fabric.

POLICY 11.6

Reflect upon local culture, needs and values when planning for new uses and housing; strengthen each area's sense of place and history.

ISSUE 7: BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

POLICY 12.1

Promote new housing that is located in close proximity to transportation infrastructure, to promote transit use and environmentally sustainable patterns of movement.

POLICY 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

POLICY 12.3

Ensure new housing shall be sustainably supported by water, sewer and power systems.

ISSUE 8: PRIORITIZING SUSTAINABLE DEVELOPMENT

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

POLICY 13.1

Support "smart" regional growth that locates new housing close to jobs and transit.

POLICY 13.2

Work with localities across the region to coordinate the production of affordable housing region wide according to sustainability principles.

POLICY 13.3

Promote sustainable land use patterns that integrates land use and transportation to increase transit, pedestrian, and bicycle trips

POLICY 13.4

Promote the highest feasible level of "green" development in both private and municipally-supported housing.

Appendix A-2

Public Comments

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PLANNING DEPARTMENT

P U B L I C H E A R I N G
NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT

San Francisco 2004 Housing Element
Case No. 2007.1275E

--000--

A P P E A R A N C E S

MONITORS:

JESSICA RANGE

SARAH JONES

SPEAKERS:

HIROSHI FUKUDA

JED LANE

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PENELOPE CLARK

CAROLYN SQUERI

DEMIAN QUESNEL

-ooo--

P R O C E E D I N G S

THURSDAY, NOVEMBER 6, 2008

6:30 P.M.

MS. JONES: Okay.

I think we will get started
and -- if everybody is all set.

So, welcome come everybody and
thanks for coming tonight. This is the
scoping meeting for the San Francisco
Planning Department 2004 Housing Element.

My name is Sarah Jones, and I am a
Senior Planner in the Major Environmental
Analysis Department of the Planning
Department and I'm here -- I'm going to be
working on the housing element and helping
out Jessica Range who is going to bring you
the case element on the project for the
environmental review.

We also -- we've selected
environmental consultants to help out with
this project. They're from Christopher A.

Joseph and Associates.

We have Rob Carnahan here and Erin Efner and Joy Bacatarias (phonetics) from Kudacan (phonetics) doing the transportation analysis.

So, they are here tonight to listen to what you have to say because they are going to be taking your comments and considering whether the issues you bring up to my -- considering how we address them in the environmental review on the 2004 housing element.

A couple of logistical issues. If you go out the door and to the left and around the corner that's where you will find restrooms and water fountain; and I think that should be about it.

I'm going to turn it over to Jessica now.

MS. RANGE: Hi.

I'm Jessica Range, like Sarah said. Just one more thing is: We have here from our Citywide Planning Division, Abigail

Keifer and Sarah Dennis-Phillips and they are going to give a brief presentation to you on what the 2004 housing element is in a moment.

We ask that you please turn your cell phones off or turn them on silent and, if you need to take a phone call, please leave the room.

I'd like to take a brief moment to discuss the purpose of tonight's meeting.

As required by the California Environmental Quality Act, we are to prepare an environmental impact report or EIR for a project that could potentially have a significant impact on the environment.

The main purpose of this scoping meeting is to get comments and feedback from you all on the scope of the analysis to be included in our EIR.

Your comments are very important to us as they will help to guide the direction of the analysis and help to determine which topical areas will require

in-depth analysis, which ones do not require in-depth analysis, and to give us feedback on the alternatives and any other impacts that you would seek.

All right. As you came in, I hope you signed in. The sign-in sheet is in the back and we also have agendas back there. So, if you don't have any, they are in the back.

Also, if you plan on making verbal comments tonight, we do have speaker cards for you and, you can just pass them forward or give them to Erin right there.

We will be -- we have a Court Reporter here who will be making a transcript of this meeting. So, we will have a verbatim record of all verbal comments.

But, in addition, if you do not plan on speaking tonight, you can also submit written comments in our drop box in the back.

Also, as part of this scoping process, we will be accepting any sort of

written comment in the form of e-mails or letters to us before the close of business on November 12th, 2008. So, that's next Wednesday, I believe.

All right. So, I think we've told you all the logistical items.

Tonight, what we are going to do is we are going to give you an overview of the 2004 housing element by our planning staff and then we will give you an overview of the CEQA process and some of the potential impacts that we see with the housing element.

We will then open it up to public comment where you will have opportunity to make your verbal comment and we ask that you limit them to three minutes.

So, I would suggest a summary of the comment and, if you would like to expand on your comments, please, there are comment forms in the back and you can flush out your full comment and put them in our drop box.

Like I said, we do have our

Court Reporter here who will be making a transcript of tonight's meeting.

So, with that I would like to introduce Sarah Dennis-Philips who will give you an overview of the 2004 housing element.

MS. DENNIS-PHILLIPS: Hi.

Given that I recognize many of you on an activity issue level, knowledge level, I'm only going to say hi so as not to take up too much of your time.

Just a quick overview of what the housing element is I think one of the few general plans, it is one of the few required elements which means it is a state mandated law that we have a housing element and that that element be updated every seven years on the period dictated by the State Department of Housing and Community Development.

What does it do? The housing element basically provides the City vision for housing in the City of San Francisco.

It has a number of functional purposes. It enables us to State funding for

housing.

It supports our grant applications for infrastructure when we are looking for money for new schools and approach.

Basically, any kind of money that you seeking at the State level requires an adopted and approved housing element.

So, that's one of the fundamental reasons why so many cities try to keep in line with State laws.

It is not used not just by us by, by the Planning Department, but by the entire City.

So, when we have an adoption housing element, all City business, not just planning improvements but all cities made by decision makers within the City and County of San Francisco should be consistent with the policies of that element.

2004 housing element has been in place -- it was adopted in May 2004. We are currently reviewing both -- using both

the 2004 housing element and our 1990 housing element when we reviewed all decisions within the City and County.

All right. What else can I tell you quickly about it?

Probably the best thing to go over is that we do have six objectives that, by the State, we are required to address in the housing element.

Those issues are kind of listed up here on this sheet that Abby prepared for us.

They include adequate sites, facilitate development of affordable housing, providing additional housing opportunities, maintaining existing housing stock, protecting at risk housing stock and removing constraints, including governmental or non-governmental constraints due to construction of housing.

Now, in addition to those which the State requires a DEO list, we have a number of objectives in the 2004 housing

element that are local objectives that were important to the residents of the City and County of San Francisco, like maintaining our existing residential character, protecting our neighborhood, ensuring that infrastructure is balanced with housing growth.

Those are probably the primary ones. I think some new ones will probably develop this year as well.

So, it is not say that we're toxic resistant and thus infected (sic) but those are the base lines we have to cover and then we decide from there what we enlisted at this time deem important.

We are -- we are working on the updates to the 2000-1999 housing element and I'd be happy to discuss those with anyone after the meeting.

It's not really appropriate with tonight's structure. So, and I have business partners who would be happy to talk with you also after and to answer any

questions.

MS. RANGE: All right.

Thank you.

For right now, we are going to move forward and give you an overview of the CEQA process. So, CEQA or the California Environmental Quality Act process.

I have the process on the flow chart in the back and we also have it up on the board right there for all to see.

If we ran out of copies, please let me know and I could make additional copies for you.

So, the first step once you determine that a project may have a potential environmental -- significant environmental impact is you issue what's called a "Notice of Preparation" or NOP, and we issued our Notice of Preparation on October 8th, 2008, and that's this document and there is also additional copies in the back for those who want a hard copy.

So, the NOP includes an

overview of the state mandated housing element retirement.

It includes a brief project description, a list of the probable environmental impact, and potential alternatives being considered to date.

And tonight -- the purpose of tonight is to take comments on the scope of the NOP or the scope of the environmental issues to be discussed in the EIR.

It is not a time to discuss the merits of the project. That is not what CEQA is intended to do.

It is intended to discuss and analyze the environmental impact of the proposed project.

After we issue an NOP, it is available for public review for thirty days and the NOP public review period will close on November 12th, like I mentioned earlier, and we will take comments until the close of business on that date at 5:00 p.m.

After we issue the NOP and

after the public comment period is over, we will consider all of the comments received throughout this process and we will draft what we call a "Draft Environmental Impact Report" or EIR.

The EIR will be prepared and it'll be published with a forty-five day public review period.

The EIR will present all interested parties, agencies and anyone else who so choses to receive one.

We anticipate releasing our Draft EIR sometime in the Spring of next year. That will be the Spring of 2009; and after we release our EIR about thirty days into our public review period, we will hold a public hearing at the Planning Commission and, at that time, we will take public comments on the Draft EIR.

We will have a Court Reporter there as well during that time.

However, as soon as we release the Draft EIR, if you have comments

on the adequacy of the EIR, you will be sending those in at the end of the EIR public review period.

After the public review period, we then take all the comments that were received and we respond to them in what's called a "Comments and Responses" document.

So, the Comments and Responses document is basically the comment plus a written response from the Department on the comments received and we will respond to all comments that are relevant to the environmental review of the project.

It also includes a revision to the draft EIR and any timely idea for (sic) revision, the Comments and Responses documents will include that as well.

Comments and responses are sent to all the individuals who commented and then anyone else requesting a comment from the Comments and Responses document.

We will publish our Comments

and Responses document and, in about two weeks after that, we will go to the Planning Commission and request that they certify our final EIR.

The Comments and Responses document plus the Draft EIR is the final EIR.

So, with that, once the Planning Commission certifies our draft EIR, then we have a final EIR and I want to reiterate that certification of the final EIR does not mean that the project is approved.

The project's approval and correct me if I am wrong would mean that the housing element would go before the Planning Commission for approval followed by the Board of Supervisors. Is that it? Yes, okay.

All right. So, what are the contents of the EIR?

Under CEQA, unlike other environmental laws like the Clean Air Act or Clean Water Act, we look at a range of different environmental topics. So, it can range from air and water; not only that but

land use, historic resources, hazardous materials and on and on.

So, it is a pretty multi-disciplinary, multifaceted review of the project impact on the environment.

So, the Planning Department reviews a project impact and considers them significant based on our environmental check list form and so I have copies at the back.

If you want additional copies, I can also get those to you, but this is basically a modification of the Appendix G of the CEQA guidelines and this is how you review a project and if we determine that an impact is potentially significant or if it is significant, then we will have to -- then we will come up with mitigation measures to try to reduce those impacts.

For this project, we are anticipating detailed environmental analysis and in the following areas:

Land use. Would the 2004 housing element result in a change in a

change in land use of the surrounding neighborhood?

Population of housing. Would the proposed project reduce substantial population and growth?

Visual qualities. Would the project unnecessarily affect the area habitability, substantial demonstrable negative aesthetic affect?

Transportation and circulation. What effect would the project have on transportation system, the circulation pattern?

Would it result in substantial changes to traffic or transit, volume or adversely affect circulation of surrounding streets?

Air quality. Would the project result in elevated business concentration, public services and utilities?

Would the proposed project substantially increase the demand for police, fire, power or other public services and;

Finally, cultural resources.
How might the project affect historic
resources, archeological resources, and
paleontologic resources?

We will also be looking at
all of the environmental topical areas within
our environmental check list.

So, those are the ones that
we have identified to date that would require
more in-depth analysis.

However, until we go through
and actually analyze the projects in all of
these topical areas, we will not know which
projects will have significant impacts on the
environment.

VOICE IN AUDIENCE: Are you
working off this check list just now?

MS. RANGE: Yes.

VOICE IN AUDIENCE: Okay.

MR. QUESNEL: So, when
you use the term "project", you are talking
about the housing element?

MS. RANGE: Housing

element, yes.

MR. QUESNEL: So that's not a specific project? That's the general plan --

MS. RANGE: That's the general --

MR. QUESNEL: Housing element?

FEMALE VOICE IN AUDIENCE: Yes.

MS. RANGE: -- project.

MR. QUESNEL: So, it's the super project?

FEMALE VOICE IN AUDIENCE: It's a public programmatic EIR where you would have a plan and a policy rather than a --

MR. QUESNEL: Right.

So, it's not a project. It's the overall policy plan, general plan for the City.

VOICE IN AUDIENCE: Yes,

MR. QUESNEL: Right.

So, it is above -- it's a large -- covers the whole city, is the point I'm trying to make.

And one other quick question

while we're at this point.

COURT REPORTER: And your
name, please?

MR. QUESNEL: Demian QUESNEL,
Q-u-e-s-n-e-l.

What's the -- I don't understand
the 2004 and the 2009 issue on the housing
element.

Why are we dealing with the 2004
housing element rather than 2008? And what's
the 2009? Why is that -- I mean, that
doesn't seem on the surface to be logical.

MS. JONES: The
Planning Department or the major
environmental analysis division had
originally prepared what's called the
"negative declaration" on the 2004 housing
element which is a statement that there are
not potentially significant environmental
effects or that all of them would be
mitigated to a less significant level and
that was challenged at the courts and the
court felt that there could be potential

significant offense of the 2004 housing element that had not been adequately analyzed and so they sent it back to us to prepare an environmental report.

MR. QUESNEL: So, this effort is a response to the rejection of the 2004 housing element?

MS. JONES: No. To the rejection of the negative declaration.

MR. QUESNEL: Of the negative declaration, right.

MS. JONES: Yes.

MR. QUESNEL: Right.

MS. JONES: But the State is fine with the 2004 housing element but the environmental review is what is under question.

MR. QUESNEL: And the 2009 element is? That's the plan for the next one? Or what's the --

MS. JONES: Yes.

In the meanwhile, of the time that it worked out, the citywide planning and

policy division is preparing the 2009 housing element --

MR. QUESNEL: Okay.

MS. JONES: -- which is the part of the state's cycle.

MR. QUESNEL: Which will supercede the 2004 one that you guys are now doing.

So, I don't understand the logic or the process. It's just a legal technicality. You have to respond to this. So, you guys have to go through the motions of doing this effort and then it is going to be redone in 2009?

MS. JONES: Well, we would, you know, hopefully, we will be able and this is just the advanced parts to touch on this but, yeah. Hopefully, we'll be able to supplement the work that we are doing now which is to adequately analyze this in 2009.

MR. QUESNEL: So, you are hoping you'll be able to piggy-back in 2009 on this effort?

MS. JONES: Yeah.

MS. RANGE: We are hoping to provide at least the base line environmental condition and use the new -- the RHNA numbers that will be the basis of the 2009 housing element so that we can at least get an understanding of what the baseline conditions are. So that action work does not have to be redone.

Can we hold the rest of the questions until after we finish this presentation?

We do have -- and I'll remind you there speaker cards in the back, too.

All right. So, where I left off was the different topical areas that we thought might have significant impact.

CEQA requires that if you have a project that has significant impact, that you come up with mitigation measures that would reduce or substantially lessen those significant impacts.

So, we will have mitigation

measures to reduce impacts that we find significant.

Additionally, CEQA requires that we have project alternatives and, in addition to the proposed project or plan for the 2004 housing element, CEQA requires that you have a no-project or no plan which is essentially equivalent to the 1990 residence element.

In addition to that, we have identified preliminarily some alternatives which were brought up in our EIR Notice of Preparation and one of those would be to -- one would be a modification of the 2004 housing element and the other alternative that we are preliminarily looking at is an alternative that meets the 2007 to 2004 RHNA numbers.

All right. And so that's the end of my presentation. We will be opening this up to public comment now.

I want to reiterate a few things. Once again, this is not a scoping --

it is not a public comment period for you to discuss the merits of this project.

The purpose of this meeting is to identify what the degree of environmental review that we need to do on the 2004 housing element and there is multiple different opinions that might be expressed during this comment period. So, please be considerate of others.

We will be limiting the public comment periods to three minutes. So, please summarize your comments and, if you have additional comments, you can provide them in writing to us.

Written comments can be submitted by close of business November 12th, 2008.

I ask that you please wait when it's your turn to speak. Please state your name and your organization clearly so that our Court Reporter can provide an accurate transcript.

We will be keeping track of

time and, with that, we will start with comments.

MS. JONES: I just wanted to add we will -- if there are questions of clarification about the CEQA process or about the project description, we can answer those but, you know, it is not -- we are not here to give you feedback on the contents of the environmental -- on your comments about the environmental --

MR. GUITEL: What I want to know is -- you have introduced these things. I want to know the significance of them. I'm Don Guitel.

So, you introduced this, right? So, and you have told us what you -- all the things on it.

So, what's the significance? Is this going to be made public and signed off and presented to us at some point?

MS. RANGE: That's what's called the Draft EIR.

So, what this is is a very

preliminary get-the-community, get agencies involved very early in the process and that we do not view an environmental analysis that -- with that last information that the public would provide that would help us in our environmental review.

So, what we are going to do is we are going to take your comments and then what we are going to do is we are going to analyze this project and what's going to come from that is our Draft EIR which is going to be the conclusion.

Which ones of these are significant? Which ones are less significant? Here is our mitigation measures and here is how the project compares with all of the alternatives that we've identified and then, at that point, we will have a forty-five day public review period and that's when you can make your comments on the adequacy of the analysis that we have done.

MR. GUITEL: But what I was saying is the format of your presentation

will be this document completed and it will
be presented to the public?

MS. RANGE: The
format--

MR. GUITEL: And we would
then --

MS. RANGE: Yes.

MR. GUITEL: I mean, that's
why you are showing this to us so we can
asking to see this at some point before vote
on it? Or what is the significance of this?

MS. RANGE: The
significance of this is -- okay.

Do you see all the questions
here?

MR. GUITEL: Yes.

MS. RANGE: These are how we
-- these are the questions that we use to
identify whether a project's impact is
significant.

MS. JONES: So you can
see what the flow of -- spectrum of avoiding
analyzing --

MR. GUITEL: That's the point. That's what I am asking.

Are you going to present this to us at some point so the public can see the comment and then review it? That's all I'm asking.

MS. EFNER: Yes.

We are going to answer all of these questions and then present that in the form of the draft EIR.

MR. GUITEL: Okay.

MR. JONES: Okay?

MS. CLARK: Okay.

Is there going to be a separate NOP and scoping on the 2009? Or is this just --

MS. JONES: If we -- we are going to, ultimately, depending on the environmental document that's prepared. If it's a supplemental EIR, there's going to be a separate NOP on that.

MS. CLARK: So, is that like what happened? I mean --

MS. JONES: At this point, we don't.

MS. CLARK: You don't want whether that's going to happen or not?

MS. JONES: At this point, we don't have a target set for the 2009 housing element. So, we can't determine that at this stage in time.

MS. CLARK: Oh.

MR. FERGUSON: I have just a quick question.

My name is -- last name is Ferguson (F-e-r-g-u-s-o-n); first name is Charles. I have a card up here. You can get my information.

Just briefly so that we all know we're speaking off of the same document, could you just give us an explanation -- you've given us wonderful explanations of these other documents of this Notice of -- what is this called? Notice of Preparation.

Particularly, this gets a little bit confusing to follow, so if you can

just give us the structure of how all of these policies and objectives and explain a couple of the acronyms that you have got in here so at least we have some guidance here?

Also, this thing has horrendous typographical errors and there are words like "exiting" which could either be "exciting" or "existing."

There's obviously a missing letter but I don't know which letter is missing. "In" I think "in fill" is printed in here like "in full".

I presume these are all typos that ought to be credited. So, if any that you already know that make a significant difference, let us know what the real word is that you intended in here?

MS. JONES: Okay.

Well, the policies and programs that are in the Notice of Preparation are the ones that are generated by our citywide planners and so in terms of clarification of any of those policies that

would be something to --

MR. FERGUSON: No, no, no. Just tell -- look, you guys dump stuff and you used this document and just run us through an example.

Why is some of this in bold?
What do you mean by "modified objective"?
What do you mean by the letters "RE"?

Just give us a basic
structural --

MS. RANGE: Yeah, yeah.

So, this is meant to be a comparison, a full comparison of the policy of the 1990 element in the 2004 -- well, the 1990, what is called the "residence element" and so that's where RE comes from.

And the 2004 is the housing element. So, that's HE.

So, what we have is we have the housing element and residence elements are divided up into different section, housing supply and then housing retention and so on and so what we have done is try to give

you a comparison.

So like, for example,
objective one, the very first one we put in
parentheses.

VOICE IN AUDIENCE: Which
page are you on?

MS. RANGE: On Page
A-1, the very first objective.

So, this is a modified
objective one of the 1990 residence element.

So, it gives what the 2004
housing element objective one is and then in
parentheses, it gives the exact 1990
residence element objective one. So, it is
meant to show a comparison.

There is a few different
things that some words were deleted. Some
things were switched around between the 1990
and 2004. Policies were put in different
places in some instances, am I correct?

So, we tried to show what the
comparison of the two -- the two is because
just to back up, we are doing this EIR based

on the changes from the 1990 residence element to the 2004 housing element.

The 1990 residence element has a certified EIR, and so these are going to represent the changes from that residence element.

MR. QUESNEL: When you say policy 1. -- same page that you are on, the next one says Policy 1.1. Then in parentheses "modified policy 2.2."

What is the modified policy 2.2 source mean?

MS. RANGE: So, if the modified policy is a residence element policy 2.2, so if you look below that in parentheses, it says RE residence element policy 2.2.

VOICE IN AUDIENCE: Okay.

MS. RANGE: So that's the full text of what that policy was.

MS. CLARK: And it changed?

MS. RANGE: It is

modified.

MS. CLARK: So, what bearing does that have on --

MS. JONES: It's providing the information about what changed from the 1990 to the 2004 housing element.

MS. CLARK: Is this a clarification?

MR. GOODMAN: It just looks like -- Aaron Goodman from the Park Merced Residents Organization.

It just looked like that document that was included in here. It was not and you said something was -- somebody was working on kind of a four-page project and just stuck it in there anyway. It looked like they actually started.

MS. JONES: Okay.

I think we can get on to the purpose of tonight's meeting.

I have a card from Carolyn Squveri?

MS. SQUVERI: That's me.

I have two specific questions are things that I think would have significant impact and what was looked at, one is policy 11.7 and then one that talks about reducing minimum parking requirements and along with that policy 4.4 which is modified to now add parking requirement exemptions and, in both instances, we think that the reduction of parking and development will spill cars and parking out into our neighborhoods where we already are having parking problems and would, you know, I think the one-to-one parking is something that we can live with but the notion that someone could have half a parking space for a year and they are not going to have a part of San Francisco is we're not New York where they're dealing with the great transit system and Metro.

So, that's a very significant impact we would like to have looked at and then my second point is we think that great consideration ought to be given to the removal of the 1990 residence element

objective two which is removing the I guess
-- well, I'll read it:

"To increase the supply of
housing without overcrowding
or (and this is my point)
adversely affect the prevailing
character of existing
neighborhoods."

We think that the prevailing
character of existing neighborhoods is
something that definitely ought to be
preserved and the impact of this removal has
great consequence on neighborhoods.

MS. JONES: Okay.

Thanks. Next presentation is Charles
Ferguson.

MR. FERGUSON: That's me
and I'm going to build on what Ms. Squeri
just talked about, Policy 11.27 and the
off-street -- the effect of reducing
requirement or off-street parking as more
units are added into an area and I speak from
the basis of having been a professional in

the energy industry for the last
thirty-five years.

While it's laudable that the
City is doing its best to reduce climate
warming, I think that you have to get
yourself coordinated by studying what the
State is trying to do and what the industries
are trying to do to reduce global warming and
get coordinated with them rather than what I
see as working at cross purposes with the
State.

If you want to follow through
with this type of a policy, you should
analyze the impact that you are having on
what we are trying to do at a state level and
what we are trying to accomplish is to
produce a transportation fleet that runs
essentially on electricity backed up by a
supply of electric power that comes from
hydroelectric, wind, solar, and geothermal
sources, none of which produce any CO₂.

That's the whole concept but, in
order to make that work, you need to have a

garage with an electrical outlet so you can plug the car in at night.

It will only cost maybe fifty cents to charge your car up and then you can drive around the City or wherever, maybe fifty to a hundred miles off of one charge like that but if what you are trying to do is reduce the number of off-street parking, then what is the alternative?

We plug in on some third story bedroom throw an electric cord out the window and walk it around the block and plug in wherever we happened to have plugged for an electric car?

It doesn't work. You are working at cross purposes to what both the transportation industry and the electric power industry and the State of California are trying to accomplish.

So, I hope that the scope of this you will take a look at.

Now, I know that when you drafted this, technology had not advanced the

electric cars to the point that's now advanced but I think as long as you are going back to go square one and looking at the effect of changing some of the things in the 1990 housing element and looking at what the effect is in 2004 and going on to 2009, you really have to come to grips with where the State is going.

That's is the end of my comment.

MS. JONES: Thank you.

Demian Quesnel?

MR. QUESNEL: Yes.

I would like to echo what the previous speaker said, that the scope look at beyond the effort to reduce cars by not building parking and I would like to add to that mix that the scope should also look at the impact on neighbor -- on nearby businesses because I know in our neighborhood the merchants are up in arms about the reduced parking because it is going to impact their ability to have customers come to the neighborhood and do business.

So, I think the scope needs to look at the impact of that policy on the neighboring business as well.

Also, I see when I look at this document, it only very briefly references rental units in the City and the reality is the 2000 census showed that over sixty-five percent of the occupants or the citizens of San Francisco live in rental housing and the reality is that the housing that's being built is mostly ownership opportunities that's not affordable to those people in rental housing and that any EIR definitely needs to look at the rental units existing and how the building is being done impacts that rental stock and whether or not the building that's being done actually provides ownership opportunities for the residents of the City and the policy claims it's supposed to do but I think one of the things that's really necessary and that is that you -- that you actually take -- I know there's some effort Planning Department to

actually get a good inventory of rental stock in the City.

I think that absolutely needs to be done to be able to talk intelligently about that issue because the reality is the majority of San Franciscans live in rental housing and in this day and age, they're often doubled up, tripled up and/because the rental housing is so expensive.

So, that needs to be part of the scope of the impact of the housing element.

MS. JONES: Thank you.

Aaron Goodman?

MR. GOODMAN: Aaron Goodman from the Park Merced Residents Organization.

I submitted comments already on a lot of the items that I could submit it on it's very cumulative.

It extends to item-by-item related to the EIR documents but the issues I want to emphasize is that you actually stated

here that you only need to analyze changes?

I don't think that's correct. You need to look at impacts of what's already occurred in terms of 1990 through 2008 because the impact that's frozen changes on the curve has severely impacted the residence community in San Francisco, the 2007/2014 projected housing needs they're showing up there, because of 1990 and all, because they showing an impact of what's happened to the rental units and the people who have lived in the units have doubled up and some are there rented out and I don't think that's appropriate.

There is also a number of policy items in here that's highly questionable. I can briefly go over a couple of them.

One is them is Policy 1.9:

"Require new commercial
developments and higher
educational institutions
to meet the housing demand

they generate, particularly
the need for affordable
housing."

You guys always use the term
"affordable housing" and "units".

There is no use of the term
"affordable rental housing" or rental
housing, in general, in any of these
documents and that's the need that needs to
be bound when we talk about that third item,
"Equal Housing Opportunity," especially under
Section Objective 8, "Ensure equal access to
Housing Opportunities" and I'll read this:

"Population diversity is one
of San Francisco's most
important assets.

"To retain this diversity,
a variety of housing
opportunities should be
available.

"Households should be able
to chose the form of tender
most suitable to their needs

from either a rental or an ownership housing stock.

"A variety of unit size is also important so that both large and small households can be accommodated in adequate numbers.

"Units in varied costs are necessary to provide opportunities for households at different income levels.

"Finally, there should be units with special features and services suitable for households with special needs.

"Social and economic factors can discriminate against certain population groups and limit their housing opportunities."

I feel it impacts ten to fifteen, nineteen -- eighteen to nineteen years that the number of rental units being built in the City and County of San Francisco constitutes

discrimination against renters at a certain point and unless we're seeing an adequate amount of rental units being created of sufficient size and quantity of affordable prices and appropriate remedies, then maybe we should stop letting the market rate force being built or our ratings go on until we can put up housing being built and that should be a part of this.

In fact, that one segment that Carolyn Squveri mentioned at the beginning, the last section where you're deleting the effect on prevailing character of the existing neighborhood.

Park Merced, why is there no land transfers or land trusts or other look-at-other opportunities to save and preserve as well produce new areas of housing? Significant housing?

MS. JONES: There is one thing I want to clarify before we go on.

Just -- I know that we're in the Planning Department and those guys are

also in the Planning Department but our section of the Planning Department, the major environmental analysis is relatively economist portion of the Department in that we are doing objective environmental review of the project, whether they be building projects that are approved by project sponsors or plans that are developed by our Department or projects generated by other departments in the City.

So, just to -- I mean I just realized it was a point that we hadn't made earlier but, as people go through this process, they should be beware that that's our goal.

So, and then we will go on.

Judith Berkowitz?

MS. BERKOWITZ: Judith Berkowitz for the Coalition of San Francisco Neighborhoods.

I'm submitting some comments of my own and I think the Coalition of San Francisco Neighborhoods will be submitting

their own written comments.

Basically, we are concerned about traffic and parking and the congestion with the mitigation measures standards will be but overriding everything, it is based on the data and we are concerned about the accuracy of the report that's going to be used for the based-on data, what will and can be specific on the term and the quality of the nature and degree of impact.

We are also concerned about water, increasing population and demand for increased water; how we can supply and be connected in a seismic event; noise, increased density and traffic will expose to future population to express an increased (inaudible).

THE COURT REPORTER: I'm sorry. Your voice is getting softer and softer.

MS. BERKOWITZ: I'm sorry. Where did I leave off?

THE COURT REPORTER: (Record

read).

MS. BERKOWITZ: Fire,
police, and emergency services, what's the
master plan and evaluation and in the event
of an emergency? (Sic)

What is the master plan for
day-to-day fire, police, and major services?

And what will be the housing
element implementation part, not just the
objective in policies and implementations;
that (inaudible) on the environmental air
quality, traffic and -- air quality, traffic,
density, crime when viewed in connection with
the effect of the future with increased
population and population density and
traffic.

I'm going to submit these
items. So, thank you.

MS. JONES: Okay.

Catherine Devincenzi?

MS. DEVINCENZI: Okay. I'm
going to stand up.

MS. JONES: Okay.

MS. DEVINCENZI: Hello.

I'm Kathryn Devincenzi. I'm the attorney who represented San Franciscans for livable neighborhoods, the association of fourteen neighborhood organizations in the Court of Appeal proceedings which required the City to prepare this environmental impact report and I would like to request notice of all notices, the Draft EIR, your comments and responses and everything generated on this project to my address at 22 Iris Avenue, San Francisco 94118.

And I'd like to clarify that the written comments can be submitted to the desk out here, is that right? The one on this floor, and it will be stamped until 5:00 o'clock on the 12th. Okay? I just wanted to get the location. Okay.

I think we should clarify the setting. We are here because the City broke law.

The City violated the requirements of the California Environmental

Quality Act in 2004 when it approved historically significant amendments to the housing element of this general plan without preparing an environmental impact report and subjecting the proposed changes to the full EIR process.

The City had prepared EIRs when it approved far less significant changes to the housing elements of its general plan in 1990 and in 1984 and the 2000 amendments proposed to increase density and reduce parking requirements for housing to a number of measures, including approving about nine area plans with associated rezoning that would cover about a third of the City.

The 2004 amendments proposed to establish a policy basis for those new residential construction standards, including reduced parking and various high density and encouragement measures which will likely be in effect for decades.

Now, there is an important error in the City's Notice of Preparation of

this EIR.

Page 1 of this introduction, the introduction section erroneously states that the City approved a mitigated negative declaration for the 2004 housing element amendment.

The City actually approved an unmitigated negative declaration to the 2000 house element amendment.

The May 13th, 2004, final negative declaration states:

"Mitigation measures, if any, included in this project to avoid potentially significant effect: None."

Now, under the Environmental Act, a public agency is prohibited from approving a project which would have one or more significant impacts on the environment if there are feasible mitigation measures or alternatives which could lessen or avoid those impacts.

So, due to these actions

forcing requirements of the Act, the Act does not merely require a disclosure of impacts.

The City must prepare an EIR to analyze each and every potentially significant environmental impact which could result from all the changes from the 1990 residence elements that are embodied in the proposed 2004 housing element or their proposed project, including without limitation, all the matters described in the San Francisco Planning Commission Resolution 16787 which is the prior 2004 approval resolution for the 2004 update and revision of the housing element and these include an assessment of housing needs and an inventory of resources and constraints to meet housing needs; a comprehensive set of objectives and policies addressing construction and conservation of housing affordability and citywide and regional housing concerns; an action program to implement the policies and achieve the goals and objectives of housing elements; and targets for construction of

20,400 approximate new housing units or whatever is the goal.

An accurate stable finite project description is required.

The City must clearly define the project which is under environmental review and the objectives of that project.

Is that project the re-adoption of the 2004 housing element without any changes to it? And the re-adoption of the matters --

MS. JONES: Finish up, please.

MS. DEVINCENZI: I'll just be a moment.

MS. JONES: Well --

MR. FERGUSON: Let her speak.

MS. DEVINCENZI: I just have a couple more, please. You know, you don't have an -- so, just let me finish.

MS. BERKOWITZ: Let her finish.

MR. FERGUSON: Let her finish.

MS. JONES: Your attitude is so bad.

MS. DEVINCENZI: Yeah.

Well, all right. As I said, is that project the re-adoption of the 2004 housing element without any changes to it and the re-adoption of the matters set forth in the San Francisco Planning Commission Resolution 16787 without any changes to those matters?

It cannot be legally because, if so, the City's action and the environmental review process would be a prohibitive after-the-fact rationalization for an action taken in violation of CEQA.

The Court of Appeal invalidated the negative declaration and the 2004 amendment approval upon which the City based its approval of those amendments.

So, is the project or the proposed increase in the City's capacity for

housing through the measures including re-zoning and the other measures which were encouraging increased housing capacity?

If so, what is the City's quantified objective for the amount of increased capacity sought?

What are the actual objectives of the project? And what is the current data that support the asserted amount of housing needed?

You cannot use data from 2004 before because it is out of date and economic conditions have changed.

I would also like to know how you modified Appendix G in proposing your analysis?

I just want to say that what the 2004 housing element actually said was that you intended to achieve a far greater rate of housing production than occurred in previous years and that the new policies strove to expand land capacity and direct new housing to certain locations, especially in

in areas well served by transit and City documents disclosed that the re-zonings and other planning efforts were intended to greatly expand the City's capacity for housing to about 78,000 units which is more than double its additional unrealized capacity under current zoning of 29,100 units.

So, the question is what exactly is the project?

You know, you don't need all the nine-area plan rezoning if you only trying to achieve twenty or thirty thousand additional units.

So, let's be clear on what the project is and, also, I think that you should send a revised Notice of Preparation correcting the error that the negative declaration was not mitigated.

I will submit written comments because I can't address the subject in three minutes.

MS. JONES:

Okay.

Jed Lane?

MR. LANE: Well, actually, I will just comment on all of that and say how was any of that pertinent to the scope of this meeting? But, be that as it may, thank you for my time being my time, also.

Okay. I will ask you also in the EIR to look at the Department's situation in view of all the comments on parking.

I'm a realtor. I work with a lot of people who can't afford to buy housing.

If you can reduce the cost of those houses down to size, so the (unintelligible) BMR because they don't own a BMR so you can build houses that's less expensive, you will get more people in the housing.

New rental spaces. There are a lot of people who don't have a car in San Francisco.

There are a lot of people who'd love to live in a place like the

Europeans where you can walk in your neighborhood and get the services that you need.

We could have more businesses. We could have higher income. We could have more small businesses and more jobs if we could walk in our neighborhoods.

Thank you.

MS. JONES: Okay.

Hiroshi Fukuda?

MR. FUKUDA: Hi.

My name is Hiroshi Fukuda. I'm with the Richmond Community Association and also with the Coalition For San Francisco Neighborhoods.

Well, I think the -- Kathy Devincenzi really hit it on the nail, and I would like to add a few more things.

I have spoken of this environmental review to include -- to consider that the seniors will increase to forty percent in the year 2030.

So, what transportation

system will you have in effect for the seniors for that year?

Also, I would like to have considered or information in regards to the number of off-street parking presently in San Francisco and what you foresee in 2030.

And also the number of street parking that you have now and what you project in 2030.

Also, there was a projection of 782,000 jobs in 2030 in San Francisco.

Where are these people going to live? And what is the median income of those people? And what is the projected cost of housing? Homes? Condos? Rentals in 2030?

Are the people that this projected job increase, are they going to be able to afford to live in those alternatives, the condos, rentals and new homes?

Also, there was a statement in regard on Page 3 regarding the state mandated production target. What is it?

ABAG? Or whatever it is?

Now, these targets, how meaningful are they? Can you explain is there a penalty or other jurisdictions following them? Do we need to follow them?

And other people have mentioned the water supply. What's going to happen to the water supply when we have increased population that you look at (sic)? And that the water needs of our partners, so-called partners in the Hetch-Hetchy system?

That they are demanding a lot more than we are and, you know, it is our water and, how is CEQA prioritizing that?

Where is the sewer? Our sewer system is inadequate now and we understand that during the rainy season, that all sewers is going down in the wavy (phonetics) area, the area that expands (sic) at our meetings.

What's going to happen with the population increase in 2030?

How are you going to address the sewer issue and seismic? How are you doing on seismic?

Are these high rises going to just allow people to escape but not return? And as far as mitigation in these two neighborhoods, there is this whole section about -- what is it, Marilyn?

Overriding

MS. AMINI: Consideration of --

MR. FUKUDA: Overriding considerations --

MS. AMINI: -- adverse impacts.

MR. FUKUDA: -- of the adverse impacts, and they are not.

There is no mitigation. All they say is, "well, if we do this project, it will be better than doing no project."

Now, is that acceptable, that type of mitigation?

And lastly, the market in the

eastern neighborhood plans, they sort of remind me in a sense of redevelopment in the Western Addition.

In the redevelopment, they evicted a lot of African-Americans and also Japanese Americans.

Now, these new plans, they seem to do it in a piecemeal way but the end result is the same and, again, gentrification.

I mean, this is, you know, a legalized -- well, I can't say lynching but, I mean, it is a legalized way to kick the poor out.

So, how is the City going to retain the diversity of San Francisco?

MS. JONES: Okay.

Thank you.

Ms. Amini?

MS. AMINI: I don't agree with (inaudible).

Now, and I'm very disappointed with the presentation. I was

expecting a lot of comments and you really don't present the information of the people that are coming out and having time to vent to work with that (inaudible).

I think it is very much indicative of your attitude toward this project which I don't think speaks well of your Department.

I think there needs to be certainly a far greater analysis of the discrepancy between the various categories of housing that are needed and actual percentages in each of those categories that are actually built and how on earth are you ever going to come up with the methods in your plan to try and make this coordinate in any fashion when you are reducing -- this is poorly done, but something like a hundred and fifty percent of market rate housing and fifty percent of all other housing, given all of your resources?

How do you anticipate being able to actually achieve the mix of housing

that is actually called for --

MS. JONES: Okay.

MS. AMINI: -- at this point because, frankly, there has been no time to digest any of this information in advance.

MS. JONES: Okay.

Well, your comments may go to (inaudible) to effect the comment.

MS. AMINI: So, how do you plan to square this -- this is for the 2009? Are you doing an EIR for 2009?

MS. JONES: We are -- we don't have the -- the 2009 housing element has not been prepared.

We don't have enough information about what would be contained in it to know how much additional environmental review is beyond what we are doing right now until we get settled.

I just don't have the information right now.

MR. GOODMAN: Can I ask

one other question?

Is all of the other neighborhood plans and other neighborhood plans have been kind of pushed going through approved such as the eastern neighborhoods in the Market, Octavia, Downtown area, et cetera, how does this all impact that in terms of all the stuff that's been approved and shoved through and there's no analysis of what the effect has been on all of these communities since 1990?

How is that -- especially the rental or the environmental sustainability, although permanently used, I just don't see how preservation and the prevention is covered but not the units as been addressed and how do you actually analysis how many have not been (inaudible) in all of these different areas of housing such as different (unintelligible), in so many different factions of that affordable acceptable housing and living in different types of units.

So, it seems like it is a very large scope of issues there. It is very difficult.

I can't see how it can be done and when you have dealt with the San Francisco State master plan, it is a program EIR and that is ignored input, ignored community input, ignored issues that we brought up there and they had the choice of either they would at least select (unintelligible) to have at least picked some of the middle sized (unintelligible) and at least the largest of the plan.

So, to me, it's the programmatic thing that didn't address the project's specific development and the same way that this is going.

Seems like it -- it's just, you know, either could be that or something else or how do you actually address all of the stuff previously?

It is such a huge thing at the state wide level of what's going on. It

is just so much stuff involved.

How do you actually come up with something and use the EIR to actually addressing it adequately?

Because if you just take the basic CEQA document, it seems like it's an impossible thing just to address how a hundred different little housing units and especially being manipulated in the closing in that's there (sic)?

It's just very difficult to address by any individual. So, it definitely needs to be improved upon and I have only dealt with a two-binder packet, the two final (unintelligible) and San Francisco is the limitation (sic).

The eastern neighborhoods planned is an eight-ten packet section binder. That's way too huge for entry in the organizations (unintelligible) and document as a guest. (Sic)

So, I don't know how you would do this as a small city entity without

government, federal, and other reviews, especially if you are in default from the previous suitable process.

So, maybe someone can look at it or review, take this and find out something you can address and come back to the communities and the organizations involved, especially having the (unintelligible) involvement, because of the paper notification. (Sic)

MS. JONES: Okay, thank you.

MS. RANGE: Did you have a comment?

VOICE IN AUDIENCE: Yeah. I'll pass it up in a second. Actually, I think that most of the questions have been --

MS. JONES: Can you state your name, please?

MS. AMINI: Oh, Marilyn Amini (A-m-i-n-i), San Francisco residence.

Most of the questions have been raised about the adequacy and the

accuracy of the base line from which you have to assess impact and CEQA Section 15125 states that you have to have an accurate description of an environmental setting.

There have been many changes to the environmental setting in San Francisco and Aaron alluded to some very real changes second to the impact of the market and Octavia adopted plan which is in litigation at this point because the environmental impact wasn't adequately analyzed for consistency, general plan, et cetera, and then you have the eastern neighborhood coming through.

You say that you are autonomous and you don't have that first connection with the planning but how can you come up with an adequate analysis of impacts if you don't know exactly everything that planning is doing, has done?

Cumulative impact requires that you look at all past projects, present projects, and reasonably foreseeable projects

and Planning Department material show and this is handed out by the group that's doing the 2009 that there are -- in the pipeline, there are 38,118 units.

Actually, the Business Times which the source of Planning Department is higher than that 42,812, and then the Planning Department to review of soft sites, at minimum move production is 8,929; at mass production 36,715.

And there are policies in 2004 to encourage full density, full build-out along transit corridors and I don't really see an accurate presentation here compared to 1990 and 2004 in terms of the real emphasis on transit corridors because if you look at the Planning Department's Notice for agenda (phonetics) and, et cetera, it said the new policies are for increased density, reduced parking along transit corridors.

So, you really have to know what Planning is doing in order to analyze

adequately.

Since the baseline or since there have been so many changes, whether it be economic or water. If Ms. Jones or Adele (phonetics), she can tell you that the water has been reduced from, I don't know, ninety-one to eighty-one but, in other words, the San Francisco allotment because of the requirements for the community.

Just today at Planning Commission hearing, they talked about the bi-county priority development area and this is Sarah Dennis' map from '07 which shows the encouraged -- what's going to happen with the encouraged development in the eastern area of the City with very high density development and high housing hope that they -- I'm sure they hold production.

And then, also, in -- just recently on the 7th of October, there was another amendment to that priority development area by Supervisor Elsberg for the Western part of the City, western

corridor in an area which has been mapped there which potentially is going to be setting up for an area plan there.

So, you've got the better neighborhoods which are being implemented all across the City and Japan Town is one that's on schedule for being implemented, the Geary corridor on Schedule 3-B implemented.

So, you're having impacts compounded and you have got to take these all into effect.

Actually, because the 2004 data and needs analysis was presented in hard copy, draft form for public comment in June '01 which is what should happen with the '09, it's clear that that data which is eight years old is outdated and it was based on that data that the objectives were determined, the policies were set, and the implementations.

So, because the data is skewed, all together of the 2004 policies, objectives and implementations are totally

skewed as well, plus, you have got all the changes that have happened on the ground and Hiroshi, Kathy, everybody has been talking about the real significant impacts that have to be addressed by this and review, I think what you should do, number one, based on the comments here, you should extend time.

You shouldn't close comment on this critically important document by next Wednesday.

You should extend time on this and what you have got to do is take a look at all of these areas that are and where in there will be critically impacted and you have got to factor in all the multiple impacts that are going to be happening -- that are happening or going to be happening from these programs that are already adopted and for the programs that are already in the works.

And you have got to do a comprehensive job because I don't think the community is really happy with the fact that,

number one, you came up with a negative declaration.

I mean, that was totally murdered and if you try to push this through fast on a document, a 2004 document where the data needs analysis is totally inadequate and outdated and then you attempt to deal with objectives, policies, the implementations which is therefor by definition are outdated, you should really scrap the 2004, do adequate input, public input.

On the first part, the data in these analyses of the 2009 then develop policies -- objective policies and implementations from that and then publish the second part of it and let the community take a good look at it and respond until we feel like we are participating in this process.

Thank you.

MR. QUESNEL:

Demian

Quesnel.

I would just like to respond

to the remark you made earlier about being an objective part of the Planning Department and I assure no disrespect is meant toward your professionalism or your attempt to be objective and, yet, the reality is the scope which this meeting is supposed to be about, the scope of this EIR has an incredible impact that is not objective on these plans and on the housing element and I think you need to listen carefully to the feedback you are getting here, particularly about some significant items.

The parking issue, the rental, looking at the rentals, those are very significantly impacted by how you do or don't look at them in this EIR and you need to take that into account and be as objective as you can to give an objective evaluation of those elements so that they are factored properly and do an informal policy as an objective evaluation would.

So, I respect that you see yourself as objective and that you are trying

to do as professional a job as you can but this an important part of the process and the input here should be taken seriously.

MR. LANE: Just a point of clarification. I'm Jed Lane. Miraloma Park.

When you come out with the proposed EIR, will the data that you use to make those decisions be available so people can look deeper in whatever section they want to question and within the five-day period?

MS. JONES: Sure.

MR. LANE: All right, and is this document on-line also --

MS. JONES: Yes.

MR. LANE: -- at this point?

MS. RANGE: Yes.

It is on-line on our website which the address is actually on -- it has already been noticed.

So, we actually sent out -- we did send out a one-page notice that had

the website where you could download this document and it is also gave contact information so if you just wanted a hard copy mailed to you.

MR. FERGUSON: I think if you look in Planning Department under house -- I think it is under the housing element 2009 is actually you can go there and where to find it.

MS. RANGE: It is actually on both of our MEA website as well as the 2009 website. It is their sites.

VOICE IN AUDIENCE: May we have the names of the people who are doing the consulting for you, preparation?

MS. RANGE: Yes.

It's in -- we can print it out for you so you don't have to scribble it down.

VOICE IN AUDIENCE: It is on the agenda.

VOICE IN AUDIENCE: Is it?

MS. RANGE: Yeah. It

is on the agenda.

MR. FUKUDA: I want to make a comment in regards to a force of force what Demian said about staffing professionals and trying to be objective.

I think some of the staff, Planning Department staff from their comments have indicated, "well, you know, 2004 was approved."

It was just -- as a matter of fact, at a Japan Town meeting, one of your senior planners said when I asked -- when I questioned the housing element being invalidated, the response was, "well, there are some technicalities," you know, like it was nothing.

So, I think the attitude of the Department needs to be that, you know, they have to admit that they were wrong and that there was no difference. So, you know, just a minor thing.

This is a major difference. I think the attitude has to be, "well, you

know, we really screwed up. Let's get it right this time."

So, I think the Department has to think that way.

MS. JONES: On the objectives of the environmental review are part of the Department, is the part of the Department that is -- that our goal here is to do an objective review of the environmental impacts of this project.

So, you know, upstairs they can advocate the project in the review.

MR. FUKUDA: Well, if I may make a comment, on the market data environmental report, I recall reading a section about water and they just pooh-poohed it.

It was several sentence saying, "oh, the water supply is adequate," you know, to paraphrase and it didn't give a real detailed effort.

I mean, it was obvious that they didn't take it seriously.

So, I hope this new one will go into detail and take it seriously.

MS. JONES: Okay.

MR. GOODMAN: May I add one other comment in regard to upstairs downstairs and what they want?

Because the City's adequate base here is no longer in good standing with institutions such as San Francisco State University, community colleges and other organizations and sometimes I look at such items such as Policy 2.3 here where beforehand, Policy 3.5 says it prohibits conversion of rental housing.

The time share corporate suite are both (unintelligible) and then it has changed gears in this document to restrict elements for conversion.

That seems like it is kind of allowing what has occurred already and, in the same screen, they have another item which had to do with institutional growth which I think is fairly accurate.

On Policy No. 11.4 which it says before this RE Policy 12.3, "minimize disruption caused by expansion of institutions into residential areas," and right here, 11.4, it says now avoid or minimize.

So, you're advised then to avoid it but it has already occurred.

So, in this thing, we are just trying to accept what has already occurred in the development throughout the City even though, you know, like in Park Merced, we have lost over a thousand units, by the thousands, to the San Francisco State Unification Master Plan they bought up in some portions of Park Merced.

That is a big loss of housing. The impact is still being felt in Park Merced.

We just haven't increased and the increases are assumed serious but they need housing, too.

So, how are institutions and

corporations developing housing for their own needs?

That's something that I don't think has been addressed at all by the City through conversion to Section 41-A of the administration, section of conversion of tenure and tenancies in other forms of commercial housing?

Because we have corporate suites down there. We have hospitality from the University and the Stonestown Apartments.

So, none of that has been addressed to apartment projects.

So, the effects of this type of stuff has already and been discussed and people have been affected drastically by this and if you even just go to the current website, I think the information that is on here in terms of rental costs currently for 2007, 2008, well, I looked at the website today on Park Merced.

There is some big numbers there for rent costs currently and these are

renovated units that just occurred last year.

So, the students moved in this year to the new units where the price has been jacked up so significantly they're saying there's no human rights control laws.

There is no rent control or control of how those units were raised up in price.

So, that's affected drastically once again when you go to these families on rental housing increase and that was your housing stock.

That was your rental housing stock in the Western neighborhoods. So, how do we replace one-for-one? Where do we find areas of density, et cetera?

It just seems like it allows a lot of the stuff in this document which has occurred already and it was just given carte blanche for what's already occurred there and that's why this needs to be addressed.

MS. JONES: Anybody have anything more to say about the scope of

the environmental review?

AUDIENCE: (No response)

Okay. We are looking forward
to getting written comments.

VOICE IN AUDIENCE: Thank you.

(8:00 P.M. CONCLUDED)

REPORTER'S CERTIFICATE

I, EASTELLER BRUIHL, CSR No. 3077, a California Certified Shorthand Court Reporter for Star Reporting Service, Inc., 703 Market Street, Suites 1003-1013, San Francisco, California 94013, do hereby certify:

That the foregoing proceedings were taken at the time and place therein set forth; that all comments and statements made at the time of the proceedings were recorded stenographically and were thereafter transcribed;

That the foregoing is a true and correct transcript of the hearing proceedings.

I further certify that I am not a relative or employee of any attorney of the parties nor financially interested in the action.

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct.

Dated: FRIDAY, NOVEMBER 7, 2008.

2004 San Francisco Housing Element NOP Comment Log Updated November 18, 2008				
Comment Number	Commenter Name	Agency/Organization	Date	Media
1	Captain William Mitchell	San Francisco Fire Department	11/05/08	Letter
2	Judith Berkowitz		11/06/08	Letter
3	Aaron Goodman (1)	Park Merced Residents	11/06/08	Letter
4	Gary Noguera	Coalition for San Francisco Neighborhoods	11/06/08	Email
5	Bernard Choden		11/06/08	Email
6	Daniel Kevin	California Public Utilities Commission	11/05/08	Letter
7	Aaron Goodman (2)	Park Merced Residents	11/10/08	Letter
8	Hiroshi Fukuda, Chairman (1)	Coalition for San Francisco Neighborhoods	11/11/08	Letter
9	Hiroshi Fukuda, President (2)	Richmond Community Association	11/12/08	Letter
10	Steve Lawrence		11/12/08	Email
11	Penelope Clark	Coalition for San Francisco Neighborhoods	11/12/08	Letter
12	Scott McMillen		11/12/08	Letter
13	Edward V. Anderson		11/12/08	Letter
14	Carolyn Squeri (1)	St. Francis Homes Association	11/12/08	Letter
15	Carolyn Squeri (2)		11/12/08	Letter
16	Mary Miles	Coalition for Adequate Review	11/12/08	Letter
17	Kathryn R. Devincenzi		11/12/08	Letter
18	Lisa Carboni	Caltrans	11/14/08	Letter & Email

RECEIVED

**Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103**

**NOV 06 2008
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A**

**Case No.: 2007.1275E
Project Title: San Francisco 2004 Housing Element**

November 4th, 2008

Comments Regarding the EIR;

The Parkmerced Residents Organization represents 3,500 units and over 191 acres of a master planned rental garden apartment community in southwestern section of the city and county of San Francisco. We are one of the largest rental communities in the city, and are a collection of seniors, students, families, immigrants, transplants, that represents a multi-ethnic and multi-economic segment of the general population of San Francisco. We are submitting comments on the SF Planning Departments EIR as we have noted to the Planning Dept. and SF Board of Supervisors, as a Board the issues related to the lack of affordable rental units citywide, and want to emphasize the issue that the specific language on the "OPTION" of renting as a type of "home-ownership" as noted prior in the housing element not be eliminated with the emphasis on the adequate and equal creation/preservation/enhancement of rental housing, and the need to re-emphasize the inclusion of equitable and equal levels of the terms the "OPTION" meaning that there is equitable and an equal level of such housing being created to choose from, or have the ability live in. The terms of "**RENTAL/RENTER/TENANCY/TENURE**" must be included into the new proposal, and the re-jiggering of words that cause concerns for our community and for the future of renter's and tenant's in the city of San Francisco including the rent control status emphasized in the Prop 98/99 elections this last year. I will attempt to keep the items short by citing the referenced section of the document 2007.1275E and the sections proposed for change and issue or highlighting the statement the Housing element and changes are phenomenally huge for individual organizations to tackle as policy, but we feel it is important to provide commentary, and suggestions as best as possible to assist in the renewal of this document and legislation as the individual of our group tasked with the effort, I have done my best to identify questionable items, and give examples of our concerns. I have also forwarded this memo to the PRO board to gain their input and comment if any in addition to be sent separately as individual members of our organization;

Notice Items:

15065 Mandatory Findings of Significance - it has been noted clearly in articles in the papers, and through information distributed through numerous tenant sites, and the economic downturn, that in the past years from 1990 onwards there has been a significant amount of "market-rate" units created in the city and county of san francisco, and a minor, or non-existent amount of basic rental housing stock. This issue has created not only the development and rush to build housing outside of the city limits but has caused many families and renter's to be forced outside of the city limits. The implications and effects on the loss of renter's and lack of rental housing being built in equal amounts is an issue that must be brought to light through the "mandatory findings of significance". The lack of EIR's to include the issue of rental housing and its loss as a significant effect, has become a class warfare, and social/economic integration issue in the city of San Francisco. To allow segregation and elimination of rental housing, with no increase in quantities being produced or projects that integrate rental housing within master planned, and developments citywide is discrimination against renter's and rental tenure based housing as an "option" of housing based on the cities general plan. We strongly urge the San Francisco Housing Element to rectify this injustice to renter's and build into the language adequate resources and incentives, to preserve, enhance and protect existing rental housing stock.

October 28, 2004 California Court Appeal found the Mitigated Negative Declaration as

"inadequate" and has required the EIR. - The inadequacy comes from not mandating the equal amount of rental housing to "market-rate" housing and its integration. 50% rental - 50% market rate developed integrated in all developments. There is currently an un-equal development that has occurred since 1990, and this is needed to promote "equal" housing opportunities city-wide regardless of developer angst towards the building of rental units.

page 3 "local governments must adopt land-use plans and regulatory schemes that provide opportunities for and do not unduly constrain housing development" - This statement does not mention the need to balance preservation, and incentives for land-trusts or other trade-offs in lieu of turning our communities into redevelopment plans, better neighborhoods, and transit oriented developments, unrestrained. The need is to have COMMUNITY organizations assist local governments in the best adaptation and integration within the communities.

The emphasis on "units" and affordable "units" vs. RENTAL Housing stock at initial baseline prices - the need is to have equal development of market-rate units to base housing rental stock, that starts at affordable initial levels such as \$500-1,000 for a studios, 1,000-1,500 for a 1-bedroom, and 1,500-2000 for a 2-bedroom, 2,000-2,500 for a 3-bedroom etc. The need for a base number of units created consistently in line with the cities "rent-controlled-status" and controls in place for neighborhoods adjacent to universities is not apparent. Parkmerced has seen an undue increase in rental costs yearly, and due to increases in student population.

TABLES 1-4 - does not break down the numbers based on rental units, created, taken off the market, built or destabilized rental cost wise by adjacent developments. You state clearly the need and availability, the requirement to balance growth with competing local interests (the real estate industry in SF, vs. need for rental housing) but there has not been an accurate review of the rental housing markets, and effects of the mortgage, and for-sale pressures that have taken units off the market, and been stagnant in terms of rental housing growth per the requirements of the SF General Plan to create "EQUAL OPPORTUNITY" and housing "CHOICE" in terms of the type of tenancy selected which is RENTAL vs. FOR-SALE!

Project Description & Summary of Potential Environmental Effects - you note in similar fashion to the SFSU Master plan which ignored public comment and input under their EIR process through the same means by stating the definition of a "project" and emphasis on the only need to review "changes" in the plans, is insufficient, as the effects of these housing element changes have and are discriminatory towards renters in how they have NOT been followed and balanced in terms of the creation and follow through of the general plan elements. The use of a "programmatic EIR" was used by the SFSU Master planners in a similar fashion to ignore the project specific changes and effects on neighborhoods. The National Trust for Historic Preservation wrote the SFSU Master planners specifically on the issue of programmatic EIR's and that the individual projects must stand up on their own merits as individual case project specific EIR's that affect resources. Although this may be seen as broad policy review only by the planners and EIR reviewers, it has specific effects that have occurred already based on the ignoring of some items in the 1990 Housing Residence Element such as balanced approach and creation of rental housing, and protection and preservation efforts towards existing rental housing stock.

Mitigation Measures and Project Alternatives - Due to the lack of rental housing being created under the Mitigation Measures and Alternatives we would suggest adding segments that a) review and analyze the quantities lost and not created of rental housing based on the 1990 Residence Element up to 2008. b) Provide a modified housing element that mandates balanced development of rental housing at base stock/price levels to increase the quantities and integration in all neighborhoods and communities through a variety of purchase, and non-profit models, such as co-op housing, neighborhood re-purchasing of homes to turn them into multi-unit rental developments in ALL neighborhoods, especially near public schools. c) A re-emphasis on the housing element densifying and creating housing especially rental housing along public transit and station areas and transit corridors with the transit elements being implemented prior to ANY development or changes in housing element wording. d) Including wording so that business and corporations/institutions are required to build and develop housing within their original

boundaries without expanding into neighborhoods, or finding suitable areas or neighborhoods lacking such amenities. e) open space provisions that mandate required acreage of land per rental/housing unit(s) so that neighborhoods are built with air/green space/and outdoor/indoor amenities in all areas, giving vertical density bonuses and protection preservation incentives through land-trusts, or transfer land swaps to save and preserve well designed and developed rental and for-sale housing at affordable levels.

Comparison of 1990 Residence Element and 2004 Housing Element Issues;

(Note: there were numerous spelling and grammatical errors that I will not note due to the prevalence throughout the EIR 2007.1275E document and in the hopes that these will be carefully rectified prior to its final version)

Housing Supply

Objective 1 - should read to include - "permanently affordable base rental housing stock consistently being developed equitably in all neighborhoods, yearly to increase the rental stock available to meet the needs created by job/employment/institutional growth and demand in all neighborhoods."

Policy 1.1 (Modified Policy 2.2) - should read to include - "set allowable densities in ALL established residential areas, at levels which will promote compatibility, and promote/preserve neighborhood amenities, scale and character, and provide the method and means to engender neighborhood involvement in decisions and support to assist in the inclusion of lower income households for the generation of permanently affordable rental and for-sale housing."

Policy 1.2 (NEW) - should read to include - "provide funding, training, and assistance to include neighborhood citizens in the new employment opportunities."

Policy 1.3 - should read to include - "giving preference to the creation of affordable rental housing on and near downtown, and all targeted re-development areas to integrate rental and housing built."

Policy 1.4 - should read to include - "encourage and provide funding for transfer of land to the city and county of San Francisco, so that adequate new rental opportunities are created in ALL neighborhoods for integration of renters into the established neighborhoods. Encourage re-zoning that allows for sub-division of large buildings and units into rental housing and densification of existing residential areas adjacent to public transportation and amenities."

Policy 1.5 - should read to include - "discourage the sale of public land to private housing development when it takes away amenities from neighborhoods without due compensation or development of alternative sites for their re-inclusion in the re-development" (Ex: 700 Font Frederick Burke Elementary sale of Public Site to housing developer which was a former amenity and public school site adjacent to Pakrmerced)

Policy 1.7 - should read to include - "new family RENTAL housing stock at affordable introductory levels of rent, along with vacancy de-control for units adjacent to institutions such as universities and medical facilities so that adequate rental housing exists for the working communities they serve."

Policy 1.8 - should read to include - "Allow secondary rental units to be created especially if they are affordable introductory priced rental units, which can be developed with assistance by the city, in terms of financing and encouragement of neighborhood areas adjacent to transit to densify for the benefit of the community."

Policy 1.9 - should read to include - "OFFICE developments" and mandate that the "use of Memorandum's of Understanding" between institutions and communities must include

neighborhood and community input to address the financial and physical effects and "fair-share" payment by the organizations due to their impacts. (Ex: SFSU Master plan annexed the recreation area of Parkmerced with no compensation or reduction of rent, and no fair-share payment or access and demand for the creation of a new community center on the Creative Arts Center Site, or inclusion of land transfer rights so that Parkmerced tenants have open space and recreation areas of equal measure in exchange or replacement for areas taken away by the SFSU Master plan. Demand and accountability for expansion of institutions into neighborhood areas, must account and be regulated and reviewed in terms of effects on the quantities available to the public of rental housing, the deregulation and vacancy de-control of student housing when students vacate units rapidly and repeatedly yearly on the rental housing pricing in the areas. Universities should be encouraged to build within their existing prior boundaries, and use acquired property for essential housing of staff, and educators, while providing new opportunities within the city for student housing and facilities in neighborhoods where the need for educational expansion exists.

Housing Retention

Objective 2 - should read to include - "retain and expand upon the existing supply of rental and affordable housing."

Objective 2.1 - should read to include - "encourage the preservation of sound existing rental housing through land transfers, and swaps, co-ops and land-trusts."

Policy 2.3 - should read to include - "time share, corporate suite, or hotel use" These two items should not be merged unless specific attention/wording is included to prevent the transfer of rental housing stock to alternative forms of tenure and tenancy. (Ex: The SFSU "hospitality-suites" and Parkmerced "corporate housing" subverts the admin. code section 41A and does not review the effects on neighborhoods when 7-day min stays are allowed in former rent-controlled neighborhoods, which subverts and does not control housing increased costs due to no vacancy control on these types of uses.)

Policy 2.4 - should read to include - "create and provide preservation, and financial incentives to retain the existing rental housing stock, and provide new units of affordable rental housing in commercial and industrial areas"

Housing Conditions

Objective 3 - should read to include - "enhance the physical condition and safety of housing without jeopardizing the current status of the units as rental or affordable housing, through incentives to repair, and improve rental units and their condition, through preservation laws like the mills act, and financial incentives such as land-trusts and transfer or land swaps, so that the city can assist and maintain the quantities of rental housing stock and provide incentive for their proper and well condition/upkeep on an annual basis." (Ex: the concern is when such "improvements" become impetus for large-scale changes that push out existing tenants, during the renovations and "safety" improvements and provide means to pass-through deferred maintenance onto tenants.)

Policy 3.1 - should read to include - (Ex: Parkmerced where conditions were left for many tenants in sub-standard condition without yearly maintenance, and the recent "renovations" have caused a major up-swing in rental prices throughout the property displacing tenants and low-income households.) Incentives to keep the costs of these renovations, and maintain low rental stock initial prices should be included so that owners maintain the units consistently, and provide incentives for individuals to work on and maintain their units. Ownership through care and maintenance, and transfer of public lands for new rental development should be encouraged and incentives given.

Policy 3.2 - should read to include - "preserve and encourage rehabilitation of privately owned rental housing neighborhoods" (Ex: Parkmerced)

Policy 3.3 - should read to include - "maintain and improve the condition, and increase the existing supply of rental public housing yearly to rectify years of imbalanced development citywide".

Policy 3.4 - should read to include - "provide and ensure laws/codes are enforced and penalties levied and increased for code violations and to prevent the loss and condemnation of existing sound rental and affordable housing."

Policy 3.5 - should read to include - "without reducing the supply of existing rental and affordable housing"

Policy 3.6 - should read to include - "preserve and provide incentive(s) for the landmarking, preservation, rehabilitation, renovation, reconstruction, of historic residential buildings, districts, neighborhoods, master-planned communities, and their landscapes, and cultural/physical amenities through the Mills Act, and land-trusts so that rental housing, and culturally designed areas of the city and landscapes of note are preserved and protected.

Housing Affordability

Objective 4 - should read to include - "not just the increase of capacity, but the inclusion of amenities, open space, and public resources and funding so that the creation of affordability does not decrease the quality of the neighborhoods being densified, and sites made available and pushed to capacity."

Policy 4.1 - should read to include - "for permanently affordable RENTAL Housing Units, and permanently Affordable Housing Units."

Policy 4.2 - should read to include - "affordable rental units in larger housing projects"

Policy 4.3 - should read to include - "affordable single rental units adjacent to industrial and within the boundaries of institutional campus boundaries to increase densities without adversely affecting neighborhoods."

Policy 4.4 - should read to include - "grant density bonuses and transfer development rights for the construction of affordable rental units, and senior housing within ALL neighborhoods."

Policy 4.5 - should read to include - "allow greater flexibility in the creation of a variety of units types, within existing envelopes to encourage new affordable rental units being created in areas where predominantly private housing has segregated communities based on real-estate values and schools."

Policy 4.6 -should read to include - "without reducing quality of construction, preservation incentives, reduction in open space, and amenities, or segregation of these units of rental housing and for-sale housing from being included in ALL neighborhoods.

Objective 5 - should read to include - "affordable rental housing production system"

Policy 5.1 - should read to include - "provide incentives, and prioritize/mandate the inclusion of rental housing, and the development community's equal integration and creation of rental housing throughout ALL neighborhoods.

Policy 5.2 - should read to include - "including tenant/resident organizations, to assist in their co-op and community funding for management and incentives for increasing community involvement in the maintenance and care of the rental communities and neighborhoods."

Policy 5.3 - should read to include - "RENTAL Housing Units"

Policy 5.4 - should read to include - "RENTAL affordable Housing."

Objective 6 - should read to include - "Existing and prior affordability of rental housing through the creation of rental de-control legislation, and enforcement to provide base housing stock and rental units at affordable base introductory levels."

Policy 6.1 - should read to include - "of RENTAL units in existing buildings, at risk of conversion to market rate housing".

Policy 6.2 - should read to include - "Ensure that RENTAL housing developed to be affordable, is kept affordable, and the creation of new units consistent to keep up with the quantities of market rate housing being developed, in an equitable and equal quantities to rectify past years of imbalance"

Policy 6.3 - should read to include - "safeguard tenants and communities of rental units from excessive rent increases, and provide for means to ensure landlord's equitable availability of new land through land-trusts, and incentives to maintain and preserve the existing housing rental units and amenities such as landscape, facilities, community centers and the creation of new and well-planned and integrated additions without the reduction or displacement of prior amenities and community designed features such as landscaped community landscaped areas."

Policy 6.4 - should read to include - "permanent rental affordability", and "through community land trusts and preservation incentives and re-habilitation/renovation of landscape and amenities/features."

Policy 6.5 - should read to include - "through the inclusion of renter's and tenancy organizations as part of the enforcement efforts"

Objective 7 - should read to include - "Expand the financial resources available for permanently affordable RENTAL housing."

Policy 7.1 - should read to include - "affordable RENTAL housing"

Policy 7.2 - should read to include - "long term financing for the creation of RENTAL HOUSING PROGRAMS"

Policy 7.3 - should read to include - " and support for affordable RENTAL housing programs by corporations, churches, unions, foundations, EDUCATIONAL, MEDICAL, Business and financial institutions."

HOUSING CHOICE

Objective 8 - should read to include - "to provide max. housing choice, equal opportunity, and equitable creation, and distribution of housing opportunities citywide, ensure equal access, creation of and development financing and protection for RENTAL housing and Affordable Housing Opportunities throughout the city and county of san francisco. To ensure that tenure and tenancy as a form of housing and type of home ownership, remain and continue to provide incentive and positive neighborhood and master planned designs for the rent-controlled laws of the city and county."

Policy 8.2 - should read to include - "employ uniform definitions of affordability that include RENTAL and Tenure/Tenancy as equal and equitable integration of such units into the demographic and housing needs of the city of San Francisco."

Policy 8.3 - should read to include - "marketing of rental affordable housing"

Policy 8.4 - should read to include - "encourage and mandate laws and financial incentives, and enforcement to provide greater economic integration of rental housing projects and affordable housing projects throughout San Francisco's neighborhoods."

Policy 8.5 - should read to include - "prevent housing discrimination, including the adequate creation of rental housing, and opportunities for tenure and tenancy in the city and county of san francisco" (Note: the discrimination against renter's is based partially on income and partially on the exclusion of renter's and rental tenancy organizations on boards and community group organizations that should be open to renter and tenancy groups without discrimination.)

Policy 8.6 - should read to include - "increase the availability of rental and affordable units"

Policy 8.7 - should read to include - "eliminate the discrimination against households with children in rental neighborhoods, or areas adjacent to public schools of high-standing" through the creation of equitable new rental and affordable units in these neighborhoods."

Policy 8.8 - should read to include - "of residential dwellings and rental units"

Policy 8.9 - should read to include - "the provision of new home ownership, and base rental housing stock opportunities and creation of new units, so that increased owner occupancy, and demolition, renovation work and the sale of these units to institutions and master planning efforts does not diminish the creation and new supply of rental and affordable housing created yearly."

Policy 8.10 - should read to include - "equitable distribution of amenities, open space, parks, and their maintenance funding, new creation of facilities, and consistent development in and around rental and affordable housing neighborhoods, so that these areas become beacons of well planned and enhanced neighborhoods for communities without destroying their context, and cultural amenities existing."

Objective 9 - should read to include - "avoid or mitigate hardships imposed on renter's by displacement, and encourage penalties and incentives to reduce displacement of existing families, seniors, and citizens, including immigrants and newly arrived citizenry, through adequate informing of their rights as renters, and home-owners, so that displacement and de-stabilization of communities is reduced and eliminated in the creation of new units."

Policy 9.1 - should read to include - "displacement of renter's and tenant's, and encourage landlords and home-owners to create financial incentives and opportunities for density to maintain to keep the existing tenants in place."

Policy 9.2 - should read to include - "displaced rental households" and "comparable in size location cost, AND AMMENITIES, and rent control protection"

HOMELESSNESS - should read to include - "the creation of, incentives for, and provisions for new units of SRO Job Creation, and medical, financial, physical, mental/psychological assistance, to all homeless families, and denizens of the city so that the imbalance effects on individual communities is lessened and the entire city and community of residents pay equally in terms of the facilities location and inclusion so that all SF citizens are vested in the eradication of homelessness and the creation of adequate facilities citywide."

Policy 10.4 - should read to include - "Facilitate childcare, educational, and rental/home ownership opportunities in ALL communities of SF for the re-integration and inclusion of homeless families and children through housing design and development of life-boats for women and children, and family services and programs supported by developers and taxation of luxury developments"

citywide."

HOUSING DENSITY/DESIGN/AND QUALITY OF LIFE

Objective 11 - should read to include - "increasing the supply of RENTAL housing,... "pursue the creation of well designed and master planned communities integrated in housing type, following neighborhood and master planning principles, and practices that also include preservation, and restoration of amenities and communal features, to continue San Francisco's desirable urban fabric, modern sustainable design, and enhance livability and integration of communities economically, socially, and environmentally through adequate amenities, and transportation improvements throughout the city so that the network and infrastructure and physical barriers become harbingers of integration and inclusion throughout all neighborhoods of the city." (Ex: Parkmerced as an example of shared dense urban design, open space, amenities, and integration, and sustainability through its preservation and restoration by current owners, and future continuity as a rental designed neighborhood and quality of life)

Policy 11.1 (NEW) - should read to include - "Use new rental housing development, to enhance existing neighborhood tranquility, vitality, and diversity, through its integration in ALL neighborhoods of SF."

Policy 11.2 - should read to include - "ensure and require, provide incentives so that rental and affordable housing created is provided with adequate open space, air-quality, public improvements, transportation improvements, new school and educational youth facilities, and amenities, and that preservation and restoration of existing facilities are incentivized to encourage quick and well developed integration and enhancement for rental and affordable communities."

Policy 11.3 - should read to include - "provide incentives for neighborhood commercial areas existing, so that displacement and loss of services, is reduced and eliminated through the creation of community requested facilities, and job creation in the commercial areas." (Ex: Commercial Area of Parkmerced, slated for development, when maintenance and care of the area was reduced rents increased, and businesses that existed prior forced out, with no incentive for new units to be created on site as a prior amenity to a rental community. This ended up becoming a target for the creation of new commercialization in the parkmerced vision, and SFSU masterplan for commercial land, that will destabilize commercial areas along west portal, ocean ave, and stonestown.)

Policy 11.4 - should read to include - "into residential and rental rent-controlled communities" and provide incentives to develop these expansions into other areas of the city when there is neighborhood opposition, or issues of quality of life, or impacts that have not been addressed in MOU's or possible historical landmark, or preservation issues, that have not been resolved in EIR's that are programmatic and not project specific." (Ex: SFSU Master plan and expansion into Stonestown Apartements and Parkmerced area [possible National Landmark Candidate, see www.tclf.org under marvels of modernism, and Landscapes @ Risk]

Policy 11.5 - should read to include - "provide incentives to allow the enhancement preservation/restoration of existing neighborhood character especially in rental communities, so that new and existing rental housing is cared for, and incentives used to create new communities based on these designs throughout other neighborhoods in SF."

Policy 11.6 - should read to include - "protect and discourage inappropriate land-use changes that in-inappropriately destabilize, and change master planned communities without adequate review, do not allow better neighborhood planning processes that do not include neighborhood and community organization involvement in ALL aspects, and provide options and EIR's, and design charette's that ignore community input. Provide options and means to get community organizations input into the mitigation and alternative proposals so that the neighborhood concerns are vetted and integrated into any proposal for overall neighborhood changes so that

rental master planned communities, are not targeted for such uni-lateral land-use changes without overall review of location, and integration of transit and density is not balanced with adequate preservation/restoration and enhancement of community features and amenities consistently and equitably created in other neighborhoods through land-use, trusts and transfer of land-ownership to renters' and creation of new such communities citywide."

Policy 11.7 - should read to include - "prior to changing parking requirements, enforce existing parking, areas, and provide new incentives to manage, and control improper parking, incorrect and non-existent striping by city agencies, and consistent inclusion of effects of parking elimination by institutions into their future planning on and within their existing boundaries." (Ex: SFSU master plan elimination of parking structure on site, and use of Parkmerced as a 'garage' with no fair share enforcement and requirement of controls in parking off-site)

Policy 11.8 (New) - should read to include - "allowable building densities, without negatively affecting quality scale and character of existing communities, in addition to not reducing rental housing amenities." change the term "take full-advantage" out and replace with encourage development of new rental housing units and affordable units within and outside of the communities, through land-transfers and trusts, so that consistent neighborhood character can be preserved and protected, and restored amenities, and land acquired to provide new amenities and incentives for preservation of rental and affordable communities citywide".

Policy 11.9 - should read to include - "respecting and preserving neighborhood scale and character" including "respecting rental and affordable neighborhoods, by providing and enhancing incentives for adequate transportation and infrastructure improvements at the fore-front of any changes in requirements."

Policy 11.10 - should read to include - "encourage weatherization, and its review and post-installation performance to encourage sound and well built energy efficient installations, providing incentives and cost reduction programs, for tenants and affordable housing units, to improve long-range stability, restoration, preservation of rental and affordable units." and also "Energy Efficiency and Green efforts should not be used to destabilize low-income and rental communities, without due review and process of determining the best alternatives and methods prior to tear-downs, of units, separate govt. and city sponsored review of energy efficiency of units and their adequate improvements should be a separate entity, that includes renter organizations so that the identification of such energy in-efficiency is correctly documented and not biased against the renter's or rental areas without due review of all units in the area to determine the best and most sound methods of restoration and incentives to reduce pass-throughs to communities at risk of displacement by the efforts to "green" and make "sustainable" the developments without review of the effects on the amenities themselves (EX: green lawns, and landscape design, and possible historic landmark of Parkmerced and efforts to green the area without due process on the needed changes and effects environmentally of the work restoring the buildings, and proposals for tearing down fixed units)

REGIONAL AND STATE HOUSING NEEDS

*Objective 12 - should read to include - "investigate incorrectly filled in ABAG/FOCUS applications" and make sure that Priority Development and possible Conservation districts are adequately vetted with preservationist groups prior to their designation as "development areas" "Ensure that coordinated efforts in regards to conservation / preservation / restoration of master planned communities are not targeted in-appropriately by local agencies without notifying state and national agencies on the effects, and incomplete attention to possible national landmark candidates (ex: Parkmerced) [***NOTE**** Ex: memo sent to ABAG/FOCUS regarding Supervisor Sean Elsbernd's File 081281 designating Dist. 7 as a Priority Development Area, with a Transit Town Center, with no information on location, and errors in the filling in of multiple sections including part 3 and 5, the errors in the application should be rectified and the item notified to all*

community organizations with a 30 day notification period to provide adequate time for review, the Land-Use Committee of the SF BOS approved and forwarded it to the SF BOS without all documents being attached or proper and adequate notification period being sent to community organizations and tenants for the 3 pieces of legislation related to district 7 and 19th ave.!]

Policy 12.1 - should read to include - "economic growth, conservation/preservation of existing amenities, and increased rental housing and affordable housing needs, along with adequate transportation improvements implemented prior to development."

Policy 12.2 - should read to include - "well planned, mate planned communities and rental and affordable housing integration region wide to integrate, and make equitable the rental vs. for-profit housing issues that have divide and segregated renters as a class from the housing balance and equitable distribution of such areas into all neighborhoods and communities region wide."

Policy 12.3 - should read to include - "recognize their share of the responsibility to confront the RENTAL housing crisis in all regions, and promote restoration, preservation, new construction, density in all areas and neighborhoods to balance the in-equitable development and integration of rental housing state-wide."

Policy 12.4 (New) - should read to include - "increase public understanding of the need for rental and affordable housing being built and integrated into existing communities and new master planned communities for ALL quality housing projects."

Policy 12.5 -should read to include - "developing and implementing state preservation, restoration, enhancement and renovation of community amenities, rental housing, affordable housing, and integration and development of existing and new neighborhoods through competitions, and programs that generate jobs, corporate and institutional responsibility, and architectural and environmental stewardship of the resources and amenities of the natural landscape of this state for all citizens, through adequate densification and urban growth boundaries, re-inventing suburban growth models, and re-integrating landscape, and natural amenities to all neighborhoods in cities surrounding and within the bay area and state urban regions."

The Following Objectives and policies were noted as deleted from the 1990 Residence Element;

1990 Residence Element Objective 2 - should be read to include again - "to increase the supply of housing in ALL neighborhoods and districts unilaterally and without bias to economic or financial zoning/real-estate pricing so that over-crowding and the adverse affects on existing prevailing neighborhoods is balanced and appropriately re-distributed into all areas of the city so that individual neighborhoods such as rental or affordable, industrial or landscape and publically zoned areas are not the target and location of such adverse density that affects prevailing character of areas. The distribution and inclusion and integration of development of rental and affordable housing and new housing at market rate, must be integrated within and throughout all neighborhoods citywide so that discrimination, and biased development does not un-equitably target neighborhoods without due process and integration for a sense of community and fair distribution of development city-wide."

1990 Residence Element Policy 2.4 - should be read to include - "there is a need for a formal land-use and density distribution plan or master plan that integrates rental and affordable development and its amenities within all neighborhoods of san francisco, there needs to be a review and analysis of past years so that the integration and balance of tenure and tenancy with market needs is balance effectively judiciously and equitably citywide."

This memo has been Submitted to note and identify issues/requested by the planning department due to the implementation of this EIR and the revisions posted online, the response and comments I have submitted are to identify and pin-point to the best of my ability the very difficult and complex issues of the SF General Plan Housing Element, and the proposed elimination and changes of sections without a real change to date in the number of RENTAL units throughout the region and city as basic housing rental stock being created since 1990. I have noted "should read to include" to emphasize what I feel should or is lacking in the changes and statements. This is not all encompassing to say the least, and I do hope other organizations and tenancy groups are included in the "stake-holder" and meetings of the CAB 2009 and scoping hearing comments to re-emphasize the need for new rental stock at affordable base rents, and planned and designed with just the same number of amenities and quality level as the housing industry. To not have this balance is "injust/unequitable/discriminatory" towards renter's and creates a strong economic bias and division in the creation of housing citywide. The lack of Tenure and Tenancy units being created by the past versions of the 1990 and 2004 Housing SF General Plan Element, demand accountability by the city planners to recognize the im'balance and provide adequate steps at integrating, and providing for this segment of the population, which is ever increasing due to the strains of the economy and housing crisis. The CAB 2009 information posted seemed both out of date, and incorrect in its assumptions of the needs of renter's currently, and the price jumps we have seen in the market for rental units due to institutional expansion, renovations, and a lack of regulation on de-control of rental units or enforcement of the administration code section 41A which states specifically the need to control the conversion of rental housing to other forms of tenure.

Sincerely,



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cc: File
PRO (President Daniel Phillips, & PRO Board)
TENANTS TOGETHER (Dean Preston)
SFTU (Ted Gullickson)
Housing Rights Committee SF (Tommi Avicolti Mecca)
SF Tenants Network (Robert Pender)
Senior Action Network
SF BOS (c/o Angela Calvillo)
State Representatives (1 copy to each)
ABAG/FOCUS organizations

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NOV 10 2008

Case No.: 2007.1275E
Project Title: San Francisco 2004 Housing Element EIR
November 9th, 2008

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

Additional (EIR) Comments:

My prior memo, was specific to the Housing Element specific changes/sections that were being proposed to be changed by the 2004 element update. The following comments are in regards to the EIR checklist, and issues we consider must be labeled as potentially significant impacts from the proposed changes;

A. Project Description (As a whole this EIR affects all proposed and pipeline projects and foreseeable future projects and should state so in the description.)

B. Project Setting (this does not mention ABAG/FOCUS related projects or issues of the utilization of this document to allow for proposed projects in multiple districts of San Francisco. The planning dept. should note the multiple projects that are effected and state clearly the DR changes, and effects of the sub-division of SF into 4 sectors of proposed development impacted by this EIR update.

C. Compatability with Existing Zoning Plans. - As noted prior the proposed changes in the eliminated Objective 2, the changes proposed under Policy 2.3 that merges prior RE policy 3.4 and 3.5, the lack of enforcement in terms of Policy 1.9 and Admin. section 41A, the lack of analysis and enforcement to ensure Equal access to housing opportunities and sufficient and suitable rental housing opportunity citywide in Objective 8 and Policy 8.1, the lack of the use of land-trusts to acquire land and rental property to protect existing housing stock, and the lack of enforcement of policy 11.4 in relation to institutional expansion into neighborhoods all brings into question the compatability of the proposed changes with existing zoning plans. The zoning currently in district 7 does not show the SW portion of the city as a better neighborhoods plan, or redevelopment plan, yet the urgency of housing construction has favored only for-profit and market rate, with limited effect in the rental or mid-affordable range for renter's who would become home owners. The conflicts in this section deal specifically with Parkmerced and the lack of protection or review of the submitted Bulletin No. 19 to the Landmarks Preservation Advisory Board in October 2006, and the ongoing EIR approval of the SFSU Masterplan by the state, with only a Memorandum of Understanding that lacked community input, and removed portions of a masterplanned community utilizing a project specific EIR when issues of possible landmark designation, and historical preservation of a National Landmark was raised to the City and Planning Department, and the SF Board of Supervisors 800 Brotherhood Way development approval without an EIR.

Summary of Environmental Effects; (all items listed below should be labeled PSI for Potentially Significant)

Land-Use 1a - This would physically through the elimination and merger of some sections, and a lack of adequate review and analysis on the rental housing stock of the city, physically divide the established masterplanned community of parkmerced. The proposed annexing by SFSU and subdivision, along with proposed transit orientated development and routing of the muni through the site threaten its design and planning and possible nomination as a national landmark design.

Land-Use 1b - this conflicts with the existing general plan, as the Citywide Action Plan, and better neighborhoods plans did not recognize this area as a "TOD" when it was submitted under 081281 by the SF Land-Use Committee, to the FOCUS/ABAG organization with incorrect data submitted under items 3A, 3B, and 3C. It also conflicts with due process and review for Historical Resources in neighborhoods, and the use of land-trusts, and preservation (which is the most sustainable method) of addressing older rental designed neighborhoods. It also conflicts with section 41a regarding conversion of rental units, and rent control laws due to it creating an environment that promotes development in an established rental community and instigates destabilization, and

gentrification of the largest rental community in SF.

Land-Use 1c - this proposal has a huge impact on the visual character of this district and neighborhood through a total tear-down of the existing housing proposed by the parkmerced "vision" and proposals to densify on the existing portions where they were purchased by SFSU. The low-scale character, and proposed high-density development on this rental neighborhood will block vistas, change view corridors, and turn the low-scale quiet neighborhood into an open free-way and urban block tunnel of buildings with a loss of open space, and landscape amenities currently enjoyed by the community.

Aesthetics 2a - The scenic vista of parkmerced can be seen on site, and from air views of the area in relation to its planning with beaux arts radial streets and view corridors. (See www.tclf.org under Marvels of Modernism "landscapes at risk" Exhibition Nov. 19th at the george eastman kodak gallery in NY)

Aesthetics 2b - the proposed changes will significantly damage scenic resources which are the landscape designs of thomas dolliver church and robert royston who worked with leonard schultz in the design of parkmerced.

Aesthetics 2c - the proposal will through allowing density in the neighborhood cause a removal of the landscape design and plan.

Aesthetics 2d - Density factors proposed will create towers adjacent to towers and other buildings that will create additional light and glare and block views which will impact neighborhoods, existing units, and people living in the area, who are low-mid income renters. It will also affect the prior seclusion of the area as a rental neighborhood seperated by right of ways along holloway and brotherhood way.

Population & Housing 3a - the proposed changes will induce substantial population growth in the area, and surrounding districts, by the increase in density, commercial, and impacts on infrastructure.

Population & Housing 3b - the proposed changes have already displaced substantial numbers of units in the annexing of Stonestown Apartments and University Park South, the effects of increased students living in the remainder of parkmerced has not been analyzed or reported, and created additional demand that has not been analyzed in terms of institutional growth in rental residential neighborhoods by the SFSU masterplan and City College expansion plans in district 7. Replacement housing off-site was not considered in relation to Parkmerced, and the MOU ignored community input on the need to assess the impacts cumalatively on the adjacent rental neighborhood and its aesthetic character.

Population & Housing 3c - there has been a large displacement of renters since the university acquisition which has not been documented accurately by the city, the university or parkmerced management. Replacement housing proposed by the university impacts the layout and original design of the area. no proposal was given as a mitigation measure by the SFSU masterplan for replacement housing elsewhere or off-site for the proposed student housing or displaced community.

Cultural & Paleiontological Resources 4a - this proposal would have through the elimination of objective 2 and other sections allow for the adverse change of a historical resource (PARKMERCED) and its urban planning, architecture, and landscape design. per section 15064.5 and although not formally recognized by the SF LPAB, or State or National agencies it is a noted design and its sister development in Fairfax Virginia is on the national register.

Transportation & Circulation 5a,b,c,d,e,f,g - it has been repeatedly stated and noted by ourselves and other organizations of the western neighborhoods that the plans will drastically affect and

cause in increase in traffic, related to all systems and routes. The congestion currently is at capacity at many intersections in and surrounding parkmerced, and the increased density and proposed re-routing and cuts to our community based on the SF Muni Transit Effectiveness Project has decreased accessibility and access to seniors, disabled and commuters of this area through cutting routes and overlapping routes, and requiring transfers when heading downtown. The proposed density will individually and cumulatively affect service standards which are abysmal at present. Proposed developments have introduced concepts of changed traffic which will not improve the traffic levels in our neighborhoods, and will significantly increase pedestrian safety risks. There are noted significant intersections such as 19th and Holloway, and Juan Bautista Circle (adjacent to a Montessori School) that would also increase risk to pedestrians, accessing transit points, and children at the school. Another issue is that inadequate emergency egress from the city will be hampered by development in this area restricting egress from the urban downtown and sunset areas. The current inadequate parking has been repeatedly addressed to the SFSU masterplanners, and city agencies and will only get worse with additional density. ANY increase in population without adequate infrastructural increases first, will make a situation that is extremely dangerous at the transit and intersection at 19th and holloway and pedestrian low-scale neighborhood areas of parkmerced.

Noise 6a,c,d,g - existing and future noise levels would be significantly increased in the area due to densification, increase in population, and student increases proposed and already felt by neighborhoods in the noise "spectrum". Parkmerced was a prior working class, quite residential area, now proposed for "Vibrant" changes that are not conducive or wanted in a bedroom community. The existing area is well serviced by surrounding commercial areas, and the proposed density increases will allow commercial that was prior not part of the zoning for this area.

Air Quality 7a,b,c,d,e - Parkmerced as a neighborhood is a "micro-climate" that has major issues of MOLD and fungus growth on buildings when they are tall or not able to receive sunlight. The climate if density is allowed will be an increase in mold, and a reduction in air-quality due to congestion, reduction in low rise air flows, and increased wind-tunnel and heat sink creation in the proposed rail, and density of cars that will be impacting parkmerced from SFSU and parkmerced's planned growth.

Wind and Shadow 8a,b - public areas would be significantly affected as a microclimate, with larger buildings and shifting of the plan to linear streets from the radial system currently. The larger scale buildings will create new shadow areas and cause additional climate changes that would affect the outdoor ammenities and walkable streets we now enjoy.

Recreation 9a - The proposed SFSU masterplan and MOU annexed the Recreation Facilities of Parkmerced without due compensation, or replacement of facilities for community use, the recreation/community center, and loss of outdoor ammenities including land located along 800 Brotherhood (which prior may have served as open space landscape areas) has caused physical deterioration, and a reduction in community facilities due to planned development. The selling off of the 700 Font School site also a prior ammenity and recreation area, is also a physical deterioration and acceleration of development in our area without adequate review, and replacement for the community.

Recreation 9b - the proposals allow for Institutional expansion and new facilities for the campus, on existing rental neighborhood property, and the housing element changes will enforce or allow this to occur without adequate compensation, or replacement of these facilities, or adequate review of the impacts upon a large scale rental community. The effects on the physical landscape environment of parkmerced is already detrimental as the SFSU landscape crews, and parkmerced crews do not maintain the landscape, and have accelerated changes that alter the integrity of the original landscape design.

Recreation 9c - the degradation of the existing resources of our prior recreation space has been consistent and negative. The SFSU Housing group does not maintain or provide adequate access to the prior facilities and has not provided access to other alternative areas on campus for residents use. The ongoing changes and lack of maintenance has caused consistent degradation of recreational resources of the open space in parkmerced. The proposed changes to the housing element will allow ongoing reduction in the physical landscape of parkmerced and accelerate its gradual removal.

Utilities & Service Systems 10a,b,c,d,e,f,g - the infrastructure needs that will be required based on the proposed changes will cause significant impacts on all infrastructure, water, wastewater, and emergency facilities.

Public Services 11a - the proposed changes will automatically tax and increase the impacts on the governmental facilities in the are, affect response times, and has caused a reduction in schools parks and police protection in the area due to increased student related issues in the neighborhood.

Biological Resources 12a,b,c,d,e,f - There is noted sensitive areas around Lake Merced and animal habitats within parkmerced, the proposed changes will allow for densification that will limit such areas as natural resouces for habitats, and interfere with existing migratory routes of aviary groups using parkmerced and surrounding areas, the increased density and height allowances impedes further on provisions for habitat and conservation areas., the preservation of trees, and the effect on numerous large scale fully mature tree canopy in parkmerced will also be threatened by large-scale landscape and design changes.

Geology & Soils 13a,b,c,d,e,f - I have notified the SF Board of Supervisors at the Land-Use hearings of the effects of development and lack of proper and adequate maintenance of sloped areas on the south side of parkmerced, the known area is a site of liquifaction and erosion, and the area is at risk when large scale development and additional soil density and disruption through development will reduce and affect the existing buildings ability to withstand seismic activity. The increased density allowances will accelerate development in areas such as 800 Brotherhood which are not stable areas, and have a history as a adverse area for development due to insecure geological soils.

Hydrology and Water Quality 14a-j - the proposed development changes will accelerate water run-off into the lake merced area per the SFSU Masterplan and Parkmerced "Vision" the increased drainage and retention systems proposed and the areas risk as a flood and tsunami area are also impacted by development proposals, the elements changes do not take into account the impact on the existing infrastructure drainage system, and will accelerate impacts to local water quality and protected areas such as Lake Merced.

Hazards and Hazardous Materials 15a-h - the aged construction and materials proposed to be demolished through the changes and development density proposed in the neighborhood by the housing element changes will increase the significant hazards and emissions of materials due to proposed large-scale demolition of rental housing built pre 1940's.

Mineral & Energy Resources 16c - the development activities will consume large amounts of fuel, energy, and water, that has been determined to be not controlled by municipalities. The improvements on parkmerced areas, were not controlled and complaints filed, due to inadequate clean-up and wastefull use of water in cleaning roofs, and paved areas, and increased energy use for such development and construction.

Agricultural Resources 17c - the proposed changes will effect the existing environment and natural designed elements of parkmerced as a masterplanned community and landscape design, the additional proposed density proposes agricultural use and development in the area, but the

produce and amount of land for units and housing created is not specified nor is there designated lands made available to renters citywide and for all developments proposed in the future that sustainably proposes land being made available for agricultural use by tenants and residents of the city.

Mandatory Findings of Significance 18a - Less than significant with mitigation incorporation

Mandatory Findings of Significance 18b - the proposed changes would have a large scale impact cumulatively with the proposed past, present and future proposals that have been approved and are in the pipeline. The proposed element changes allows the density and changes without looking at the effects on RENTAL housing Tenure and Tenancy in the city and county and the lack of Historical and Preservation alternatives through land-trusts, and transfer development rights. The effects of the SFSU Masterplan EIR approved has been huge on the area, and proposed future proposals will only negatively impact the neighborhood further.

Mandatory Findings of Significance 18c - the proposed changes will have largescale environmental impacts on human beings, and has already caused large scale displacement of renter's and existing community that has not been accounted for.

G. Public Notice and Comment - We stated at the scoping hearing Nov. 6th to the planners present that the notification of groups in the "classifieds" is not acceptable or gets information and notification out city-wide and to state and local organizations concerned with the housing element changes and lack of rental housing such as tenancy groups. No listing of organizations contacted, or information posted as to where this was published and the extent notification was implemented. People attending the hearing Nov. 6th noted the need to extend the comment period, and not limit the speakers to 3 minutes which does not suffice to address all the proposed changes to the Housing Element that people wanted to submit verbally.

H. Determination - The proposed project WILL have a significant effect on the environment and an environmental impact report is required. The project and proposal has not been adequately reviewed prior, and the lack of adequate survey and review of the mentioned impacts and implementation of the 1990 Housing Element and the proposed 2004 changes through current data and current needs, and a lack of review of the impacts on renters and tenure tenancy as an equal need for development of housing since 1990 is what is needed to be reviewed. The impacts and lack of affordable base housing stock and rental units at affordable base rents has caused major disruption and development in the valley of california, and outside city limits inducing sprawl and over-development of state resources. The proposed element allows density to occur without adequate cumulative impact review of the built work post 1990 to today, and adequately identify and address the current housing needs and what elements must be strengthened and enforced with punitive and mandatory legislation to require and balance the needs of renters who have been discriminated against as a social/economic class by developers, city agencies, and investors.

Thank you for including these as comments, and responding accordingly.

Sincerely,

**Aaron Goodman VP @ PRO
www.parkmercedresidents.org
aaron@parkmercedresidents.org
cc: File attn: PRO (President Daniel Phillips, & PRO Board)
TENANTS TOGETHER (Dean Preston)
SFTU (Ted Gullickson)
Housing Rights Committee SF (Tommi Avicolli Mecca)
SF Tenants Network (Robert Pender)**

To: San Francisco Dept. of Planning
Att: Wm. Wycko, Env. Review Officer
1650 Mission St Suite 400
San Francisco, Ca. 94103

Fr: Bernard Choden
85 Cleary Ct., #11
San Francisco, Ca. 94109

Re: Scoping Hearing on EIR for 2004 Housing Element of the General Plan response.

Nov. 6, 2008

Based upon the California Gov. Code 65580-65589.8, the following are noted as violations of the clear directives from that code with regard both of the 2004 Housing Element and proposed EIR. (H.E. in initial form refers to the Housing Element)

65580: The purposes of the H.E. cited are variously unmet particularly with regard the diversity of needs and mitigations required.

65581: The limitations permitted local government require clearly defined competitive priorities and resource limitations. The department's claim to resolve mitigations primarily through market forces clearly ignores the possible use of ground rents from almost \$ 4 billions in public land equities and other subsidy resources. A regional HUD finding in 2003 indicated that 95% of households could not enter the rental or ownership market with a form of public subsidy. As previously testified, the 2004 H.E. does not sufficiently identify the diversity in housing needs by cross-tabulation of household incomes with such variables as disabilities, ages, tenure, occupations, location of occupations and condition of facilities that would identify special occupancy and vocational needs. For example, the 1990 H.E. cited about 30,000 units occupied without permits, did they disappear in 2004 and what might one surmise about the condition of those units?

65582(1): Requires a sufficiency of water and sewer hookup. Current PUC hearings indicate that the city lacks sufficient infrastructure and resources to accommodate current and expanded populations. What is the holding capacity of the city as to infrastructure, services and income/job generation? Clear commitment to such sufficiency in advance is required but is not furnished.

65583: Analysis is needed as to needs and mitigation for all income levels with inclusion for dwelling requirements for conservation and rehabilitation.

65583(2): Again, this requirement refers to the "availability of financing" and the "price of land." If below market households cannot maintain themselves in the open market because of they lack financing and because of the increasing price of land, then there are environmental displacement issues not addressed in the H.E.. That issue is exacerbated directly by City Planning policy to increase the price of land through upscale zoning without mitigating for the effect such price increases have on housing availability for ALL HOUSEHOLD INCOMES GROUPS REQUIRING HOUSING. To be perfectly clear, the administration's desire to obtain increased property tax revenues through an increase in the price of land violates in some degree the ability of most households to afford housing in their city. The legal equivalent of such action is "**inverse condemnation.**"

The department further indicates that an adequate supply of land exists to meet current and future needs. This is a non sequitur. Such sites are not identified to be suitable as to safety (say seismic events), adequate services, employment location and infrastructure. Secondly, all city land has other usage claims on it, some of which have more substantial economic verity and community needs. Further, the city deliberately lacks a commitment to the institutional and fiscal resources needed to make such land available, by priority, for household developments when and where they are needed.

65583 (B): There are no stipulations for housing replacements resulting from public actions or approvals.

65583 (D): The H.E. must identify all actions needed to make land available (as noted above) during the five year period of the General Plan implementation. Given that the General Plan is both obsolete and lacks an implementation policy mechanism, one cannot have an operable H.E. within, in effect, a General Plan that lacks policy implementation means and, therefore, the General Plan cannot provide a mechanism for mitigation particularly with regard such other required elements of the General Plan as transportation and capital programs. That is, the Planning Department determines "policies" to be a "goal", an encouraging wish. A legal and professional definition of "policy" is "**an administrative order intended to be enforced.**" If you can't enforce the General Plan, it doesn't exist. Without a General Plan, there cannot be a H.E..

The proposed H.E. EIR is not a good faith document.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711

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CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A



*Flex your power!
Be energy efficient!*

November 12, 2008

SFGEN032
SCH#2008102033

Ms. Jessica Range
Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Range:

San Francisco 2004 Housing Element – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed City and County of San Francisco Housing Element. The comments presented below are based on the Notice of Preparation for the Draft Environmental Impact Report. As lead agency, the City and County of San Francisco is responsible for all project mitigation, including improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to certificate of occupancy. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Impact Analysis

In order to reduce traffic impacts on State facilities and meet the needs of all transportation users, the City should consider and plan for multiple transportation modes including walking, bicycling and transit use. Furthermore, the City should evaluate impacts on pedestrians, bicyclists and transit users resulting from the transportation element update, in addition to the customary analysis of traffic impacts. Mitigation measures aimed at reducing impacts on one mode of transportation should also be evaluated for their unintended impacts on other modes of transportation, such as traffic mitigation impacts on walking and bicycling.

The traffic impact analysis should analyze the effect this transportation element update will have on State highway facilities and include, but not be limited to the following:

1. Existing Conditions – Current year traffic volumes and peak hour level of service (LOS) analysis of affected State highway facilities.
2. Proposed General Plan Only with Select Link Analysis – Trip generation and assignment for build-out of general plan. Select link analysis represents a project only traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.
3. General Plan Build-out Only – Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
4. General Plan Build-out plus Proposed General Plan Update– Trip assignment and peak hour LOS analysis. Include proposed general plan amendment and other pending general plan amendments.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' "*Guide for the Preparation of Traffic Impact Studies*" which can be accessed from the following webpage:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the traffic impact analysis, including technical appendices, and Draft Environmental Impact Report for the City and County of San Francisco Housing Element. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Ms. Jessica Range/City and County of San Francisco
November 12, 2008
Page 3

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

A handwritten signature in black ink that reads "Lisa Carboni". The signature is written in a cursive, flowing style.

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

which also include standards for setbacks, open space, height, mass, scale, street face, gardens, sidewalks, parkways, off street parking, no secondary units or businesses, fences, architecture, ~~and~~ preservation of

San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004 Housing Element
Case # 2007.1275E

etc. Remodelings allowed within guidelines - Planning Dept knows. They have been supportive

If you wish to submit written comments on the above project, you may do so on this sheet (although use of this form is not required). Please submit written comments in person to Jessica Range at today's public scoping meeting, or by mail to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. All comments must be submitted no later than 5 P.M., November 12, 2008.

Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary. -

Environmental effects that should be evaluated:

Land Use - substantial impact of density on existing neighborhood character

Conflicts with long standing CCE's for example, with St. Francis Wood's CCE's and Neighborhood Design Guidelines - which are now supported by Planning Dept through BON's - with such elements as reduction or elimination of parking requirements. We have 1-1 parking and prefer nearby developments to have 1-1 parking - not just to prevent spillover parking into neighborhoods, but also to allow for plugging in electric cars, which are now more likely and will be environmentally helpful. Also, re secondary or in-law units - which we do not have - single family per CCE's - also height restrictions - unless neighborhoods such as ours exempt or excluded, impact could be devastating.

Name: Carolyn Squeri

Organization (if any): St. Francis Homes Association

Address: 101 Santa Clara Ave, San Francisco, CA 94127

Aesthetics - ambience of neighborhoods w/ tree plants, etc. could be affected by development through encroachment to ^{move out on density / properties}

Substantial population growth - significant impact on availability of water, water pressure, sewage, storm drains, noise & air quality & added cars and traffic

(By the way, we consider it a fallacy to think that people out here will not have cars if parking space not available - mass transit nowhere close to what would need to be)

Wind, shadows, views from higher bldg developments
Existing recreation facilities already ^{rare and} stretched

Services - fire, police, schools, parks, Muni, utilities
Infrastuctures would all need improvement

Biological resources - we currently have wide variety of birds, squirrels, migratory birds, etc. - what would impact be?

Geology and soils - much of the west side is built on sand - all the way up to the hills. During '89 earthquake - liquefaction resulted in severe damage - yellow tagged (two stories over garages) homes. Also, West Portal is built over a creek bed. Any density, taller buildings should be evaluated based on existing ground, soil, drainage, run-off, stability, etc.

Cumulative impacts of these policies should be evaluated. Extensive mitigations provided, esp. regarding current traffic circulation, volume, speed problems which Planning/MTA is trying to address.

We should not have to go to court to protect our neighborhoods' CCEER's from those who view the public policy of the City to encourage development ^{within our boundaries} that our CCEER's prohibit. One mitigation could be protecting neighborhoods

San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004 Housing Element
Case # 2007.1275E

If you wish to submit written comments on the above project, you may do so on this sheet (although use of this form is not required). Please submit written comments in person to Jessica Range at today's public scoping meeting, or by mail to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. ^{w/ CCEER's} All comments must be submitted no later than 5 P.M., November 12, 2008.

Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary.

I am quite concerned about the removal of 1990 Residence Element Objective 2 - "To increase the supply of housing without ... adversely affecting the prevailing character of existing neighborhoods."

This change would cause a huge environmental impact on the aesthetics and liveability of our neighborhoods, which are what make S.F. unique and distinctive. Why jeopardize with one-size-fits

Name: Carolyn Squeri

Organization (if any): _____

Address: 12 San Leandro Way, San Francisco, CA 94127

all-policies. Consideration ought to be given to protecting ^{www.sfplanning.org} existing neighborhoods - over.

We are not against development or expanded affordable housing — but it should be done in a way that does not negatively impact or destroy our SF neighborhoods.

The broad swaths along all transit lines for transit corridor development that cuts right into beautiful SF neighborhoods is wrong. Keep development right along your commercial or transit corridors, but don't destroy SF's neighborhoods (from whom much of our property tax support comes) by jeopardizing their character and amenities.

The application of the Housing Element throughout the City without sufficient consideration of the current baseline environmental qualities that neighborhoods currently provide — is a big concern.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 5, 2008

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NOV 07 2008

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

Jessica Range
City and County of San Francisco
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
San Francisco 2004 Housing Element
SCH# 2008102033

Dear Ms. Range:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission urges your agency to include consideration of potential project-related rail safety impacts, and measures to reduce adverse impacts in the DEIR for the Housing Element update to your General Plan. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Changes in land use should not be allowed that would permit housing adjacent to existing rail yards. Similarly, where a need for grade-separated crossings is identified, new development should not be placed adjacent to at-grade highway rail crossings, within the footprint of land needed for future grade-separation structures.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-1306.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kevin".

Daniel Kevin
Regulatory Analyst
Consumer Protection and Safety Division

**San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004 Housing Element
Case # 2007.1275E**

If you wish to submit written comments on the above project, you may do so on this sheet (although use of this form is not required). Please submit written comments in person to Jessica Range at today's public scoping meeting, or by mail to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **All comments must be submitted no later than 5 P.M., November 12, 2008.**

Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary.

The inclusion of increased density in the West Portal area will cause significant traffic, noise, pollution and congestion on St Francis Wood Monterey Heights, Balboa Terrace and other western single family residences, affecting the quality of their historic neighborhoods and surrounding parks.

Name: Edward V. Anderson

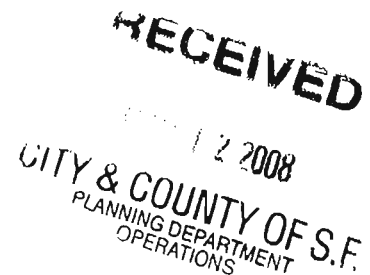
Organization (if any): _____

Address: 330 Santa Clara Ave SF CA 94127

CSFN Land Use and Housing Committee
Hiroshi Fukuda, Chair
PO Box 320098
San Francisco, Ca 94132-0098

November 11, 2008

Mr. Bill Wycho, Environmental Review Officer
San Francisco Planning Department
1650 Mission St., S.F. Suite 400
San Francisco, CA 9413



Dear Mr. Wycho:

PROJECT TITLE: San Francisco 2004 Housing Element
CASE NO: 2007.1275E

The Coalition for San Francisco Neighborhoods (CSFN) urges the Planning Department to update the House Element 2004 Data and Needs Analysis thought October 2008. An Environmental Impact Report must be accurate, adequate, complete, and sufficient, and this cannot be done unless a current data and needs analysis is completed. Data and needs analysis is necessary to formulate objectives, policies and implementation plans. The data and needs analysis needs to be updated in the follow areas:

I. POPULATION AND EMPLOYMENT TRENDS..

- A. Population changes: 1. Population Change, 2. Household Characteristics
- B. Employment: 1. Jobs; 2. Employed Residents and Commuters; 3. Employed Residents, Household Workers and Income
- C. Demographics: 1. Age; 2. Ethnic Composition; 3. Income

II. HOUSING CHARACTERISTICS

- A. Existing Housing Stock: 1. Changes in Housing Stock; 2. Type and Location of New Construction; 3. Pipeline; 4. Live/Work; 5. Illegal New Construction; 6. Units Demolished; 7. Other Changes to the Housing Stock; 8. Residential Hotel Stock; 9. New Construction of Low and Moderate Income Housing; 10. Federally Assisted Units
- B. Affordability: 1. Owner-Occupied Housing; 2. Rental Housing; 3. Loss of Publicly Assisted Housing [Housing Element Table of Contents ii Adopted May 13, 2004-NEEDS UPDATE]
- C. Vacancy
- D. Coastal Zone Housing

III. HOUSING NEEDS

- A. Overall Housing Needs
- B. Housing Needs of Special Population Groups: 1. Homeless; 2. Mentally Ill; 3. Physically Disabled; 4. Elderly; 5. Persons With AIDS and Terminally Ill Patients; 6. Low Income Ethnic Communities; 7. Immigrants, Refugees and Undocumented Workers; 8. Multi-Generational and Large Households; 9. Low Income Single Persons; 10. Students; 11. Artists / Artisans

- D. Housing Preservation Needs: 1. Private Housing Rehabilitation; 2. Public Housing Rehabilitation; 3. Seismic Retrofitting
 - E. Replacement of Lost Units: 1. Loss of Units Through Demolition; 2. Loss of Units Through Mergers; 3. Loss of Illegal Secondary Units Through Code Enforcement; 4. Loss of Units From Conversions to Commercial Use
 - F. Housing Affordability: 1. Affordability of New Housing Construction; 2. Household Overpaying; 3. Overcrowded Households; 4. Expiration of Subsidized Section 8 Rental Housing and Mortgage Subsidies
- [Housing Element Table of Contents iii Adopted May 13, 2004-NEEDS UPDATE]

IV. INVENTORY OF LAND SUITABLE FOR RESIDENTIAL DEVELOPMENT

- A. Determining Potential Housing Sites
- B. Terms and Methodology: 1. Terms; 2. General Approach; 3. Specific Approach by Zoning
- C. Suitability of In-Fill Housing Development Under Existing Zoning
- D. Locating New Housing Development in Existing Neighborhoods and Planned Areas
- E. Realization of Housing Potential: 1. Projects in the Pipeline; 2. Housing in Residential Areas
3. Housing in Neighborhood Commercial Districts; 4. Better Neighborhoods Program
5. Housing in Industrial Areas and the Eastern Neighborhoods; 6. Housing on Public Lands

VI. CONSTRAINTS TO HOUSING PRODUCTION AND CONSERVATION

- A. Non-Governmental Constraints: 1. Land Availability and Costs; 2. Housing Development Costs; 3. Infrastructure; 4. Availability of Open Space; 5. Access to Commercial and Other Services
- B. Governmental Constraints: 1. Entitlements and Permit Processing; 2. Permit Application Fees
3. Building Code Standards; 4. Transportation; 5. Infrastructure Standards;
- C. Financing: 1. Private Financing Sources; 2. Public Financing Sources
- D. Community Acceptance

[Housing Element Table of Contents iv Adopted May 13, 2004, NEEDS UPDATE]

VII. QUANTIFIED HOUSING GOALS

VIII. APPROACHES AND RESOURCES AND TO MEET CURRENT AND FUTURE HOUSING NEEDS

CSFN urges the Planning Department to extend the Housing Element 2004 scoping period to allow full participation by the public in this extremely important process. Other CSFN members will be writing of other concerns. Thank you for this opportunity to participate in the scoping process.

Yours truly,



Hiroshi Fukuda, Chairman
CSFN Land Use and Housing Committee

RICHMOND COMMUNITY ASSOCIATION

146 18TH Avenue, San Francisco, Ca 94121 Fax 415-386-2632

November 11, 2008

Mr. Bill Wycho, Environmental Review Officer
San Francisco Planning Department
1650 Mission St., S.F. Suite 400
San Francisco, CA 9413

Dear Mr. Wycho:

PROJECT TITLE: San Francisco 2004 Housing Element
CASE NO: 2007.1275E

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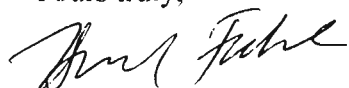
The Richmond Community Association urges the Planning Department to update the House Element 2004 Data and Needs Analysis thought October 2008. An Environmental Impact Report must be accurate, adequate, complete, and sufficient, and this cannot be done unless a current data and needs analysis is completed. Data and needs analysis is necessary to formulate objectives, policies and implementation plans.

The Richmond Community Association also believes the following needs to be included in the Housing Element 2004 environmental process:

1. What type of housing and transportation system will there be for seniors who are projected to be 40% of SF residents in year 2030? (Many Seniors don't bike & hike)
2. How many off street parking spaces are there in SF now and projected for 2030.
3. How many autos are there in SF now and projected for 2030?
4. How many street parking spaces are there in SF now and projected for 2030?
5. How many of projected 782,560 workers in 2030 will reside in SF?
6. What is median income of new jobs?
7. What is the projected cost of housing i.e. home, condos, rentals in 2030?
8. What is the penalty for not meeting State mandated production targets? Are other cities and counties meeting their production targets, and if not how do they compare to SF?
9. How will SF meet the water demands of its own increased population, and the increased demands from the other cities that obtain their water from the SF water system in 2030?
10. What is the sewer capacity now and what will it be in 2030?
11. How many of the residents in the new mid-rises and new high rises will be able to reside in their homes after a major 7.5 earthquake?

The Richmond Community Association urges the Planning Department to extend the Housing Element 2004 scoping period to allow full participation by the public in this extremely important process. Thank you for this opportunity to participate in the scoping process.

Yours truly,



Hiroshi Fukuda, President
Richmond Community Association

Coalition for San Francisco

Neighborhoods

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President

Gary Noguera 469-8899

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Barbary Coast Neighborhood Assn

Bayview/Hunters Point

Coordinating Council

Buena Vista Neighborhood Assn

Cathedral Hill Neighbors Assn

Cayuga Improvement Assn

Cole Valley Improvement Assn

Cow Hollow Assn

Diamond Heights Community Assn

Dolores Heights Improvement Club

East Mission Improvement Assn

Eureka Valley Promotions Assn

Ewing Terrace Neighborhood Assn

Excelsior District Improvement Assn

Fair Oaks Community Coalition

Forest Knolls Neighborhood Assn

Francisco Heights Civic Assn

Golden Gate Heights Nghbrd Assn

Greater West Portal Nghbrd Assn

Haight Ashbury Improvement Assn

Inner Sunset Action Committee

Jordan Park Improvement Assn

Laurel Heights Improvement Assn

Lincoln Park Homeowners Assn

Marina Civic Improvement &

Property Owners Assn

Miraloma Park Improvement Club

Mission Creek Harbor Assn

new Mission Terrace Improvement Assn

North Beach Neighbors

North Park Neighbors

Oceanview, Merced Heights.

Ingleside — Neighbors in Action

Outer Mission Residents Assn

Pacific Heights Residents Assn

Panhandle Residents Organization/

Stanyan-Fulton

Potrero Boosters Neighborhood Assn

Richmond Community Assn

Rincon Point Neighborhood Assn

Russian Hill Improvement Assn

Russian Hill Neighbors

Sunset Heights Assn of

Responsible People

Sunset-Parkside Education &

Action Committee

Telegraph Hill Dwellers

Twin Peaks Council & Open

Space Conservancy

Twin Peaks Improvement Assn

West Presidio Neighborhood Assn

November 6, 2008

Bill Wycko

San Francisco Planning Department

1650 Mission Street Suite 400

San Francisco CA 94103

Re: Case No. 2007.1275E

San Francisco Housing Element EIR Public Scoping Meeting

Mr Wycko,

The following points should be analyzed in the 2004 San Francisco Housing Element EIR:

- 1.) How is the 2004 Housing Element in conflict with the General Plan?
- 2.) Is the baseline data accurate from which the city can accurately determine actual quality, nature and/or degree of impact?
- 3.) Traffic and parking congestion: will the EIR state what the mitigation measures will be?
- 4.) NC-T classification is new to 2004 H.E.: what are the environmental effects?
- 5.) Water: With the proposed increase in population how will the demand for increased water be met with drought occurring more frequently due to changing weather?
 - a. How is the water supply protected from seismic events?
- 6.) Noise: Will increased density and traffic expose present and future populations to excessive ambient noise in residential neighborhoods?
 - a. What effect does this have on individuals, i.e. stress
- 7.) Fire, Police and Emergency Services: What is the master plan for evacuation out of the city with increases in day workers and increased population with only one land exit?
- 8.) What is the master plan for health and safety of the city's population that will need to leave the city in emergency situations?
- 9.) How will community safety be insured by the police and fire departments if there is an increased population?
- 10.) Do the H.E. Implementations have cumulative effects i.e. air quality, traffic, density, crime, when viewed in connection with the effects of a future with increased population, population density and traffic?
 - a. What psychological effect might this have on the population in the future?

Gary Noguera

President

JUDITH BERKOWITZ
1322 Florida Street
San Francisco CA 94110
(415)824-0617
sfjberk@mac.com

November 6, 2008

Bill Wycko
San Francisco Planning Department
1650 Mission Street Suite 400
San Francisco CA 94103

Re: Case No. 2007.1275E
San Francisco Housing Element EIR Public Scoping Meeting

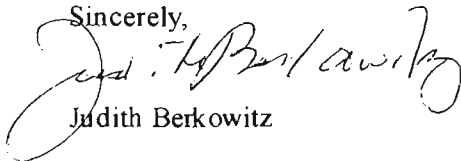
Mr Wycko,

Please analyze the following points in the 2004 San Francisco Housing Element EIR:

- 1.) The interpretive text for Policy 11.7 calls for maximum parking standards. This is one of the policies the court said was new and had to be analyzed in the 2004 EIR. The new NC-T zoning classification has one parking space per every 2 units which is a maximum parking standard. The 1990 Residence Element did not call for maximum parking rezoning. Will the 2004 Housing Element EIR analyze the potential environmental effects of the new NC-T zoning classification which you adopted in connection with the Market-Octavia plan?
- 2.) What work programs listed at the end of the Housing Element will be analyzed as part of the project in the 2004 Housing Element EIR: Market-Octavia area plan, the Eastern neighborhoods area plan, Rincon Hill, etc.?
- 3.) How do you define the project that the 2004 Housing Element EIR will consider? The Housing Element states that your goal was to increase the capacity of the city for housing by rezoning but does not state how much increased capacity was sought. How much increased housing capacity was your goal in 2004?
- 4.) If new policies were added to the 2004 HE but nothing is built under those policies until 2009, are you going to evaluate their environmental effects in the 2009 environmental document?
- 5.) How will the 2009 Housing Element differ from that of 2004, and will you prepare an EIR on the 2009? Are you doing one big document for the 2009 update consisting of the 2004 proposal and the proposed 2009 update or two separate documents?

Thank you.

Sincerely,



Judith Berkowitz

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OPERATIONS

4:38pm *W*

KATHRYN R. DEVINCENZI

ATTORNEY AT LAW

22 IRIS AVENUE

SAN FRANCISCO, CALIFORNIA 94118-2727

Telephone: (415) 221-4700

Facsimile: (415) 346-3225

BY HAND DELIVERY

*N*ovember 12, 2008

City and County of San Francisco
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Attn: Bill Wycko

Re: San Francisco 2004 Housing Element EIR
Case No.: 2007.1275E

I am the attorney for San Franciscans for Livable Neighborhoods, the association of fourteen (14) neighborhood organizations, which successfully sued the City and County of San Francisco ("City") and achieved the decision of the Court of Appeal which requires the City to prepare the environmental impact report ("EIR") at issue. This EIR must comply with the requirements of the decision of the Court of Appeal in all respects.

The EIR must analyze each and every potentially significant environmental impact which could result from the changes from the 1990 Residence Element that are embodied in the 2004 Housing Element or the proposed project. Such changes include, without limitation, changes in the language of objectives, policies, interpretative text, implementation actions, work programs, data, needs analysis, narrative discussions, and all other language contained in the housing element amendments under analysis in the EIR. The EIR must identify each and every change in language from the 1990 Residence Element that is embodied in the 2004 Housing Element or project, including without limitation changes in each of the previously described matters. Such changes also include, without limitation, the changes described in the May 13, 2004 San Francisco Planning Commission Resolution No. 16787 (the approval resolution for the 2004 housing element update and revision, a copy of which is attached as Exhibit 1 hereto). The matters set forth in that approval resolution include without limitation the "update and revision of the Housing Element" which contains:

- "a) an assessment of housing needs and an inventory of resources and constraints to meet housing needs;
- b) a comprehensive set of objectives and policies addressing construction and conservation of housing, affordability and citywide and regional housing concerns;
- c) an action program to implement the policies and achieve the goals and objectives of the Housing Element;

- d) targets for construction of almost 20,400 new housing units....”

PROJECT DESCRIPTION AND EIR SCOPE

CEQA requires an accurate, stable, finite project description in order to provide a baseline for the analysis of alternatives and mitigation measures which could reduce or eliminate significant effects of the project under analysis. The City must clearly define the project which is under environmental review and the objectives of that project. The EIR must clearly state the objectives of the changes to the 1990 Residence Element, including without limitation the approximate number of new housing units which is the project’s goal or objective, with any pertinent affordability targets for such housing, and the time period in which the City seeks to realize the pertinent construction targets.

The EIR must analyze each and every potentially significant impact on the environment which could result from any and all changes in implementation measures, proposed zoning, proposed area plans, area plans approved between May 13, 2004 and the date of issuance of the notice of preparation of this EIR and any zoning approved between May 13, 2004 and the date of issuance of the notice of preparation of this EIR that relates to residential or mixed use housing. The EIR must identify each area plan or rezoning which the City approved after May 13, 2004 in which the City relied in whole or in part on any change from the 1990 Residence Element.

The EIR must clarify the confusion as to the nature of the project. Is the project intended only to produce enough new housing units to meet the City’s share of the regional housing needs allocation (“RHNA”) as determined by the Association of Bay Area Governments (“ABAG”) or the California Department of Housing and Community Development (“HCD”) or other applicable government agencies, and, if so, for what time period does the proposed project seek to achieve that goal? If not, what is the goal of the proposed project and amendments to the housing element at issue, including without limitation the quantified objectives for the new housing unit goal which the project seeks to achieve? If the proposed project and housing element amendments seek to increase the City’s capacity for housing through measures such as zoning changes or new area plans, the EIR must clearly state the amount of increased capacity which is sought and identify the areas of the City which the City may seek to rezone or subject to new area plans to achieve increased capacity.

Page 4 of the City’s October 8, 2008 Notice of Preparation states that the “January 1999-June 2006 RHNA prepared by ABAG provides the basis for the 2004 Housing Element” and states that “San Francisco’s share of the regional housing need for this period was calculated as 20,372 units.” However, page 5 of the City’s October 8, 2008 Notice of Preparation states that ABAG’s “new RHNA projections for 2007-2014” total 31,193 units, “an additional 10,800 units, a considerable increase in housing over the previous planning period.” As part of a clear project description, the EIR must explain that each new housing unit constructed (or permitted,

depending on the applicable criteria, which the City must disclose in the EIR) after conclusion of the January 1999-June 2006 planning period will count toward the RHNA target for the 2007-2014 period and that these targets are not additive. That is, over 50,000 units are not the RHNA target for the two periods. The EIR must explain that at the conclusion of the January 1999-June 2006 planning period, the targets for that period no longer apply and the targets for the new 2007-2014 planning period are the only RHNA targets that apply. Obviously, since the January 1999-June 2006 planning period is over, it would make no sense to take actions designed to meet those now-inapplicable targets. However, the EIR must analyze the potentially significant impacts on the environment of the new residential units constructed from January 1999-June 2006 using different construction standards from those set forth in the 1990 Residence Element, together with feasible alternatives and mitigation measures which could reduce or eliminate impacts. Many members of the public are confused about the Notice of Preparation's reference to goals for the prior planning period, and the resulting inadequate project description and baseline, and the EIR must clarify these issues and provide a clear project description and baseline.

The EIR may not merely propose to readopt the 2004 Housing Element without any changes to it or readopt the matters set forth in SF Planning Commission Resolution No. 16787 without any changes to those matters, because if it did, the City's action and environmental review process would be a prohibited after-the-fact rationalization for an action taken in violation of CEQA.

The EIR must specifically identify each area of the City, including each neighborhood, neighborhood commercial area, transit corridor, or other area which could be subjected to the changes from the 1990 Residence Element embodied in the 2004 Housing Element or proposed project.

The EIR must contain a description of each and every subsequent project that would be within the scope of the program EIR for the 2004 Housing Element amendments or proposed project, and provide sufficient information with regard to the kind, size, intensity and location of the subsequent projects, including but not limited to, all of the following:

- A) The specific type of project anticipated to be undertaken.
- B) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential or mixed use development, and with regard to a public works facility, its anticipated capacity and service area.
- C) The anticipated location and alternative locations for any development projects.
- D) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.

The EIR must contain a description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the program EIR. (Public Resources Code §21157) The EIR must state whether will be used as or serve as a master EIR under Public Resources Code §21157. If environmental assessments for any anticipated subsequent projects would tier off the EIR for the 2004 Housing Element amendments or proposed project, the EIR must identify all such anticipated subsequent projects.

REASONABLE RANGE OF ALTERNATIVES

Under the California Environmental Quality Act (“CEQA”), Public Resources Code §21,000 *et seq.*, a public agency is prohibited from approving a project which would have one or more significant impacts on the environment if there are feasible mitigation measures or alternatives which could lessen or avoid those impacts. So, due to these action-forcing requirements of CEQA, CEQA does not merely require a disclosure of impacts. The EIR must analyze and mitigate or avoid each and every potentially significant environmental impact which could result from each of the changes from the 1990 Residence Element that are embodied in the 2004 Housing Element or proposed project and all potential implementations of those changes.

The 2004 housing element amendments proposed major changes to the fourteen-year-old housing element of the City’s general plan which were designed to achieve a “far greater” rate of housing production than occurred in previous years. (1 AR 82; 28 AR 7522)¹ “New policies strive to expand land capacity” and “direct new housing” to certain locations, “especially in areas well served by transit.” (1 AR 82, 16, 283, 328) However, the proposed housing element amendments did not quantify the amount of housing production intended. Consistent with the requirements of Government Code §65583, the housing element must include “an action program to implement the policies and achieve the goals and objectives of the Housing Element.” The action program portion of the City’s 2004 Housing Element calls for, among other things, imposing zoning changes in Downtown Neighborhoods (including Rincon Hill and Mid-Market Redevelopment Areas), the Eastern neighborhoods, the Market-Octavia area, the Central Waterfront, and in “transit-served corridors.” (1 AR 328; Golick Dec. ¶¶5-8, 10-14, 41, 42; 28 AR 7522; 1 AR 145; Slip Op. p. 13)

A City document discloses that these rezonings and planning efforts “will greatly expand”

¹ Excerpts from the certified administrative record in the legal action which required this EIR are in the City’s possession and will be cited herein as [volume] AR [page number]. Excerpts from the Deposition of Paul McDougall will be attached as Exhibit 2 hereto and cited as “McDougall.” The Declaration of David Golick filed in the legal action will be attached as Exhibit 3 hereto and cited as “Golick Dec.”.

the City's capacity for additional housing to 78,000 units, which is more than double its additional unrealized capacity under current zoning of 29,100 units. (11 AR 2806, 2813-2819; 15 AR 4197) As a result of these planning efforts, the City expects to achieve construction of 30,000 new residential units between 2000 and 2025, which is 50% more than the growth projected by the Association of Bay Area Governments ("ABAG") and believes that if it aggressively implements its Citywide Action Plan, "more than 30,000 units could be built over the same time period." (*Id.*, 11 AR 2813) The City has projected that the potential new housing units under such rezoning efforts would consist of 17,000-29,000 in Eastern neighborhoods, 16,000 in "Better Neighborhoods/Transit Corridors," 22,000 in Downtown/Mission Bay and 10,000 in Residential Neighborhoods/Rest of City. (11 AR 2806) The staff report on the Housing Element amendments makes it clear that "[i]ncreased housing production through increased heights and densities will be directed at those neighborhoods that have room for growth, especially those that border transit and service rich districts." (8 AR 2276-2277) Further, according to the City, eliminating the traditional requirement of one parking space for each residential unit is "critical to meeting the City's projected housing need." (8 AR 2278)

For the first time, new and modified 2004 Housing Element policies call for implementing increased heights and densities and reduced parking requirements in neighborhood commercial districts throughout the City and in areas near transit corridors. (1 AR 214-217; JN 135, 175; 8 AR 2276) To implement high density policies in neighborhood commercial areas, the City designed a new type of zoning known as Transit-Oriented Neighborhood Commercial "NCT" zoning, which provides financial incentives designed to stimulate construction by increasing the height and density of structures and reducing or eliminating costly parking requirements. (9 AR 2306-2307; 10 AR 2578-2580, 2637-2639, 2666-2667) The Housing Element states that NCT zoning is a program under development that "should be used" to further facilitate housing production. (1 AR 203-204) Proposed NCT zoning is also contained in the Eastern neighborhoods planning effort. (11 AR 2833)

As the Court noted, the Housing Element was "updated to provide a policy basis for *more specific planning efforts*, such as Better Neighborhoods Program, the Eastern Neighborhoods Community Plans for the Mission District, Bayview, Showplace Square/Potrero Hill, and the downtown Neighborhoods, such as the C-3-O District and Rincon Hill district," and that the revised Housing Element would "frame the discussion of future Area Plans, rezoning proposals and specific development proposals." (Slip Op. p. 7, 12-13; 15 AR 4199, 4186) The Court recognized that the provisions of the revised Housing Element would guide virtually all development, as future zoning must be consistent with the general plan under San Francisco Planning Code § 101.1(d). (Slip Op. p. 7; see also San Francisco Charter § 4.105 mandating that the city "prepare special area, neighborhood and other plans designed to carry out the General Plan.")

The EIR must analyze a reasonable range of alternatives to the proposed project,

including without limitation an alternative which would produce enough housing to meet but not substantially exceed the applicable RHNA target. The City does not need to approve approximately nine (9) new area plans with associated zoning changes to increase the City's capacity for new housing to 78,000 units. Even the 2007-2014 RHNA seeks only half of that amount.

The testimony of Paul McDougall, the manager at the California Department of Housing and Community Development, who reviewed the City's 2004 housing element for compliance with the requirements of State housing element law, makes clear that feasible alternatives are available to the complete set of 2004 housing element amendments as previously approved on May 13, 2004. Mr. McDougall testified that the City's 2004 Housing Element contained development standards designed to encourage further development or change the zoning to increase housing capacity and that such "actions to increase the buildable envelope were beyond the regional housing need allocation" allocated to the City of San Francisco. (McDougall p. 12, lines 10-14, p. 13, lines 3-8; p. 34, lines 7-18, p. 60, lines 1-25, p. 61, lines 1-25, p. 62, lines 1-25, p. 63, lines 1-25) Standards to increase capacity are found throughout the Housing Element, and Housing Element programs intended to increase the capacity of the City's zoning include "different development standards, heights, bulk requirement, floor-area ratios" and "parking." (McDougall p. 60, lines 14-25, p. 61, lines 1-3, p. 62, lines 18-25, p. 85, lines 9-25, p. 86, lines 1-25, p. 87, lines 1-8) The City's 2004 Housing Element went further than required by HCD to show movement toward attainment of the regional housing need allocation. (McDougall, p. 146, lines 19-23) If the City's proposals to increase housing capacity or rezoning were omitted from the Housing Element, the Housing Element would still be in compliance with state housing element law because these "further encouragement policies" went "beyond the regional housing need allocation." (Mc Dougall p. 76, lines 10-14, p. 61, lines 11-25, p. 62, lines 1-25, p. 127, lines 20-24)

Mr. McDougall explained that the City is able to demonstrate a buildable envelope sufficient to accommodate the regional housing need allocation without changes to zoning, land use, et cetera. (McDougall p. 58, line 25, p. 59, lines 1-25, p. 60 lines 1-25, p. 61, lines 1-25, p. 62, lines 1-16) In the Data and Needs analysis of the Housing Element, the City presented an assessment of adequate sites that demonstrated the ability to accommodate the regional housing need allocation by relying on the existing capacity of zoning. (McDougall p. 126, lines 5-25, p. 127, lines 1-24, p. 66, lines 7-17, p. 67, lines 8-12, p. 145, lines 8-25, p. 146, lines 1-9) If the land inventory in a housing element demonstrates adequate sites, then programs to make additional capacity available are not required. (McDougall p. 58, line 25, p. 59, lines 1-15) Also, the City's Housing Element did not identify constraints that required a State-mandated program to address constraints. (McDougall p. 72, lines 4-8) If text encouraging increased capacity and rezoning is omitted from the Housing Element, it will still continue to comply with the 2004 requirements of state housing element law. (McDougall p. 127, lines 20-24) The City's reliance on continuing programs was not crucial to HCD's determination, and was more in the periphery.

(McDougall p. 53, lines 9-14)

The Housing Element itself admits that “there are more than enough in-fill housing sites to meet projected housing needs and aggressive housing policies and programs are set to encourage housing development.” (1 AR 212; Golick Dec.¶¶1-4)) Government Code §65583 (a)(1) requires that a housing element contain an “analysis of population and employment trends and documentation of projections and a quantification of the locality’s existing and projected housing needs for all income levels,” and these “existing and projected needs shall include the locality’s share of the regional housing need in accordance with Section 65584.” However, a locality’s Housing Element can go further than required to meet the state HCD requirements, as the City did in the 2004 Housing Element. (Golick Dec.¶4)

It is therefore clear that the 2004 housing element amendments went farther than needed to meet RHNA targets. An alternative which permits the City to meet but not substantially exceed the applicable RHNA target must be analyzed in the EIR. The City does not need to rezone about one-third of the City to meet RHNA targets.

The EIR must also analyze a No Project alternative consisting of continuing to implement the 1990 Residence Element without change and without any of the area plans or rezonings which the City approved after May 13, 2004.

SIGNIFICANT IMPACTS

The EIR must analyze in detail all significant effects on the environment that could result from the changes to the 1990 Residence Element; any significant effect on the environment that cannot be avoided if the project is implemented; any significant effect on the environment that would be irreversible if the project is implemented; mitigation measures proposed to minimize significant effects on the environment, including but not limited to, measures to reduce the wasteful, inefficient and unnecessary consumption of energy; alternatives to the proposed project; the growth-inducing impact of the proposed project and an explanation of any reasons for determining that various effects on the environment of the project are not significant and consequently have not been discussed in detail in the EIR. (Public Resources Code § 21100)

The EIR must analyze all cumulative impacts of the project together with past, present and probable future projects and analyze whether the project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals. The EIR must analyze whether the impacts of the project are individually limited but cumulatively considerable. The incremental effects of an individual project are cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects. The EIR must analyze the effects of the changes from the 1990 Residence Element embodied in the

proposed project's work programs, implementation actions, objectives, policies, goals and other changes.

TRAFFIC IMPACTS AND PARKING REDUCTION IMPACTS

The EIR must analyze the potentially significant impacts on traffic flow and intersection conditions which could result from the project's proposed concentration of new residential construction in neighborhood commercial areas, along transit corridors, and in the areas described in the 2004 Housing Element work programs. The EIR must provide data as to the baseline conditions existing on the date of issuance of the notice of preparation of this EIR as to traffic flow conditions and traffic conditions at intersections in the morning and afternoon peak periods in each area described in the 2004 Housing Element work programs or which could receive rezoning or new housing construction utilizing the project's increased capacity or parking reduction construction standards or any changes from the 1990 Residence Element. The EIR must analyze and mitigate all potentially significant impacts on traffic flow and intersection conditions in each such area and adopt feasible measures to mitigate or avoid all such impacts or adopt feasible alternatives to project implementation actions which could cause such impacts.

The EIR must analyze the potentially significant impacts on traffic flow and intersection conditions which could result from the project's addition of the total number of new residences expected to be constructed using one or more project development standards that have changed from those embodied in the 1990 Residence Element. The EIR must provide data as to the baseline conditions existing on the date of issuance of the notice of preparation of this EIR as to traffic flow conditions and traffic conditions at relevant locations in the City, including intersections in the morning and afternoon peak periods in each area which could receive construction using such development standards. The EIR must analyze and mitigate all potentially significant impacts on traffic flow and intersection conditions in each such area and adopt feasible measures to mitigate or avoid all such impacts or adopt feasible alternatives to project implementation actions which could cause such impacts.

Although congested traffic conditions are expected to double in the future, (20 AR 5503, 5508, 10 AR 2741, 2746-Golick Dec. ¶ 22 and Ex. G thereto), reducing parking spaces is a key component of the 2004 Housing Element's increased capacity strategy. (Golick Dec. ¶23) Parking space reduction coupled with other proposed housing policies would increase the amount of space available for housing development and permit taller structures. (*Ibid.*) San Francisco Planning Code §151 implements the traditional requirement of one parking space per dwelling unit citywide, except in the downtown area or for senior and group housing arrangements. (*Ibid.* and 8 AR 2278-Exhibit H attached to Golick Dec.) As explained by the Legislative Analyst to the Board of Supervisors, the "1:1" parking requirement can reduce the height or density of developments because only a limited number of parking spaces can be economically constructed

given the geometry of the land parcel, thus limiting the units accompanying them. (Golick Dec. ¶ 23 and Ex. I thereto-11 AR 2941) The requirement can impede the ability to build up to the height limit on a given parcel since the “total number of housing units can be limited by the number of parking spaces that fit on the first level.” (11 AR 2942) Relaxation of these requirements could cause potential impacts because “[h]ousing development regulation allows the City to control traffic and congestion and protect the environment.” (11 AR 2937)

When parking spaces are scarce, vehicles spend more time circling seeking parking, and cars traveling at low rates of speed cruising for parking emit more air pollutants than cars traveling at higher rates of speed. (Golick Dec. ¶ 24 and Exs. K thereto and J thereto, a study finding that about thirty percent (30%) of the cars in the traffic flow were cruising for parking and the average time it took to find a curb space was eight minutes). Allowing the City to implement Housing Element reduced parking policies in areas identified as Housing Element work plans would permit the City to approve projects with reduced on-site parking spaces that could result in adverse impacts on traffic conditions and resulting air pollution from vehicle emissions. The EIR must analyze all such potentially significant impacts and adopt feasible measures to mitigate them. The EIR must also analyze mitigation measures for the “Transit Oriented Neighborhood Commercial District (NC-T) Zoning” and for all Housing Element work programs that could utilize less than one on-site parking space for each new residential unit. (Golick Dec. ¶ 24) In connection with its Market Octavia approvals, the City approved a new NC-T zoning classification that contains a maximum parking limitation of one parking space for every two residential units, with parking sold separately from the unit as to new structures of ten (10) dwelling units or more. (See SF Planning Code §§ 151.1 and 167) Mitigation measures for such impacts, which the EIR must evaluate and adopt, if feasible, include consideration of retaining the traditional requirement of at least one parking space per residential unit to mitigate the potential impact on City traffic conditions and air emissions from displaced cars cruising for parking that could result from implementing the City’s change in parking policy. (*Ibid.*) There is a greater likelihood that alternatives and mitigation measures will be adequately presented in the citywide EIR process on the important Housing Element revision than if the City were permitted to pursue a divide and conquer strategy of implementing the new parking reduction strategies area by area, where citizen groups likely would possess less resources to adequately participate in the environmental review process. (*Ibid.*)

Echoing comments made by Charles Ferguson at the scoping meeting on November 5, it is essential that the City coordinate its efforts at climate control with those of the transportation and energy industries as well as the state and federal governments. The direction of those industries and government agencies for the next few decades, while affordable fuel cells are developed, is toward so-called “renewable energy resources” which emit little or no carbon molecules. The idea is to generate as much electric power nationwide as possible from such resources. California has been and continues to be the leader in the U.S. in demanding that its electric energy come from renewable resources. Furthermore, as the energy producers develop

more renewable resources, the state and federal governments are seeking more and more use of plug-in electric-powered vehicles to leverage the development of renewable energy resources beyond the energy industry and into the transportation industry. That leverage will be accomplished by devoting the renewable energy resources to charging up plug-in electric vehicles at night when the electric generation resources would otherwise not be utilized. But this cannot be accomplished if San Francisco proposes to prohibit or reduce the construction of off-street parking in new residences. Plug-in vehicles are intended to be charged up over a five or six hour period at night when the vehicles are parked off-street. It is impossible for residents to charge such vehicles while parked on the streets. The effect of the City's espoused policy of discouraging off-street parking in areas where it promotes higher density housing runs completely counter to the effort that America at large is making toward reducing climate warming. And, while there would be no carbon emitted were every resident of San Francisco rode bicycles everywhere, there would also be no families, no seniors, no disabled, etc. in San Francisco either. Accordingly, the Planning Department must assess the effect that its off-street parking reduction or elimination policy will have upon the greater effort to control climate warming being made throughout the state and country. The EIR must analyze whether providing one off-street parking space for each new residential unit is a feasible alternative or mitigation measure which could reduce or avoid any significant impact which could result from the proposed changes to the housing element or proposed project.

The EIR must also analyze the adverse visual impacts from vehicles parking on sidewalks that could result from parking deficits potentially caused by changes from the 1990 Residence Element embodied in the 2004 Housing Element or project.

Also, the City's argument that increasing residential densities in urban areas well served by transit might significantly decrease impacts from suburban sprawl is questionable. (Golick Dec.¶ 30) The City has not submitted any data indicating that such strategy has successfully persuaded significant numbers of families to give up the "suburban home with the white picket fence." (*Ibid.*) It is highly unlikely that the types of families whose values lead them to live in large residences in outlying suburbs such as Brentwood would choose to live in a densely populated urban area such as San Francisco. (*Ibid.*) Such a family would more likely choose to live in an alternative suburb closer to employment rather than in a densely populated urban area. (*Ibid.*) The City has not pointed to any data showing that substantial numbers of people have migrated from outlying suburbs to densely populated urban areas or changed their preference for suburban living as a result of an opportunity to locate in dense housing in an urban center. (*Ibid.*) The EIR must analyze whether the idea of constructing substantial numbers of new residences in the City will likely have a significant effect on reduction of suburban sprawl and present any data that supports that theory.

The 2004 Housing Element's work programs include new area plans and rezonings for downtown areas such as the Transbay Terminal and Rincon Hill areas. The EIR must analyze all potential impacts on traffic from the construction of new residential units or mixed use developments in these areas, including potential impacts on bridge approaches and arteries leading into the downtown in both the morning and afternoon peak traffic periods.

AIR QUALITY AND NOISE IMPACTS

The EIR must analyze the adverse impacts on air quality and noise which could result from the changes in the 1990 Residence Element embodied in the 2004 Housing Element or project, including without limitation from the additional population which would likely be added to the City as a result thereof and the increased vehicles miles traveled and increased noise generated by such increases in population or traffic.

VISUAL IMPACTS

The EIR must analyze the adverse visual impacts which could result from the changes in the 1990 Residence Element embodied in the 2004 Housing Element or project. These include adverse impacts on neighborhood character resulting from the construction of new structures of discordant height or bulk, or containing reduced setbacks or reduced private open space in residential neighborhoods, neighborhood commercial areas, along transit corridors, in areas covered by new area plans and all other potentially impacted areas. The EIR must analyze and adopt feasible measures which would mitigate and avoid all such impacts.

The EIR must analyze the potential adverse impacts on neighborhood character, architectural quality and historically significant structures caused by the incentives to tear down existing structures which could result from the increased capacity measures contained in the changes from the 1990 Residence Element, including without limitation the increases in heights or densities and reductions in on-site parking requirements or private open space or set back requirements the could result from the zoning changes and area plans described in 2004 Housing Element work programs or other means which could implement the changes from the 1990 Residence Element.

WATER, PUBLIC UTILITIES AND PUBLIC SERVICES

The EIR must analyze the amount of water potentially needed by the project and whether

the SF water system has the capacity to adequately supply the project's water needs, given the demands for water expected from increased population of the City and the demands for water expected from the City's customers, including the suburban jurisdictions having contracts for water delivery from the SF PUC and any and all likely increases in those contractual commitments to suburban customers as discussed in applicable environmental impact reports or documents relating to negotiations for contractual water supply extensions or revisions. The EIR must state the amount of water needed by the likely number of new residential units that could be built in the City pursuant to the rezonings, area plans and other implementation measures described in the 2004 Housing Element work programs and through all other potential implementations of changes to the 1990 Residence Element embodied in the 2004 Housing Element or project. The EIR must analyze whether the City likely can supply the water needed to serve the expected number of new residential units that could be constructed in the City in connection with the project or using development standards that are different from those described in the 1990 Residence Element and analyze the efficacy of any measures proposed to increase the City's water supply or availability

The 2004 Housing Element or proposed project call for the construction of a substantial number of new residential units, which will cause a potentially significant increase in demand for schools, police, fire, medical emergency, power, water, sewer, landfill, MUNI and BART services. The EIR must analyze the potential increase which the proposed project could have on each of these City services and other utilities and whether the City has the means or funds to supply the anticipated increased demand for such services and utilities.

POPULATION INCREASE AND DATA

The 2004 Housing Element contained an assertion of housing need based on 2002 economic conditions and population projections available in 2002, which is now six years out of date. The EIR cannot base its assertion of the City's projected housing need based on out-of-date data. (Golick Dec. ¶20) Since 2004, there has been a significant change in the economic climate and housing market, where housing prices have dropped. (*Ibid.*) According to the U.S. Census Bureau, San Francisco's population declined from 776,733 in 2000 to 764,976 in 2007. (Golick Dec. ¶ 20 and Ex. E thereto) One purpose of the EIR process is to provide the public with the opportunity to review and contest inaccurate data and analyses in the draft EIR. (Golick Dec. ¶ 20) If the City's Housing Element EIR were to base its objectives as to the amount of housing needed, and analyses of alternatives thereto, on 2002 economic and population data, analyses of alternatives calling for lesser or no expansion of the City's housing capacity based on current population projections and economic data would be prejudiced. The project under evaluation in the EIR must base its assertion of the need for housing on current population projections.

The EIR must clearly state the estimated number of new residential units that could result from construction using any project construction standards or implementation measures that have changed from those set forth in the 1990 Residence Element, and the estimated increase in population that would reside in those units and the estimated number of motor vehicles that would be brought into the City by such new residents. The EIR must analyze and mitigate or avoid all potentially significant impacts resulting from such population increases.

The Housing Element EIR must include the potential impact on the environment of the new language in the Housing Element calling for extracting public benefits in return for increasing the permitted density or intensity of housing, and alternatives thereto and measures which could mitigate those effects. (Golick Dec. ¶ 21) The Housing Element states that “these density increases must be combined with the capture of some of the added development value through the provision of public benefits.” (1 AR 211) This statement follows the discussion of the Citywide Action Plan (“CAP”) and various areas proposed to receive increased density housing and reduced parking requirements. (Golick Dec. ¶ 21) The approach of extracting public benefits in return for increasing permitted density of housing can create a powerful incentive for the City to increase densities to generate additional revenues beyond the growth that they would permit absent such an economic incentive. (*Ibid.*) An example of the types of significant public benefits that can result from this approach are the new Community Improvement Impact Fees for additional residential or commercial capacity recently adopted for the Market and Octavia Community Improvements Fund in San Francisco Planning Code §§326-326.8 and the fees charged for exceeding the allowable floor area ratio in the Van Ness and Market Downtown Residential Special Use District as recently adopted in San Francisco Planning Code §§249.33, as summarized in the excerpts from the agenda of the April 15, 2008 meeting of the San Francisco Board of Supervisors. (Golick Dec. ¶ 21 and attached collective Ex. F thereto) It appears that the increased housing capacity sought by the 2004 Housing Element is intended to generate substantial revenue for the City rather than meet the RHNA.

Very truly yours,

A handwritten signature in black ink, reading "Kathryn R. Devincenzi". The signature is written in a cursive, flowing style.

Kathryn R. Devincenzi

Attachments

EXHIBIT 1

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 16787

Whereas, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Department shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the *General Plan*. Government Code 65583 requires the *Housing Element* to address existing and projected housing needs for all income levels and dictates some of the content of the element. Housing Elements must also conform to periodic element update cycles set by the state; and

Whereas, pursuant to the San Francisco Charter requirements, City Planning Commission adopts and maintains, including necessary changes, its *General Plan*; and

Whereas, the *Residence Element* of the *Master Plan* (as the *General Plan* was then called) was first adopted by Resolution 6706 of the City Planning Commission on April 8, 1971. It was later amended by Resolution 7417 on December 11, 1975; Resolution 8670 on July 31, 1980; Resolution 8790 on December 11, 1980; Resolution 9160 on September 24, 1981; Resolution 9622 on April 21, 1983; and Resolution 10045 on June 28, 1984. The current *Residence Element* of the *General Plan* by Resolution No. 12000 on September 13, 1990; and

Whereas, the update and revision of the *Housing Element* meet the requirements of relevant provisions of the California Government Code governing the content of a housing element in that it contains:

- a) an assessment of housing needs and an inventory of resources and constraints to meet housing needs;
- b) a comprehensive set of objectives and policies addressing construction and conservation of housing, affordability and citywide and regional housing concerns;
- c) an action program to implement the policies and achieve the goals and objectives of the *Housing Element*;
- d) targets for construction of almost 20,400 new housing units, with affordability goals allocating housing production efforts at 26% for very low income households, 10% for low income households, 28% for moderate income households, and 36% for above moderate income households; and

Whereas, pursuant to Planning Code Section 340, the Planning Commission, in Resolution No. 16554, initiated the intent to adopt an update and amendment of the *Housing Element* of the *General Plan* of the City and County of San Francisco on March 27, 2003; and

Resolution of Adoption
of the Update and Amendment of
the Housing Element of the General Plan

Whereas, the Housing Element Proposal for Adoption incorporates comments received by the Planning Department at public hearings conducted on March 27, 2003, May 1, 2003; June 5, 2003; July 21, 2003; and October 9, 2003, and is further amended by the Acting Director's Memorandum of May 6, 2004; and

Whereas, the Planning Commission has agreed to modifications to the Housing Element Proposal for Adoption, specified in Exhibit A, in response to neighborhood comment, and

Whereas, the Planning Commission has agreed to additional modifications to the Housing Element Proposal for Adoption, specified in Exhibit B, following public hearing on May 13, 2004; and

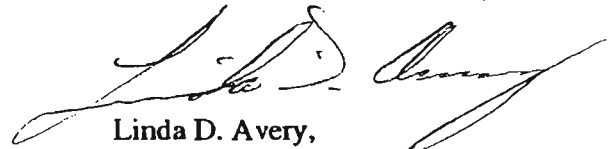
Whereas, although certain policies have been removed or modified in the Housing Element, by this action, the Commission is not thereby indicating an intent to preclude future actions; and

Whereas, the Planning Commission has reviewed, considered, and approved the information contained in the Environmental Review Negative Declaration and thus stated in Resolution No. 16786.

Now, Therefore Be It Resolved, Planning Commission adopts the proposed update and amendments of the *Housing Element Proposal for Adoption*; and

Be it Further Resolved, Secretary of the Commission shall record the action taken in this Resolution on the adopted amendment and shall certify a copy thereof to the Mayor and the Board of Supervisors, so that the Board of Supervisors may take action on the amendment of the General Plan, in accordance with the Charter.

I hereby certify that the foregoing resolution was ADOPTED by the City Planning Commission at its regular meeting on May 13, 2004.


Linda D. Avery,
Commission Secretary

AYES: Commissioners Antonini, Bradford Bell, Bill Lee, and Sue Lee

NOES: None

ABSENT: Commissioners Boyd and Hughes

EXHIBIT 2

1	<p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA</p> <p>2 COUNTY OF SAN FRANCISCO</p> <p>3</p> <p>4 SAN FRANCISCANS FOR</p> <p>5 LIVABLE NEIGHBORHOODS,</p> <p>6 Petitioner and Plaintiff,</p> <p>7 vs. No. CPF04 504 780</p> <p>8 CITY AND COUNTY OF</p> <p>9 SAN FRANCISCO, and DOES I-X,</p> <p>10 Respondents and Defendants.</p> <p>11 _____ /</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Deposition of</p> <p>16 PAUL McDUGALL</p> <p>17 Tuesday, August 19, 2008</p> <p>18</p> <p>19</p> <p>20 Reported by:</p> <p>21 LUANNE MEISSEN, RPR, CRR</p> <p>22 CSR No. 6479</p> <p>23 Sac Job No. 60505</p> <p>24 ICSF Job No. 81391</p> <p>25</p>	3
2	<p>1 APPEARANCES</p> <p>2 For the Petitioner and Plaintiff:</p> <p>3 KATHRYN R. DEVINCENZI, Esq.</p> <p>4 ATTORNEY AT LAW</p> <p>5 22 Iris Avenue</p> <p>6 San Francisco, California 94118</p> <p>7</p> <p>8 For the Respondents and Defendants:</p> <p>9 OFFICE OF THE CITY ATTORNEY</p> <p>10 BY: AUDREY WILLIAMS PEARSON, Esq.</p> <p>11 DEPUTY CITY ATTORNEY</p> <p>12 City Hall, Room 234</p> <p>13 1 Dr. Carlton B. Goodlett Place</p> <p>14 San Francisco, California 94102-4682</p> <p>15</p> <p>16 For the Deponent Paul McDougall:</p> <p>17 STATE OF CALIFORNIA</p> <p>18 DEPARTMENT OF HOUSING AND</p> <p>19 COMMUNITY DEVELOPMENT</p> <p>20 BY: MARK R. LOVINGTON, Esq.</p> <p>21 SHALEEN SCHMUTZER-SMITH, Esq.</p> <p>22 1800 3rd Street, Room 440</p> <p>23 Sacramento, California 95811</p> <p>24 --oOo--</p> <p>25</p>	4

<p style="text-align: right;">5</p> <p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 Number Description Page</p> <p>3 Ex 23 Document entitled, "Infill 101</p> <p>4 Infrastructure Grant Program Final</p> <p>5 Guidelines 02/28/08 Table of Contents"</p> <p>6 Ex 24 Memorandum For: Planning Directors 103</p> <p>7 Interested Parties dated June 20,</p> <p>8 2007 from Cathy E. Creswell</p> <p>9 Subject: Application of Government</p> <p>10 Code Section 65584.09 (Chapter 614,</p> <p>11 Statutes of 2005 [AB 1233])</p> <p>12</p> <p>13 Ex 25 E-mail dated August 15, 2008 to 107</p> <p>14 Kathryn Devincenzi from Lenora Frazier,</p> <p>15 with attached Financial Assistance</p> <p>16 Programs Annual Report 2006-07</p> <p>17 Ex 26 Department of Housing and Community 113</p> <p>18 Development Office of the Director</p> <p>19 letterhead, document entitled, "For</p> <p>20 Immediate Release Date:</p> <p>21 February 28, 2008"</p> <p>22 Ex 27 Letter dated 19 August 2004 to Cathy 114</p> <p>23 E. Creswell from Gerald G. Green</p> <p>24</p> <p>25 Ex 28 Letter dated October 11, 2002 to Mr. 115</p> <p>26 Gerald Green from Cathy E. Creswell,</p> <p>27 with attached "Appendix City of</p> <p>28 San Francisco"</p> <p>29 Ex 29 Letter dated September 30, 2004 to 118</p> <p>30 Cathy E. Creswell from Gerald G. Green</p> <p>31</p> <p>32 Ex 30 Letter dated February 14, 2008 to 119</p> <p>33 Cathy E. Creswell from John Rahaim</p> <p>34 Ex 31 Letter dated 13 February 2003 To: 119</p> <p>35 People Interested in San Francisco</p> <p>36 Housing from San Francisco Planning</p> <p>37 Department Staff</p> <p>38</p> <p>39 Ex 32 Document entitled, "Attachment I" 120</p> <p>40 dated March 3, 2003 to Eve Bach from</p> <p>41 Teresa Ojeda</p>	<p style="text-align: right;">7</p> <p>1 BE IT REMEMBERED, that on Tuesday,</p> <p>2 August 19, 2008 commencing at the hour of 1:10 p.m.</p> <p>3 thereof, at the offices of DEPARTMENT OF HOUSING AND</p> <p>4 COMMUNITY DEVELOPMENT, 1800 3rd Street, Suite 430,</p> <p>5 Sacramento, California, before me, LUANNE MEISSEN, a</p> <p>6 Certified Shorthand Reporter in the State of</p> <p>7 California, duly authorized to administer oaths and</p> <p>8 affirmations, personally appeared</p> <p>9 PAUL McDOUGALL,</p> <p>10 a witness called by the Petitioner/Plaintiff in the</p> <p>11 above-entitled action, who, having been duly sworn by</p> <p>12 the Certified Shorthand Reporter to tell the truth,</p> <p>13 the whole truth and nothing but the truth, testified</p> <p>14 under oath as follows:</p> <p>15 --oOo--</p> <p>16 MS. PEARSON: Should I jump in and give my</p> <p>17 objections now?</p> <p>18 MS. DEVINCENZI: Well, let's state all of</p> <p>19 our appearances first.</p> <p>20 MS. PEARSON: Okay.</p> <p>21 MS. DEVINCENZI: I think we should state all</p> <p>22 of our appearances for the record since we have quite</p> <p>23 a few counsel in the room.</p> <p>24 I am Kathryn Devincenzi. And I am the</p> <p>25 attorney for the Plaintiff, San Franciscans for</p>
<p style="text-align: right;">6</p> <p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 Number Description Page</p> <p>3 Ex 33 Letter dated 31 December 2004 to 120</p> <p>4 Ms. Margaret Murphy from Teresa</p> <p>5 Ojeda, with attached "Attachment D</p> <p>6 WFH Annual Progress Report"</p> <p>7</p> <p>8 Ex 34 Document entitled, "Attachment D 122</p> <p>9 WFH Annual Progress Report"</p> <p>10</p> <p>11 --oOo--</p> <p>12</p> <p>13 WITNESS INSTRUCTED NOT TO ANSWER</p> <p>14 PAGE LINE</p> <p>15 23 20</p> <p>16 133 14</p> <p>17 141 4</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 Livable Neighborhoods, in the case where the Court of</p> <p>2 Appeal required the Environmental Impact Report.</p> <p>3 And now I would like to ask your counsel to</p> <p>4 state their names for the record, please.</p> <p>5 MR. LOVINGTON: My name is Mark Lovington.</p> <p>6 I'm the Assistant Chief Counsel with the Department</p> <p>7 of Housing and Community Development on behalf of the</p> <p>8 deponent Paul McDougall.</p> <p>9 MS. DEVINCENZI: Thank you.</p> <p>10 MS. SMITH: My name is Shaleen</p> <p>11 Schmutzer-Smith. I'm Staff Counsel with the</p> <p>12 Department of Housing and Community Development on</p> <p>13 behalf of deponent Paul McDougall.</p> <p>14 MS. PEARSON: And I'm Audrey Pearson. I'm a</p> <p>15 Deputy City Attorney of San Francisco, representing</p> <p>16 the Respondent, City and County of San Francisco.</p> <p>17 --oOo--</p> <p>18 EXAMINATION BY MS. DEVINCENZI</p> <p>19 Q. Okay. Mr. McDougall, would you please state</p> <p>20 your full name for the record.</p> <p>21 A. Including middle?</p> <p>22 Q. Sure.</p> <p>23 A. Paul Sinclair McDougall.</p> <p>24 Q. Okay. Now --</p> <p>25 MS. PEARSON: Can I jump in and give my</p>

<p style="text-align: right;">9</p> <p>1 objections now?</p> <p>2 MS. DEVINCENZI: Yes. Counsel wishes to</p> <p>3 make her general objection for the record.</p> <p>4 MS. PEARSON: I just wanted to object to</p> <p>5 this proceeding to the extent that it seeks discovery</p> <p>6 that is unavailable under the Civil Code of Procedure</p> <p>7 Section 1085.</p> <p>8 We object to the extent that any of the</p> <p>9 questions call for testimony reflecting the</p> <p>10 Government's deliberative process or decision-making</p> <p>11 process.</p> <p>12 We object to the extent that any of the</p> <p>13 questions call for testimony protected by Evidence</p> <p>14 Code 1040, which provides the statutory privilege for</p> <p>15 official information.</p> <p>16 And we object to the extent it calls for</p> <p>17 testimony protected by the attorney-client privilege</p> <p>18 or the work-product doctrine.</p> <p>19 And the City objects to the extent that it</p> <p>20 calls for testimony that's not relevant to the</p> <p>21 subject matter of this litigation.</p> <p>22 And Ms. Devincenzi has stipulated that the</p> <p>23 objections can be throughout this deposition, and I</p> <p>24 do not need to state these objections after every</p> <p>25 question that she asks.</p>	<p style="text-align: right;">11</p> <p>1 don't believe there is any information that will be</p> <p>2 elicited today that is confidential and would</p> <p>3 outweigh the need for disclosure. And I am sure that</p> <p>4 your counsel will assert attorney-client or</p> <p>5 work-product privilege to any question that I may ask</p> <p>6 that might invade it.</p> <p>7 And, clearly, the City submitted evidence</p> <p>8 outside the administrative record to the court in</p> <p>9 connection with a pending writ motion, and discovery</p> <p>10 is permitted as to this collateral matter of the</p> <p>11 scope of injunctive relief.</p> <p>12 I don't want to belabor the point, that's</p> <p>13 just a basic outline of my response to your</p> <p>14 objections.</p> <p>15 Q. Okay. Mr. McDougall, please tell us what</p> <p>16 position you occupy here.</p> <p>17 A. Housing Policy Manager.</p> <p>18 Q. And how long have you held that position?</p> <p>19 A. Six years. Oh, excuse me, position</p> <p>20 roughly a year.</p> <p>21 Q. Roughly a year. But how long have you been</p> <p>22 with HCD in total?</p> <p>23 A. Since 2001. So seven years, I guess.</p> <p>24 Q. 2001. Seven years. Okay. And what other</p> <p>25 positions have you held?</p>
<p style="text-align: right;">10</p> <p>1 MS. DEVINCENZI: I agree that you need not</p> <p>2 restate them --</p> <p>3 MS. PEARSON: Okay. Thank you.</p> <p>4 MS. DEVINCENZI: -- after every question.</p> <p>5 I do want to make clear that I believe the</p> <p>6 objections are completely unwarranted, positively</p> <p>7 Nixonian.</p> <p>8 And as to the deliberative or</p> <p>9 decision-making process objection, the Planning</p> <p>10 Department and Board of Supervisors were the decision</p> <p>11 makers on the issue of whether an EIR was required,</p> <p>12 and HCD was not the decision maker there.</p> <p>13 And, further --</p> <p>14 MR. LOVINGTON: So you are not going to</p> <p>15 inquire as to any decisions made by HCD; is that what</p> <p>16 I'm getting from that statement?</p> <p>17 MS. DEVINCENZI: Well, HCD is a percipient</p> <p>18 witness in this case, and one of their letters has</p> <p>19 been submitted to the court, and I will be inquiring</p> <p>20 as to the decision-making process behind that letter.</p> <p>21 MR. LOVINGTON: And I'll preserve my</p> <p>22 objection.</p> <p>23 MS. DEVINCENZI: And you can preserve your</p> <p>24 objection to that.</p> <p>25 As to the official information privilege, I</p>	<p style="text-align: right;">12</p> <p>1 A. Housing Policy Specialist, and Housing</p> <p>2 Policy Representative II.</p> <p>3 Q. And what are you now again?</p> <p>4 A. Housing Policy Manager.</p> <p>5 Q. Manager. Okay. Now, what are your duties</p> <p>6 as Housing Policy Manager?</p> <p>7 A. I review housing elements, review other</p> <p>8 reviews of housing elements, in addition to</p> <p>9 managing staff.</p> <p>10 Q. Okay. Now, are you the person that is in</p> <p>11 charge of reviewing San Francisco's Housing Element</p> <p>12 at HCD?</p> <p>13 A. I was the reviewer as the</p> <p>14 representative, and also in the recent request.</p> <p>15 Q. Okay. Did anyone else at HCD participate</p> <p>16 with you that you were managing that reviewed the</p> <p>17 San Francisco element?</p> <p>18 A. No.</p> <p>19 Q. No. So you are the man?</p> <p>20 A. Well, it's a combination of, you know,</p> <p>21 my boss, Cathy Creswell, me, and counsel.</p> <p>22 MR. LOVINGTON: Can we clarify as to what</p> <p>23 time frame we are talking about here as "the man"?</p> <p>24 MS. DEVINCENZI: Okay.</p> <p>25 MR. LOVINGTON: Because this goes back to</p>

13

1 earlier.
2 MS. DEVINCENZI: Yes.
3 MR. LOVINGTON: So I guess since when have
4 you been in charge of or the person charged with
5 reviewing the San Francisco Housing Element?
6 THE WITNESS: I reviewed the Adopted Housing
7 Element, which I believe was around 2004, and then
8 also evaluated the recent request.
9 MR. LOVINGTON: But the 2004 Housing Element
10 was your initial --
11 THE WITNESS: Yes.
12 MR. LOVINGTON: -- involvement with the
13 Housing Element? Okay.
14 Q. BY MS. DEVINCENZI: Okay. That's fine.
15 Now, as you know, I recently served a public
16 records request to your department. And were you
17 involved in assembling documents in response to that?
18 A. Yes.
19 Q. And did you review the documents that were
20 produced in response to that request?
21 A. Yes.
22 Q. Okay. First, I'm going to ask you to
23 authenticate some documents from your file that were
24 produced to me.
25 What I'm going to suggest, Counsel, is that

14

1 I just mark them for identification, then when we get
2 to the questions I'll hand you a copy.
3 Is that all right?
4 MR. LOVINGTON: Sure.
5 (Exhibit 1 was marked.)
6 Q. BY MS. DEVINCENZI: Mr. McDougall, I'm going
7 to show you a document that has been marked as
8 Exhibit 1. It is a letter on the heading of the
9 "Department of Housing and Community Development,"
10 dated October 28, 2004, to Mr. Gerald Green, signed
11 by Cathy E. Creswell, Deputy Director.
12 I ask you to please tell me if Exhibit 1 is
13 a true and correct copy of the identified document as
14 contained in the files of the Department of Housing
15 and Community Development?
16 A. Yes.
17 You want me to stack them over here or do
18 you want them back?
19 Q. Yes, just leave them right there is fine,
20 and we'll get back to them.
21 (Exhibit 2 was marked.)
22 Q. BY MS. DEVINCENZI: Now, Exhibit 2 -- pardon
23 me.
24 MR. LOVINGTON: I'm sorry, without reading
25 this in its entirety, "This appears to be," I think,

15

1 is the proper response.
2 MS. DEVINCENZI: Yes.
3 MR. LOVINGTON: Is that right,
4 Mr. McDougall?
5 THE WITNESS: Yes.
6 MR. LOVINGTON: This appears to be.
7 MS. DEVINCENZI: Well, I have your original
8 files here. Would you like to compare it with the
9 original documents?
10 MR. LOVINGTON: No, I'm not even sure --
11 that would take too much time.
12 But is that sufficient for you?
13 MS. PEARSON: That letter is in the
14 administrative record. I don't think we need to
15 authenticate it.
16 MS. DEVINCENZI: Well, we may have to
17 compare it with the original file if we don't get a
18 clear yes on a couple of them.
19 Q. Okay. I downloaded from your Web site the
20 Housing Element Compliance Report, which is a
21 document that I have marked as Exhibit 2. And it is
22 entitled, "Housing Element Compliance Report" as of
23 August 13, 2008.
24 Do you recognize Exhibit 2 as a copy of your
25 Department's Housing Element Compliance Report as

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1 contained on your Web site as of August 13, 2008?
2 A. Yes, I recognize it as that.
3 (Exhibit 3 was marked.)
4 Q. BY MS. DEVINCENZI: Okay. Now,
5 Exhibit 3 is a memorandum from your file from the
6 San Francisco Planning Department, which I
7 believe is undated.
8 Do you recognize Exhibit 3 as a copy of a
9 document in your file? And by, "your file," I mean
10 the files of the Department of Housing and Community
11 Development.
12 A. No, I don't recognize this one.
13 Q. Okay. By the way, I have here your original
14 files. And there is one here entitled, "San
15 Francisco Housing Element Informal-Received
16 8-8-2007."
17 Do you know if any documents were removed
18 from this file before it was produced to me?
19 A. Not to my knowledge, no, no documents
20 were reviewed -- I mean, removed.
21 Q. Mr. McDougall, the way your files were
22 produced to me, in front of the file I just mentioned
23 there were a set of documents that were not in a
24 manila folder but they were inside of a rubberband.
25 Do you remember whether these documents were

17

1 taken from some folder?
 2 A. Those were printed e-mails, I'm pretty
 3 sure.
 4 Q. Oh, those were printed e-mails. I see.
 5 Okay.
 6 Now, did you print out the e-mails to
 7 respond to the document request?
 8 A. Yes.
 9 Q. Okay.
 10 MR. LOVINGTON: I note this is page 2.
 11 Apparently, it's labeled as page 2. I don't know
 12 what page I might be.
 13 Q. BY MS. DEVINCENZI: Yes. Well, it's from
 14 your files somewhere. Now, let's see, well, maybe
 15 we'll do the other ones and take a break on this one.
 16 Let me ask you this: This document states
 17 here, "As we noted in previous letters (attached) the
 18 substance of these policies and implementation
 19 measures continue to exist elsewhere in our General
 20 Plan, and in our City's continuing programs, so we
 21 would continue to pursue them in other ways."
 22 Do you recall receiving a communication from
 23 the City that said that?
 24 A. Possibly the fall correspondence 2007.
 25 Q. Yes. So what folder would that have been

18

1 in?
 2 A. It should be the same one, informal.
 3 Q. The informal, it should be in the informal?
 4 Let's try it again.
 5 A. It might also be part of your later
 6 exhibits.
 7 Q. Okay. Well, we'll have to take a break, I
 8 guess, and get back to that one.
 9 Let me get you to authenticate the other
 10 ones first.
 11 (Exhibit 4 was marked.)
 12 Q. BY MS. DEVINCENZI: Okay. I'll show you a
 13 document marked Exhibit 4. It's a letter dated
 14 April 2, 2008, from the Department of Housing and
 15 Community Development, to Mr. John Rahaim,
 16 R-a-h-a-i-m, Director of Planning, San Francisco
 17 Planning Department.
 18 And I ask you is Exhibit 4 a true and
 19 correct copy of a letter by that date that is
 20 contained in the files of the Department of Housing
 21 and Community Development?
 22 A. It appears, yes.
 23 (Exhibit 5 was marked.)
 24 Q. BY MS. DEVINCENZI: Okay. Exhibit 5 is
 25 an e-mail from Sarah Dennis to Paul McDougall

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1 dated March 6, 2008.
 2 Is Exhibit 5 a true and correct copy of
 3 an e-mail from the files of the Department of
 4 Housing and Community Development?
 5 A. It appears, yes.
 6 (Exhibit 6 was marked.)
 7 Q. BY MS. DEVINCENZI: Exhibit 6 is a
 8 document entitled, "Draft," addressed to John
 9 Rahaim, R-a-h-a-i-m, Director of Planning, with
 10 the signature line for Cathy E. Creswell, Deputy
 11 Director.
 12 And I ask you if you recognize Exhibit 6 as
 13 a copy of a Draft document from the files of
 14 Department of Housing and Community Development?
 15 A. Yes, to the best of my knowledge.
 16 (Exhibit 7 was marked.)
 17 Q. BY MS. DEVINCENZI: Okay. Now, I show
 18 you a document that has been marked Exhibit 7.
 19 It is a letter on the letterhead of San Francisco
 20 Planning Department, dated August 1, 2007, to
 21 Cathy E. Creswell, C-r-e-s-w-e-l-l, Deputy
 22 Director of the Department of Housing and
 23 Community Development, from Matthew O. Franklin,
 24 Director, Mayor's Office of Housing, and Dean
 25 Macris, Planning Director.

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1 And it refers on page 2, "We have attached
 2 for your consideration a version of the San Francisco
 3 Housing Element, that has been amended to address the
 4 policies which have been deemed by the Court to
 5 require an Environmental Impact Report," and it
 6 contains an attachment consisting of Part II
 7 Objectives, Policies, and Implementation Programs.
 8 And I ask you is Exhibit 7 a true and
 9 correct copy of a document bearing that date
 10 contained in the files of the Department of Housing
 11 and Community Development?
 12 A. Yes, it appears to be.
 13 Q. Thank you.
 14 A. (Inaudible.)
 15 THE REPORTER: I'm sorry, what?
 16 THE WITNESS: I can't talk to my
 17 counsel?
 18 MS. DEVINCENZI: What you say is supposed to
 19 be on the record.
 20 THE WITNESS: I'm sorry.
 21 MR. LOVINGTON: We can go off the record if
 22 you want to, Paul, or we can go out of the room if
 23 you want to.
 24 MS. DEVINCENZI: Yes, you can.
 25 MR. LOVINGTON: If you want to do that, feel

<p style="text-align: right;">21</p> <p>1 free to let me know or Shaleen know. 2 MS. DEVINCENZI: All right. What number is 3 that? 4 MR. LOVINGTON: This is Number 7. 5 MS. DEVINCENZI: Okay. We have 7. 6 (Exhibit 8 was marked.) 7 Q. BY MS. DEVINCENZI: Okay. Exhibit 8 is a 8 copy of an e-mail from Sarah Dennis to Paul 9 McDougall, dated August 8, 2007, with an attached 10 document called, "City of San Francisco Review of 11 Proposed Inoperative Policies to the Adopted Housing 12 Element 2007," which is a two-page document. 13 I'd like to ask you if Exhibit 8 is a true 14 and correct copy of that e-mail, with the two-page 15 attachment, as contained in the files of the 16 Department of Housing and Community Development? 17 MS. PEARSON: Could you state what the 18 attachment is again? 19 MS. DEVINCENZI: Sure. 20 MR. LOVINGTON: The attachment is, "City of 21 San Francisco Review of Proposed Inoperative Policies 22 to the Adopted Housing Element August 2007" is the 23 heading. 24 MS. PEARSON: Thank you. 25 THE WITNESS: This isn't correct.</p>	<p style="text-align: right;">23</p> <p>1 (Exhibit 14 was marked.) 2 Q. BY MS. DEVINCENZI: Okay. Now, I have a 3 document that I've marked Exhibit 14, which is 4 entitled, "City of San Francisco Review of 5 Proposed Inoperative Policies to the Adopted 6 Housing Element August 2007." 7 And I ask you is this a true and correct 8 copy of a document in the files of the Department of 9 Housing and Community Development? 10 A. Yes. 11 Q. And did your department produce that 12 document? 13 A. Yes. 14 Q. Okay. Did you write it? 15 A. Yes. 16 Q. Okay. 17 A. I prepared it. 18 Q. You prepared it? 19 A. Yeah. 20 Q. Was it reviewed by counsel also? 21 A. By -- 22 MR. LOVINGTON: That's attorney-client 23 privilege. And I'll instruct the deponent not to 24 answer that. 25 Q. BY MS. DEVINCENZI: And is that the final</p>
<p style="text-align: right;">22</p> <p>1 Q. BY MS. DEVINCENZI: What's not correct about 2 it? 3 A. This is our internal review notes, the 4 Department's. And then her attachments are 5 something different, that's from the City. 6 Q. What were her attachments? 7 A. I believe they were the same thing as 8 this. 9 Q. As in Exhibit 7 attachments? 10 A. Correct. This same e-mail got sent 11 three times because it kept bouncing back. 12 Q. I see. It wasn't clear what was supposed to 13 be attached to what from your file. 14 A. Okay. 15 Q. Because the staples had been removed. 16 Okay. Let's break that one down then. 17 Let's do that over again. We'll separate them. I'm 18 remarking Exhibit 8. 19 Exhibit 8 is now a two-page document 20 consisting of an e-mail, a copy of an e-mail from 21 Sarah Dennis to Paul McDougall, dated August 8, 2007. 22 And is this a true and correct copy of an 23 e-mail in the files of the Department of Housing and 24 Community Development? 25 A. Yes, it appears to be.</p>	<p style="text-align: right;">24</p> <p>1 version of the document? 2 A. Uh-huh. 3 THE REPORTER: Is that yes? 4 THE WITNESS: Yes. 5 Q. BY MS. DEVINCENZI: You have to answer 6 audibly. 7 A. Sorry. 8 Q. It's okay. 9 (Exhibit 9 was marked.) 10 Q. BY MS. DEVINCENZI: Okay. Exhibit 9 is a 11 five-page document dated August 1, 2007, on the 12 heading of the San Francisco Planning Department. 13 It's a letter to Cathy E. Creswell, Deputy Director 14 of the Department of Housing and Community 15 Development, from Dean Macris and Matthew O. 16 Franklin. 17 And I ask you if Exhibit 9 is a true and 18 correct copy of the document from the files of the 19 Department of Housing and Community Development? 20 A. Yes, it appears to be. 21 Q. Thank you. Let me see the last number. 22 A. I'm sorry. 23 Q. I just got some of these this morning, so 24 please bear with me. 25 A. Certainly.</p>

<p style="text-align: right;">25</p> <p>1 (Exhibit 10 was marked.)</p> <p>2 Q. BY MS. DEVINCENZI: Exhibit 10 is a</p> <p>3 document entitled, "CAP San Francisco's Downtown</p> <p>4 Neighborhoods Initiative."</p> <p>5 And is Exhibit 10 a true and correct copy of</p> <p>6 a document contained in the files of Department of</p> <p>7 Housing and Community Development?</p> <p>8 A. Yes, it appears to be. These are</p> <p>9 attachments to the August 1 correspondence.</p> <p>10 Q. So these were attachments to the August 1st</p> <p>11 correspondence, which is Exhibit 7?</p> <p>12 A. No.</p> <p>13 MR. LOVINGTON: The e-mail.</p> <p>14 Q. BY MS. DEVINCENZI: Oh, the e-mail?</p> <p>15 A. No. There is two August 1st</p> <p>16 correspondence that's referenced in the e-mail.</p> <p>17 Q. That's true.</p> <p>18 A. And the second in the bottom of your</p> <p>19 stack has the links.</p> <p>20 Q. All right. So the CAP was an attachment to</p> <p>21 the Exhibit 9, is that right, which is an August 1</p> <p>22 correspondence?</p> <p>23 A. Yes. I think these are the rest of</p> <p>24 yours.</p> <p>25 Q. Right. Okay. So Exhibit 10 was an</p>	<p style="text-align: right;">27</p> <p>1 document marked Exhibit 13. It's a copy of an</p> <p>2 e-mail from Paul McDougall to Amit Ghosh dated</p> <p>3 August 3, 2004, with handwriting on it.</p> <p>4 I ask you if Exhibit 13 is a true and</p> <p>5 correct copy of a document contained in the files of</p> <p>6 Department of Housing and Community Development?</p> <p>7 A. I have to admit four years ago is a bit</p> <p>8 fuzzy, but it appears so.</p> <p>9 Q. Is that your handwriting?</p> <p>10 A. Yes, to the best of my knowledge it is.</p> <p>11 Q. Okay. Now I'd like to take a five-minute</p> <p>12 break to try to find where Exhibit 3 is in the file.</p> <p>13 Is that okay with everybody?</p> <p>14 MS. PEARSON: That's fine.</p> <p>15 (Recess.)</p> <p>16 Q. BY MS. DEVINCENZI: By the way, I have your</p> <p>17 witness fee here, \$35. It's required by the</p> <p>18 Government Code.</p> <p>19 Mr. McDougall, the documents that were</p> <p>20 produced from your office, most of them were in a</p> <p>21 manila folder, but there was a set on the top inside</p> <p>22 of this rubberband. And you said those were from the</p> <p>23 review file; is that what you called them?</p> <p>24 A. Mostly my e-mail files.</p> <p>25 Q. Oh, this was mostly your e-mail files?</p>
<p style="text-align: right;">26</p> <p>1 attachment to Exhibit 9; is that correct?</p> <p>2 A. I believe so.</p> <p>3 (Exhibit 11 was marked.)</p> <p>4 Q. BY MS. DEVINCENZI: Okay. I'll show you</p> <p>5 a document that's been marked Exhibit 11, and</p> <p>6 it's entitled, "CAP Overview of the Citywide</p> <p>7 Action Plan 2006."</p> <p>8 And I ask you if Exhibit 11 is a true copy</p> <p>9 of a document contained in the files of the</p> <p>10 Department of Housing and Community Development?</p> <p>11 A. Yes, it appears.</p> <p>12 Q. Yes. And was this also an attachment to</p> <p>13 Exhibit 9?</p> <p>14 A. I'm pretty sure.</p> <p>15 (Exhibit 12 was marked.)</p> <p>16 Q. BY MS. DEVINCENZI: Okay. I'll show you</p> <p>17 Exhibit 12, which is a copy of an e-mail from</p> <p>18 Sarah Dennis to Paul McDougall, dated Friday,</p> <p>19 March 21, 2008.</p> <p>20 I ask you if Exhibit 12 is a true and</p> <p>21 correct copy of a document in the files of the</p> <p>22 Department of Housing and Community Development?</p> <p>23 A. Yes, it appears to be.</p> <p>24 (Exhibit 13 was marked.)</p> <p>25 Q. BY MS. DEVINCENZI: Okay. I show you a</p>	<p style="text-align: right;">28</p> <p>1 A. Yes.</p> <p>2 Q. Did you put together the documents that were</p> <p>3 contained within the rubberband?</p> <p>4 A. I prepared -- not prepared, but I went</p> <p>5 through the informal folder you have right there,</p> <p>6 and then printed out my e-mails, and then those</p> <p>7 were provided to our legal division.</p> <p>8 MR. LOVINGTON: I believe I put the</p> <p>9 rubberband around the e-mails.</p> <p>10 MS. DEVINCENZI: You put the rubberband</p> <p>11 around the e-mails?</p> <p>12 MR. LOVINGTON: Yes. The copies of the</p> <p>13 e-mail file.</p> <p>14 MS. DEVINCENZI: Shall we call it the</p> <p>15 rubberband set?</p> <p>16 MR. LOVINGTON: Fine.</p> <p>17 MS. DEVINCENZI: The rubberband set begins</p> <p>18 with an e-mail to Mr. McDougall from Sarah Dennis,</p> <p>19 then it has the August 1 Cathy Creswell letter,</p> <p>20 letter to Cathy Creswell, then another August 1</p> <p>21 letter to Cathy Creswell.</p> <p>22 MR. LOVINGTON: Is that a copy of the same</p> <p>23 one or is that another one?</p> <p>24 MS. DEVINCENZI: No, there are two. There</p> <p>25 are two August 1 letters, yeah.</p>

<p style="text-align: right;">29</p> <p>1 MR. LOVINGTON: Because there were multiple 2 copies. 3 MS. DEVINCENZI: Okay. And then after the 4 two different August 1 letters, then there is the 5 document entitled, "Draft," to John Rahaim, two-page 6 document, with a signature line for Cathy Creswell. 7 And the next document is Exhibit 3, which is an 8 untitled letter purporting to be from the 9 San Francisco Planning Department, 1650 Mission, 10 Suite 400. 11 Did you put the rubberband around the stack 12 with that document in it, sir? 13 MR. LOVINGTON: Perhaps I did. I don't -- I 14 didn't review all of them carefully. 15 Q. BY MS. DEVINCENZI: Does Exhibit 3 appear to 16 be an e-mail? 17 A. It appears to be an e-mail. 18 Q. Okay. Could this be an e-mail where the top 19 of it is cut off? 20 A. It could. 21 Q. The bottom of this says, "See attached file: 22 Memo to HCD 8-1-07 San Francisco Housing 23 Element.doc." And it's from Sarah A. Dennis, AICP 24 Senior Planner Manager, Plans and Programs, 25 San Francisco Planning Department.</p>	<p style="text-align: right;">31</p> <p>1 Q. BY MS. DEVINCENZI: Let's go back on the 2 record. 3 Mr. McDougall, did you just check your 4 e-mail? 5 A. Yes. 6 Q. And did you just print out a copy of an 7 e-mail from Sarah Dennis to you dated March 6, 2008, 8 to which was attached another e-mail? 9 And let me ask you this: The documents 10 marked Exhibit 5 and 3, did you just print these out 11 from your computer? 12 A. Are they copies? 13 Q. Are the documents that are marked Exhibit 5 14 and 3 a true and correct copy of a document that you 15 just printed out from your e-mail? 16 A. Yes. 17 Q. And what do they consist of? 18 A. They are the same. 19 Q. Yes. The document that's marked Exhibit 5, 20 what is that? Is that an e-mail? 21 A. Yes. 22 Q. And is that an e-mail to you? 23 A. Yes. 24 Q. And it was an e-mail from Sarah Dennis? 25 A. Yes.</p>
<p style="text-align: right;">30</p> <p>1 Do you recall receiving an e-mail from 2 Ms. Dennis to which there was a San Francisco Housing 3 Element doc attached? 4 A. That says 8-1 on it? 5 Q. "Memo to HCD 8-1-07, Other Policies & 6 Programs.doc." 7 A. Yes. 8 Q. You do. Now, what was the attached memo to 9 HCD 8-1-07? 10 A. I believe the two pieces of 11 correspondence dated 8-1-07. 12 Q. Okay. So, in all likelihood, this was an 13 e-mail sent to you on August 1, '07; isn't that 14 right? 15 A. It's possible. 16 Q. Could you go check your e-mail? 17 A. I could. 18 Q. Could you do that and see if you can print 19 this document out, Exhibit 3, from your file, so that 20 we can authenticate it? Because it's cut off. 21 A. Sure. 22 Q. Okay. 23 A. Another break? 24 Q. Yes. 25 (Recess.)</p>	<p style="text-align: right;">32</p> <p>1 Q. And what was attached to that? 2 A. Three pieces of -- three attachments. 3 Q. Okay. And if you look at the second page, 4 the document that is attached to Exhibit 5, that is 5 labeled Exhibit 3, what is that document? 6 A. That's correspondence from Sarah Dennis. 7 Q. And was that correspondence forwarded to you 8 along with the e-mail dated March 6, 2008 we have 9 marked as Exhibit 5? 10 A. It was part of the same e-mail. 11 Q. It was part of the same e-mail. 12 So the documents that have been marked 13 Exhibits 5 and 3 are true and correct copies of 14 e-mails that Sarah Dennis of the San Francisco 15 Planning Department sent to you at the Department of 16 Housing and Community Development? 17 A. On March 6th. 18 Q. On March 6th. 19 A. Yes. 20 Q. Thank you. And true and correct copies of 21 these documents are contained in the HCD's business 22 records; isn't that correct? 23 A. Yes. 24 Q. Okay. Thank you. Okay. That solves that 25 mystery.</p>

<p style="text-align: right;">33</p> <p>1 Now, did you review San Francisco's Housing 2 Element to determine whether it was in compliance 3 with the requirements of State housing element law? 4 MR. LOVINGTON: Excuse me, could you be more 5 precise as to the date that you are referring to, 6 which housing element? 7 Q. BY MS. DEVINCENZI: Okay. First of all, you 8 are familiar with the State requirements, the 9 requirements of the State housing element law insofar 10 as they require certain contents that a housing 11 element must contain; isn't that correct? 12 A. Yes. 13 Q. And how does your job relate to that? It's 14 one of the main functions you perform, isn't it? 15 A. Yes. 16 Q. Explain to me what your responsibilities are 17 in that connection. 18 A. To review housing plans consistent with 19 statutory requirements. 20 Q. And have you reviewed those statutory 21 requirements and been trained in them? 22 A. Yes. 23 Q. What kind of training have you received, 24 sir? 25 A. It was quite a while ago, but in the</p>	<p style="text-align: right;">35</p> <p>1 that's been marked as Exhibit 1. That document 2 reflects the State Department of Housing and 3 Community Development's determination that the City's 4 Housing Element approved September 28, 2004 was in 5 compliance with the requirements of State Government 6 Code as they pertain to housing elements; isn't that 7 correct? 8 A. Yes. 9 Q. Okay. Now, the status of the housing 10 element compliance is also reported on HCD's Web 11 site; isn't that correct? 12 A. Yes. 13 Q. Is it all right with you if I use the 14 acronym "HCD" for the Department of Housing and 15 Community Development? 16 A. I have no problem with that. 17 Q. Okay. Now, the document that we have marked 18 as Exhibit 2 shows the current compliance status of 19 San Francisco's Housing Element as in compliance; 20 isn't that correct? 21 A. Yes. 22 Q. And that's noted on page 8 of Exhibit 2; 23 isn't that correct? 24 A. Yes. 25 Q. And that was current as of August 13, 2008;</p>
<p style="text-align: right;">34</p> <p>1 context we went over the contents of statute, and 2 review procedures, how to conduct conversations, 3 and so forth. 4 Q. Okay. And do you keep up to date on the 5 changes in the State housing element law? 6 A. Yes. 7 Q. Okay. Now, when San Francisco adopted its 8 2004 Housing Element in 2004, did you review it at 9 any time during 2004 to determine whether the element 10 as adopted by the Planning Commission and the Board 11 of Supervisors was in compliance with the 12 requirements of State housing element law? 13 A. Yes, I reviewed the 2004 Adopted Housing 14 Element. 15 Q. And the Department found that that 2004 16 Housing Element was in compliance with the 17 requirements of State housing element law, correct? 18 A. Yes. 19 Q. Now, to change that compliance status, there 20 would need to be a written determination of 21 noncompliance by the Deputy Director Creswell or 22 someone above her; isn't that right? 23 A. Yes. 24 Q. Okay. Now, the document that has been 25 marked as an exhibit, I'd like to show you a document</p>	<p style="text-align: right;">36</p> <p>1 is that correct? 2 A. Yes. 3 Q. Okay. How often do you update your Web site 4 on the compliance status? 5 A. I'm not certain. 6 Q. Okay. Well, would it be within a month or 7 two months? Do you have any idea? 8 A. Roughly. 9 Q. Roughly. Okay. Roughly two months or a 10 month? 11 A. Month to two months. 12 Q. Month to two months. 13 Now, you have heard that the Court of Appeal 14 held that an Environmental Impact Report was required 15 with reference to changes in the housing element, 16 haven't you? 17 A. Yes. 18 Q. Okay. Have you reviewed the Court of 19 Appeal's decision in this case? 20 A. No. 21 Q. Do you know whether anyone else in the 22 Department has reviewed the Court of Appeal's 23 decision in the case of San Franciscans for Livable 24 Neighborhoods? 25 A. I'm not certain.</p>

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1 Q. But certainly no one in the compliance
2 section has reviewed the Court of Appeal's decision,
3 because you are the manager and you are in charge of
4 the San Francisco review; isn't that correct?
5 MS. PEARSON: I have to object. How could
6 he possibly know what everyone has done?
7 Q. BY MS. DEVINCENZI: I'm just asking as to
8 the employees under your management.
9 MR. LOVINGTON: That's just as to your
10 knowledge.
11 THE WITNESS: Not to my knowledge.
12 Q. BY MS. DEVINCENZI: Well, would you have to
13 assign someone to do that?
14 A. I could assign someone to do that.
15 Q. Well, have you assigned anyone, other than
16 yourself, to review the Court of Appeal decision?
17 A. I never assigned myself to review it,
18 and I never assigned anyone else to review it.
19 Q. Okay. So, to your knowledge, the Compliance
20 Department of HCD has not, to date, prepared any
21 written evaluation of the effect of the decision?
22 A. Correct.
23 Q. So San Francisco's compliance status is
24 currently in compliance; is that correct?
25 A. Yes.

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1 Q. Now, after the Court of Appeal ruled,
2 representatives of HCD had meetings with
3 representatives of the City, didn't they?
4 A. Yes.
5 Q. How many meetings were there?
6 A. I believe one.
7 Q. And where was that held?
8 A. Here.
9 Q. And who attended that meeting?
10 A. I can't be certain of everybody.
11 However, Counsel, me, Deputy Director Creswell,
12 Audrey Pearson, Sarah Dennis, Matthew Franklin.
13 And, I'm sorry, I forget the Planning Director's
14 name, Dean.
15 Q. Dean Macris?
16 A. Yes.
17 Q. What about Amit Ghosh, was he there?
18 A. Yes.
19 Q. Amit, that's A-m-i-t, G-h-o-s-h.
20 And by "Counsel," do you mean Mr. Lovington?
21 A. Correct.
22 Q. Was anyone else there that you can remember?
23 A. Not with complete certainty.
24 Q. Okay. And when was this meeting?
25 A. I'm not sure. Some months prior to

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1 their letter to us.
2 Q. Some months prior to the August 1, 2007
3 correspondence?
4 A. Yes.
5 Q. Okay. So what was discussed at the meeting?
6 A. I didn't really keep notes or anything,
7 but mainly what you see in their request to us,
8 their fall 2007 request.
9 Q. Well, what did the City say that they were
10 going to request of HCD?
11 A. An evaluation of their compliance
12 status, absent inoperative policies, in addition
13 to their implementation efforts and so forth,
14 that's mainly what I remember.
15 Q. When you say, "absent inoperative policies,"
16 you mean certain policies that the City would deem
17 inoperative?
18 A. Yes.
19 Q. And by, "in addition to the implementation
20 efforts," you mean that those would still be
21 operative?
22 A. No, separate from that. I mean, they
23 were talking about some of the recent things they
24 have done in housing.
25 Q. What did the City tell you they had recently

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1 done in housing?
2 A. I believe some pending projects, but I
3 don't have a strong recollection.
4 Q. Did they mention that they were moving
5 toward attainment of the 20,400-some-odd HCD ABAG
6 target?
7 A. I'm not sure.
8 Q. Did they mention the market Octavia project?
9 A. Possibly, but I'm not sure.
10 Q. Did they mention Rincon Hill?
11 A. I'm not sure.
12 Q. Did you take any notes?
13 A. No.
14 Q. Have you had any other in-person meetings
15 with the City?
16 A. No.
17 Q. Let's look at Exhibit 4. Exhibit 4 is the
18 April 2 letter to Mr. John Rahaim of Planning.
19 MR. LOVINGTON: April 2, 2008?
20 MS. DEVINCENZI: Yes.
21 Q. Now, the first paragraph says, "The
22 Department also appreciates updated information about
23 the status of San Francisco's housing element as it
24 relates to the unpublished decision of the Court of
25 Appeal in San Franciscans for Livable Neighborhoods

<p style="text-align: right;">41</p> <p>1 v. City and County of San Francisco." 2 What updated information was that? 3 A. Their correspondence. 4 Q. Well, which correspondence do you mean? 5 A. August. 6 Q. Do you mean the August correspondence? 7 A. Correct. 8 Q. What did you understand the City was 9 proposing in their August correspondence? 10 A. Not proposing, requesting an evaluation 11 of their housing element absent certain policies. 12 Q. And the City determined which policies would 13 be deemed omitted under that evaluation; isn't that 14 correct? 15 A. Correct. 16 Q. HCD did not suggest that those were the only 17 policies that the Court found were important changes, 18 did it? 19 A. No. 20 Q. Now, this letter, Exhibit 4, lists eight 21 policies to be deemed excluded. 22 Now, did HCD mean that if the City excluded 23 the implementation measures that corresponded to 24 those eight policies, that the housing element of San 25 Francisco would still continue to be in compliance</p>	<p style="text-align: right;">43</p> <p>1 Court to require an environmental impact report under 2 CEQA." 3 So you are saying that those amendments were 4 strikeouts on the attached document; is that correct? 5 A. I'm saying that I evaluated this 6 document with those strikeouts, but I didn't know 7 it was an amendment. So I'm not sure what 8 language you are referring to. 9 MR. LOVINGTON: This is the language right 10 here. 11 THE WITNESS: Oh. When we say, "amended" 12 for housing law -- 13 MR. LOVINGTON: You mean not technically 14 amended, but modified, if you will? 15 THE WITNESS: Yeah, modified for evaluation. 16 Q. BY MS. DEVINCENZI: Okay. So, in other 17 words, Exhibit 7 has an attached excerpt from the 18 City's 2004 Housing Element consisting of Part II, 19 Objectives, Policies, and Implementation Programs, 20 with strikeouts? 21 A. Yes. 22 Q. And those strikeouts were stricken out by 23 the City? 24 A. Yes. 25 Q. Now, the strikeout language, the language</p>
<p style="text-align: right;">42</p> <p>1 with law? 2 A. The policies and the implementation are 3 basically the same. 4 Q. Okay. 5 A. To what I remember. 6 Q. Okay. Let's look at the August 7 correspondence here, which is Exhibit 7. Yes, let's 8 take a look at Exhibit 7. 9 Now, Exhibit 7 -- 10 MS. PEARSON: Kathy, were you going to give 11 us copies of these? 12 MS. DEVINCENZI: Sure. Here you go. Here's 13 a copy of Exhibit 7 for you. And here's a copy for 14 you, sir. It's quite large. 15 Q. Now, page 2 refers to an attached copy of a 16 version of the housing element that's been amended; 17 isn't that correct? 18 A. Policy section. 19 MR. LOVINGTON: Page 2 of which exhibit? 20 Q. BY MS. DEVINCENZI: Page 2 of Exhibit 7 21 refers to an attached copy of the City's 2004 Housing 22 Element that's been amended; is that correct? 23 A. Not amended, but with strikeouts. 24 Q. Well, the letter says, "it has been amended 25 to address the policies which have been deemed by the</p>	<p style="text-align: right;">44</p> <p>1 that was stricken out, is the language that the City 2 referred to as the seven or eight policies that they 3 were going to deem that the Court needed to be 4 reviewed in the EIR? 5 A. Correct. 6 Q. And those were the seven or eight policies 7 that the Court was going to ask you -- that the City 8 was going to ask you to evaluate the housing 9 element's compliance in the absence of those; is that 10 correct? 11 A. Yes. 12 Q. Now, some things on the attachment with the 13 strikeouts are highlighted; that is, the strikeouts 14 to Exhibit 7. Please take a look at the page marked 15 134. 16 Now, the highlighted sections on page 134 17 were highlighted by the City; is that right? 18 A. Not by me. 19 Q. Right. They were highlighted by the City; 20 is that right? 21 A. Yes. 22 Q. Did you understand that the highlighted text 23 contained in this attachment were proposals and 24 provisions and terms that the City intended to leave 25 in the housing element and continue to rely on?</p>

<p style="text-align: right;">45</p> <p>1 A. I can't recall.</p> <p>2 Q. Well, when you evaluated this document with</p> <p>3 the strikeouts, did you evaluate its compliance with</p> <p>4 law with the text that's highlighted in the document</p> <p>5 remaining in the element?</p> <p>6 A. I'd have to compare that to the</p> <p>7 correspondence with the request.</p> <p>8 Q. Okay. Well, you have the correspondence.</p> <p>9 And can you please look at the correspondence</p> <p>10 attached --</p> <p>11 A. Yes.</p> <p>12 Q. -- and tell me what you deem the contents of</p> <p>13 the housing element to be that you reviewed?</p> <p>14 A. Minus these listed policies.</p> <p>15 Q. Right. Okay. So when you reviewed the</p> <p>16 housing element attachment with the strikeouts to</p> <p>17 determine whether you would deem it in compliance --</p> <p>18 A. Yes.</p> <p>19 Q. -- you omitted only the terms that were</p> <p>20 stricken out with the line through them?</p> <p>21 A. Yes, these listed policies and their</p> <p>22 bullets.</p> <p>23 Q. Right. So the text that was highlighted,</p> <p>24 starting on page 134 and continuing to page 136, was</p> <p>25 considered by you to be part of the housing element,</p>	<p style="text-align: right;">47</p> <p>1 A. I can't be certain. I went to the</p> <p>2 previous element and looked at that in its, you</p> <p>3 know, entirety.</p> <p>4 Q. So the only parts that you deemed stricken</p> <p>5 were the seven or eight listed policies?</p> <p>6 A. Yes.</p> <p>7 Q. And everything else in the element you</p> <p>8 deemed part of it; is that right?</p> <p>9 MR. LOVINGTON: Counselor, I'm going to have</p> <p>10 to go. Shaleen will be here in my stead. This is</p> <p>11 Mark Lovington. I'll be back when I can.</p> <p>12 MS. DEVINCENZI: Okay. Thank you, sir.</p> <p>13 (Mr. Lovington left the deposition</p> <p>14 proceedings.)</p> <p>15 Q. BY MS. DEVINCENZI: Okay. So it's fair to</p> <p>16 say that when HCD determined, based on your review,</p> <p>17 whether the City's 2004 Housing Element would be in</p> <p>18 compliance with law if the seven or eight policies</p> <p>19 were omitted, the only text that you considered</p> <p>20 omitted was the seven or eight policies which were</p> <p>21 listed on the August 1, 2007 letter to Cathy</p> <p>22 Creswell --</p> <p>23 A. Correct.</p> <p>24 Q. -- which is marked as Exhibit 7?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">46</p> <p>1 that would remain as part of the housing element; is</p> <p>2 that correct?</p> <p>3 A. Yes. But I don't have a perfect</p> <p>4 recollection of it.</p> <p>5 Q. Right. But the highlighted text would not</p> <p>6 be stricken out?</p> <p>7 A. Correct.</p> <p>8 Q. Now, I notice here that the only part of the</p> <p>9 housing element that contains strikeout text that the</p> <p>10 City sent to you was Part II. Part I is not included</p> <p>11 at all; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Now, Part I is the Data and Needs</p> <p>14 Assessment; is that correct?</p> <p>15 A. Backgrounds, yes.</p> <p>16 Q. Okay. So when you reviewed the housing</p> <p>17 element to determine whether it would still comply</p> <p>18 with law if the seven or eight policies were</p> <p>19 stricken, you considered the housing element to</p> <p>20 include the entire Part I Data and Needs section; is</p> <p>21 that correct?</p> <p>22 A. Correct.</p> <p>23 Q. And you also construed it to contain the</p> <p>24 entire Appendix C Preliminary Work Program; isn't</p> <p>25 that correct?</p>	<p style="text-align: right;">48</p> <p>1 Q. Now, let's look at the document that we</p> <p>2 marked Exhibits 3 and 5, which is the e-mail you just</p> <p>3 printed out so nicely for us.</p> <p>4 MS. PEARSON: Can we get a copy of that?</p> <p>5 MS. DEVINCENZI: Yes.</p> <p>6 Q. Now, Exhibits 3 and 5 are an e-mail that you</p> <p>7 just printed out from your computer that you received</p> <p>8 from Sarah Dennis; isn't that correct?</p> <p>9 A. Yes.</p> <p>10 Q. All right. Now, the second page of that,</p> <p>11 which is marked Exhibit 3, states, "We are also</p> <p>12 hoping that given that commitment, HCD can give the</p> <p>13 City assurance that you support our 2004 Housing</p> <p>14 Element as remaining in substantial compliance with</p> <p>15 State housing element law. We are submitting to the</p> <p>16 Court that we would render the 7 policies and one</p> <p>17 implementation measure that were cited as</p> <p>18 objectionable in the Court's decision as inoperative</p> <p>19 pending environmental review, but hope that even with</p> <p>20 those provisions struck, you could, as discussed,</p> <p>21 continue to find our 2004 Housing Element in</p> <p>22 substantial compliance with State housing element</p> <p>23 law. As we noted in previous letters (attached) the</p> <p>24 substance of these policies and implementation</p> <p>25 measures continue to exist elsewhere in our General</p>

<p style="text-align: right;">49</p> <p>1 Plan, and in our City's continuing programs, so we 2 would continue to pursue them in other ways." 3 Is that correct? 4 A. Is what you read in the e-mail read 5 correctly? 6 Q. Is that what the e-mail says? 7 A. Yes. 8 Q. Now, what did you understand were the 9 "City's continuing programs" that were referred to in 10 that sentence? 11 A. To the best of my memory, mainly the 12 implementation actions through the, I believe 13 it's the CAP, and other attachments in their 14 initial correspondence. 15 Q. Okay. You mean in the other April the 1st 16 letter? 17 A. These here. 18 Q. Right. So the CAP is, Exhibit 10 and 11, is 19 what you meant by the "City's continuing programs"? 20 A. What she meant. 21 Q. What you understood she meant? 22 A. Uh-huh. 23 Q. And what you had discussed, correct? 24 A. Yes. 25 Q. So, essentially, what you understood the</p>	<p style="text-align: right;">51</p> <p>1 stricken out under this evaluation -- 2 A. Yes. 3 Q. -- they asked you to perform? 4 A. Correct. 5 Q. So the CAP would continue to be part of the 6 housing element that you reviewed to determine 7 whether it would still be in compliance with law 8 after the Court decision? 9 A. The CAP isn't perfectly within the 10 housing element. The housing element references 11 the CAP. 12 Q. Well, there are two documents here marked 13 Exhibits 10 and 11, which are two versions of the 14 CAP, one for the downtown, and the other is the 15 citywide version. 16 Did you understand the City to mean that 17 those entire documents would be implemented? 18 A. Yes. 19 Q. Okay. 20 A. Or they would pursue implementation. 21 MS. PEARSON: Can we get copies of those? 22 MS. DEVINCENZI: Yes. Just a minute here. 23 Q. Okay. I'd like to show you documents marked 24 as Exhibit 9, which is the August 1, 2007 letter to 25 Cathy Creswell.</p>
<p style="text-align: right;">50</p> <p>1 City to mean was that they would continue to 2 implement the Citywide Action Plan, and that you 3 would take that into account as a matter that would 4 be included within the 2004 Housing Element and not 5 omitted along with the seven or eight policies; is 6 that right? 7 A. I'm not sure what you mean, I'm sorry. 8 Q. Okay. Did you understand what Ms. Dennis 9 meant here, "Our City's continuing programs"? You 10 said you understood it to include the CAP. Did you 11 understand that the City would continue to implement 12 the Citywide Action Program? 13 A. Yes. 14 Q. And did you understand that the City would 15 take the position that the Citywide Action Program 16 was not an omitted portion of the housing element? 17 A. Was not an omitted portion? I'm sorry, 18 can you restate that? 19 Q. Okay. Did you understand that the -- well, 20 the housing element refers to the Citywide Action 21 Plan, doesn't it? 22 A. Right. Right. 23 Q. And so the references to the Citywide Action 24 Plan in the City's 2004 Housing Element would not be 25 part of the text that the City would deem omitted or</p>	<p style="text-align: right;">52</p> <p>1 Now, this is one of the letters that the 2 City sent to HCD indicating what policies they would 3 continue to implement; isn't that correct? 4 A. Yes. 5 Q. And so when Ms. Dennis referred to the 6 "City's continuing programs," all of the programs and 7 matters that are contained in Exhibit 9 were programs 8 that the City would continue to implement, and that 9 they would deem not omitted from the 2004 Housing 10 Element evaluation that you conducted; is that right? 11 Let me restate that one. 12 MS. SMITH: Yeah, please. 13 THE WITNESS: These are outside the housing 14 element, right? 15 Q. BY MS. DEVINCENZI: Well, not necessarily. 16 Okay. Page 3 of Exhibit 9 refers to the 17 Citywide Action Plan. 18 A. Okay. 19 Q. Isn't that correct? 20 A. Yes. 21 Q. All right. Now, the references to the 22 Citywide Action Plan on page 3 of Exhibit 9 were 23 policies that the City would continue to implement; 24 isn't that correct? 25 A. Yes.</p>

<p style="text-align: right;">53</p> <p>1 Q. All right. And the City proposed to 2 continue to implement those policies and not to 3 strikeout any references to those policies insofar as 4 that they may appear in the housing element; isn't 5 that right? 6 A. No. The purpose of this was just to 7 show us their efforts, not necessarily part of 8 our evaluation. 9 Q. Yes. But didn't you say that their 10 continuing programs were something that was taken 11 into account by you in making your evaluation as to 12 whether the element was still in compliance? 13 A. I wouldn't say that it was crucial. It 14 was more in periphery. 15 Q. Okay. Well, page 4 of Exhibit 9 indicates 16 that that there were several area planning efforts 17 listed. 18 And did the City tell you they were going to 19 pursue and implement those efforts? 20 A. They said that they had continued 21 efforts in those areas, I believe. 22 Q. Okay. And they reference the Market and 23 Octavia Better Neighborhoods Plan? 24 A. This correspondence does. 25 Q. Yes. And the Transbay Plan and the Eastern</p>	<p style="text-align: right;">55</p> <p>1 Q. Well, when Ms. Dennis referred here in 2 Exhibit 3 to, "As we noted in previous letters 3 (attached) the substance of these policies and 4 implementation measures continue to exist elsewhere 5 in our General Plan, and in our City's continuing 6 programs, so we would continue to pursue them in 7 other ways," did you understand what she meant by the 8 "continuing programs set forth in the previous 9 letters attached" to be the August 1 letters marked 10 as Exhibits 9 and 7? 11 A. I don't have a strong recollection of 12 that. 13 Q. Well, when you got this e-mail -- well, even 14 now as you look at this e-mail, what do you think 15 Ms. Dennis meant by the "City's continuing programs"? 16 MS. PEARSON: Objection, calls for 17 speculation. 18 Q. BY MS. DEVINCENZI: Okay. What did you 19 understand it to mean? 20 A. I really -- I really don't remember, I'm 21 sorry about that. I haven't reviewed all these 22 things. And I've been in 50 cities since then. 23 Q. Okay. Do you have a general recollection of 24 what the City would continue to do? 25 A. Not -- I can't provide you detail on</p>
<p style="text-align: right;">54</p> <p>1 Neighborhoods Rezoning and the Balboa Park Better 2 Neighborhoods Plan and the Schlage Lock/Visitation 3 Valley Redevelopment Plan and the Executive Park Plan 4 and the Third Street Transit Corridor Planning 5 Projects. 6 Did you understand from this letter that the 7 City would continue to implement those programs and 8 not to strike out any references to them insofar as 9 they may appear in the 2004 element when you 10 undertook your review? 11 A. I don't remember specific conversations 12 about these not being stricken, or about them 13 being part of my, you know, part of my evaluation 14 specifically. 15 Q. Well, part of your evaluation generally was 16 that they would continue to implement the work 17 programs? 18 A. In the element. 19 Q. Yes. 20 A. Yes. 21 Q. Right. 22 MS. PEARSON: Can we show him the work 23 program perhaps? That might refresh his 24 recollection. 25 MS. DEVINCENZI: Yes, I'll get to that, yes.</p>	<p style="text-align: right;">56</p> <p>1 that, no. 2 Q. Well, you understood that the City would 3 continue to build housing, did you not? 4 A. Yes. 5 Q. And the City would continue to move toward 6 attainment of the 20,000 target housing production 7 for the period 1999 to 2006, correct? 8 A. Yes. 9 Q. And thereafter? 10 A. Certainly. 11 Q. And you understood, didn't you, that the 12 Citywide Action Plan is one of the programs that the 13 City will use to move toward attainment of that 14 20,400 housing target developed by HDC ABAG for the 15 reporting period 1999 to 2006; is that correct? 16 A. Yes. 17 Q. All right. And that it was the City's 18 position that it should be able to rely on the 19 Citywide Action Plan even though the seven or eight 20 enumerated policies would be omitted from the housing 21 element; is that correct? 22 MS. PEARSON: Objection, calls for 23 speculation. 24 THE WITNESS: No, I'm not sure. 25 Q. BY MS. DEVINCENZI: Well, when you conducted</p>

<p style="text-align: right;">57</p> <p>1 your review of whether the element would be in 2 compliance. 3 A. Right. 4 Q. And you assumed that the eight listed 5 policies would be stricken. 6 A. Yes. 7 Q. Okay. What efforts did you think the City 8 would make toward attainment of the 20,000-some-odd 9 unit housing production target developed by HCD ABAG? 10 A. My review was mainly focused on whether 11 their existing element identified adequate sites 12 or not, which it did, and required no programs to 13 make additional sites available. 14 And, also, whether their existing element 15 2004 identified constraints or not or whether it 16 required programs or not, which it didn't. That was 17 the strongest part of our evaluation. 18 MS. DEVINCENZI: Okay. Could you read that 19 back to me? He went pretty fast. 20 (Record read.) 21 Q. BY MS. DEVINCENZI: Okay. Now, let me ask 22 you this: A housing element is more than a set of 23 policies, isn't it? 24 A. Yes. 25 Q. Okay. Now, by State law, a housing element</p>	<p style="text-align: right;">59</p> <p>1 include an identification of adequate sites to meet 2 the jurisdiction's housing goals; isn't that correct? 3 A. No. 4 Q. Isn't that required by Government Code 5 Section 65583(c)? 6 A. Only if adequate sites are demonstrated 7 as part of the land inventory. 8 Q. If they are demonstrated or not? 9 A. If the land inventory demonstrates 10 adequate sites, then programs to make additional 11 capacity available are not required. 12 Q. Okay. Oh, I see. Now, the land inventory 13 is contained in the section on -- in the Data and 14 Needs section of the housing element; is that right? 15 A. Yes. 16 Q. And so how does San Francisco's land 17 inventory demonstrate adequate sites? 18 A. To additional capacity -- I mean, excuse 19 me, to capacity in their existing acreage and the 20 residual capacity in zoning. So, in other words, 21 they are able to demonstrate a buildable envelope 22 enough sufficient to accommodate the regional 23 housing need allocation without changes. 24 MS. PEARSON: Without changes to what? 25 THE WITNESS: Changes to zoning, land use,</p>
<p style="text-align: right;">58</p> <p>1 has to contain work programs, doesn't it? 2 A. Yes. 3 Q. Now, these work programs, a housing element 4 must contain a five-year schedule of actions to 5 achieve the goals, policies, and quantified 6 objectives set forth in the housing element; isn't 7 that right? 8 A. Yes. 9 Q. All right. And does San Francisco's 2004 10 Housing Element contain such a five-year work 11 program? 12 A. Yes, it should. 13 Q. It should. It's a required component by 14 State law, isn't it? 15 A. Yes. 16 Q. Okay. Now, doesn't the work program have to 17 include an identification of adequate sites to meet 18 the jurisdiction's housing goals? 19 A. The analysis can demonstrate adequate 20 sites, which may not require programs. 21 Q. You mean the analysis of the implementation 22 measures set forth in the -- 23 A. Analysis of existence -- 24 THE REPORTER: One at a time, please. 25 Q. BY MS. DEVINCENZI: The work program must</p>	<p style="text-align: right;">60</p> <p>1 et cetera. 2 Q. BY MS. DEVINCENZI: Okay. So you are saying 3 that the technical requirement of whether adequate 4 sites are demonstrated is met by the process that you 5 just explained? 6 A. Yes. 7 Q. But the City could have plans that were far 8 greater than that; isn't that right? 9 A. Correct. 10 Q. And the housing element could demonstrate 11 that there were programs underway to change the 12 capacity of the City; isn't that right? 13 A. They could include, yes. 14 Q. Yes. Do you know whether the housing 15 element contains programs that are intended to 16 increase the capacity of the City's zoning? 17 A. Yes. 18 Q. And what are those programs? 19 A. I don't have a strong recollection. But 20 a lot of it was around different development 21 standards, heights, bulk requirements, floor-area 22 ratios, et cetera, to further encourage 23 development. 24 Q. Right. And so those standards to increase 25 capacity are throughout the housing element that the</p>

<p style="text-align: right;">61</p> <p>1 City adopted in 2004 in various places; isn't that 2 right? 3 A. Yes. 4 Q. Yes. Okay. 5 A. Throughout our – you mean Part II? 6 Q. Where are they? 7 A. I forget in the first part to what 8 extent. 9 Q. But they are somewhere in there? 10 A. Yes. 11 Q. It's fair to say that the City's 2004 12 Housing Element intended to take certain steps to 13 increase the City's capacity for housing by changing 14 zoning in certain ways and development standards as 15 you mentioned; isn't that right? 16 A. Yeah, to further encourage, yes. 17 Q. To further encourage. What do you mean by 18 "to further encourage"? 19 A. Because their background analysis 20 demonstrated the adequate sites, so actions to 21 increase the buildable envelope were beyond the 22 regional housing need allocation. 23 Q. Okay. So these further encouragement means 24 that are in the housing element were beyond the 25 regional housing need allocation; isn't that right?</p>	<p style="text-align: right;">63</p> <p>1 forth. 2 Q. Parking. Okay. Parking was a change? 3 A. Well, there was all kinds of different 4 stuff in there. I can't recollect everything. 5 Q. Right. But it's fair to say there are all 6 kinds of development standards throughout the 2004 7 Housing Element that you understand are intended to 8 increase the City's zoning capacity in various ways? 9 A. Or encourage development. Because 10 development standards doesn't necessarily 11 increase capacity. Parking standard doesn't 12 increase capacity necessarily. 13 Q. Right. So they are designed to either 14 encourage -- 15 A. Very good. 16 Q. -- encourage further development or change 17 the zoning to increase the capacity, one or the 18 other? 19 A. Yes. 20 Q. Right. And those are throughout the housing 21 element? 22 A. Particularly policy document, as far as 23 I can recollect. 24 MS. PEARSON: Can I jump in? 25 MS. DEVINCENZI: You can have time later.</p>
<p style="text-align: right;">62</p> <p>1 A. That's fair to say. 2 Q. Yes. 3 A. That's what more my evaluation was 4 focused on. 5 Q. Right. So all your evaluation stands for, 6 basically, is that if those eight omitted policies 7 are omitted from the element, the element would still 8 substantially comply because the housing needs 9 assessment doesn't require demonstration or 10 evaluation of the further encouragement policies that 11 are contained in the element; isn't that right? 12 A. They would continue to demonstrate 13 adequate sites without those policies. 14 Q. But the further encouragement policies are 15 still in the element? 16 A. Yes. 17 Q. Okay. 18 MS. PEARSON: And what do you mean by 19 "further encouragement policies"? 20 THE WITNESS: I mean, beyond the regional 21 housing need allocation. 22 MS. PEARSON: So such as? 23 Q. BY MS. DEVINCENZI: Well, didn't you also 24 say they had different development standards? 25 A. I believe I remember parking and so</p>	<p style="text-align: right;">64</p> <p>1 Okay. It's kind of hard for me to keep transitioning 2 if you are going to do this. 3 Q. Now, the Citywide Action Plan is one of the 4 things that would either, if implemented, it would 5 either encourage further development or suggest 6 changes in zoning; isn't that right? 7 A. It could. But I can't be, you know, 8 confident with all of its contents. 9 Q. Okay. Now, do you recall having a 10 discussion with the City indicating that the Data and 11 Needs Analysis was an important component of the 12 housing element that you wanted to remain in effect? 13 A. No. 14 Q. Let me ask you this: When you conducted 15 this review of the eight omitted policies, you did 16 not omit the Data and Needs Analysis section of the 17 housing element, did you? 18 A. Correct. 19 Q. Do you remember any discussion with the City 20 of the importance of the Data and Needs Analysis in 21 connection with your review? 22 A. No. 23 Q. Does the assessment of the City's capacity 24 under current zoning, that you referred to as 25 necessary for the assessment of adequate sites, exist</p>

<p style="text-align: right;">65</p> <p>1 in the Data and Needs Analysis section of the housing 2 element? 3 A. Yes. 4 Q. So that's where it is. Okay. 5 And the HCD target was 20,400 units, 6 approximately, wasn't it? 7 A. I can't be sure. 8 Q. Something like that? 9 A. I could quickly find it for you, but I 10 can't remember the exact number. It was very 11 large. 12 Q. It was very large. So basically, in a 13 general sense, the Data and Needs Analysis section of 14 the 2004 Housing Element of San Francisco contains an 15 analysis which indicates it has sufficient capacity 16 to move toward attainment of the HCD ABAG target of 17 approximately 20,000 units; isn't that right? 18 A. Whatever the target, but we say 19 accommodate; it could accommodate the regional 20 housing allocation. 21 Q. So the Data and Needs section stands for the 22 fact that the City could accommodate the production 23 of 20,400 housing units? 24 A. Uh-huh, accommodate the need for 25 whatever the target, yeah.</p>	<p style="text-align: right;">67</p> <p>1 Q. And, generally, the height limit in a 2 residential area is about 40 feet, isn't it? 3 A. In San Francisco? 4 MS. PEARSON: If you know. 5 Q. BY MS. DEVINCENZI: Yeah. Do you know 6 anything about it? 7 A. I have no idea. 8 Q. Okay. Well, the unrealized capacity is 9 basically the difference between the existing 10 as-built environment and what could be built under 11 the existing zoning but haven't been; isn't that 12 right? 13 A. Yes. 14 Q. All right. So you have buildings all over 15 the place that are built; isn't that right? 16 A. In San Francisco? 17 Q. In San Francisco, right. I'm asking you 18 only about San Francisco. 19 A. Right. 20 Q. So to achieve this 20,000 target, it's not 21 realistic to expect 20,000 of these buildings to be 22 torn down and 20,000 new ones produced unless you 23 create some kind of incentives for new construction; 24 isn't that right? 25 A. It depends. When reviewing elements,</p>
<p style="text-align: right;">66</p> <p>1 Q. It could accommodate the production as well? 2 A. Sure. 3 Q. Right. Let's take a look at Exhibit 8, or, 4 excuse me, Exhibit 14. Why don't you familiarize 5 yourself with Exhibit 14 for a minute. Let me ask you 6 a general question first. 7 When you talk about the unused capacity 8 under existing zoning, this means the amount of the 9 unused capacity basically up to the height limits, 10 between the top of the existing buildings and 11 existing height limits. Is that a fair way to 12 explain it? 13 A. Fair way. But what they are assuming, 14 it should be realistic. So when jurisdictions 15 are assuming maximum densities, we want to make 16 sure that that's achievable or whether it's 17 realistic. 18 Q. Well, isn't it generally true that unless 19 you create an incentive for the demolition of an 20 existing building, that it's not likely to be torn 21 down in sufficient numbers to make it regional 22 targets? 23 A. I'm not sure how to answer that. 24 Q. Well, the City is all built up, right? 25 A. Right.</p>	<p style="text-align: right;">68</p> <p>1 sometimes jurisdictions can demonstrate a track 2 record or support assumptions without changing or 3 providing incentives. So it depends. 4 Q. Do you require a demonstration of that? 5 A. Yes. 6 Q. Yes, you do. Okay. 7 Okay. This is Exhibit 14. 8 A. However, I should clarify that. There 9 is new statutory requirements. 10 Q. What are they? 11 A. AB 2348 has specific requirements on 12 nonvacant sites. 13 Q. And what are they? 14 A. Evaluation of market trends, regulatory 15 framework, and development trends to demonstrate 16 the suitability and availability of nonvacant 17 sites. 18 Q. Okay. So the availability of nonvacant 19 sites was not required to be demonstrated when you 20 reviewed the 2004 Housing Element for compliance? 21 A. AB 2348 was after our review. 22 Q. Right. So the answer is yes? 23 A. Yes. 24 Q. Yes. Now -- 25 A. However, I mean, it wasn't explicit in</p>

<p style="text-align: right;">69</p> <p>1 statute, but we did require an analysis of the 2 suitability of sites. That's part of existing 3 statute, also. 4 Q. Okay. Let's look at Exhibit 14. Now, 5 Exhibit 14 is a document that you prepared? 6 A. Yes. 7 Q. Now, you say here under, "Key Findings," the 8 second bullet, "Without the 7 policies, the element 9 continues to encourage increased housing supply and 10 choices beyond their fair share through various 11 zoning and development standard implementation 12 measures. For example, exempting FARs, increasing 13 densities near transit. Some of which are pursued 14 through the Citywide Action Plan." 15 Was this your conclusion, that without the 16 seven policies other portions of the element 17 continued to encourage the implementation measures 18 that you specify? 19 A. Continue to encourage development 20 standards and so forth or modification 21 development standards? I'm not sure what you 22 mean by that last part of your question. 23 Q. Well, when you said here, "Without the 7 24 policies, the element continues to encourage 25 increased housing supply and choices beyond their</p>	<p style="text-align: right;">71</p> <p>1 densities near transit. There is a host of 2 others. 3 Q. And the Citywide Action Plan also would 4 increase the densities near transit, wouldn't it? 5 A. I believe so, but I don't have a strong 6 recollection. 7 Q. Now, you understood that if the City were to 8 change a lot of zoning to increase capacity, that 9 there could be a potential environmental effect from 10 the production of a lot of additional housing, 11 correct? 12 A. You mean would they be subject to CEQA? 13 I would assume, but – 14 Q. Okay. You say here, "Without the 7 15 policies, programmatic commitments are not required 16 to address governmental constraints." 17 What did you mean by that? 18 A. The statute requires an analysis of 19 potential governmental constraints. If 20 constraints are found, then programs are required 21 to address and remove, where possible, those 22 constraints. 23 Q. What is a programmatic commitment? 24 A. So, for example, a common constraint is 25 a conditional use permit for multi-family in,</p>
<p style="text-align: right;">70</p> <p>1 fair share through various zoning and development 2 standard implementation measures," did you include as 3 development standard and implementation measures 4 increases in densities near transit? 5 Let me start over. Did you understand that 6 without the seven policies, other portions of the 7 element contained development standard and 8 implementation measures that increased densities near 9 transit? 10 A. Or encouraged development, yes. 11 Q. To encourage that? 12 A. Yes. 13 Q. Okay. Let me say it again. You understood 14 that without the seven policies, other portions of 15 the element contained development standard and 16 implementation measures that would encourage 17 increased densities near transit? 18 A. Yes. 19 Q. And it also – 20 A. Or encourage capacity or density, either 21 way. 22 Q. Or encourage increased capacity. And what 23 were some of those? 24 A. I can't be certain, but I did provide a 25 quick list here; exempting FARs, increasing</p>	<p style="text-align: right;">72</p> <p>1 say, a suburban area, if that was found to be a 2 constraint, the program should address that 3 constraint, remove it where possible. 4 And their existing element didn't identify 5 constraints that required a program to address it. 6 So this comes into play on modifications of different 7 development standards, and so forth, which are fairly 8 common programs to address constraints. 9 Q. Okay. Now, the development standard 10 implementation measures – no, excuse me, the various 11 zoning and development standard implementation 12 measures that you refer to here, would they be 13 reflected in the work programs in the housing 14 element? 15 A. What bullet are you looking at? 16 Q. The second bullet, "Key Findings," when you 17 talk here about, "various zoning and development 18 standard implementation measures." 19 A. Are you saying this policy document? 20 Yes. 21 MS. PEARSON: Can you explain what the work 22 programs are that you are talking about? 23 MS. DEVINCENZI: Yes. 24 Q. The work programs that are listed in the 25 housing element, are those – let me start over.</p>

<p style="text-align: right;">73</p> <p>1 In the second bullet you refer to, "various 2 zoning and development standard implementation 3 measures" that encourage increased housing supply. 4 Are some of those reflected in the 5 preliminary work programs that are part of the 2004 6 Housing Element? 7 A. I would say the Policy and 8 Implementation section of the housing element. 9 Q. Policy and Implementation section? 10 A. Yes. 11 Q. Okay. 12 A. They are included in this big thing. 13 Q. Okay. And they are included in the portions 14 of the Policy and Implementation section of the 2004 15 Housing Element that were not stricken out? 16 A. Correct. 17 Q. Okay. Let's look at Exhibits 5 and 3. The 18 document marked Exhibit 5, this is an e-mail from 19 Sarah Dennis to you dated March 6, 2008. It states 20 in the paragraph starting, "The attached letter," if 21 you look down, it says – well, let me read the whole 22 sentence. 23 "The attached letter is for your use or 24 reference, and states: That if the above-listed 25 provisions are inoperative pending environmental</p>	<p style="text-align: right;">75</p> <p>1 approach language; isn't that correct? 2 A. I don't remember. I mean, I remember 3 looking at the letter, but to the extent that we 4 used that I forget. 5 Q. Okay. Well – 6 A. We independently did a review, not based 7 on that letter. 8 Q. Okay. Fine. Exhibit 4 is the letter that 9 was issued based on your review; isn't that right? 10 A. Yes. 11 Q. All right. Does that letter contain the 12 sensible approach language? 13 A. Can you explain the sensible approach, 14 what you mean? 15 Q. Well, in Exhibit 5 didn't the City suggest 16 that you say in this letter, Exhibit 4, that it was a 17 sensible approach to basically omit the seven 18 policies; isn't that right? 19 A. Yes, I guess, suggested, yes. 20 Q. And the letter which Ms. Creswell issued did 21 not use the sensible approach language, did it? 22 A. I guess not. I don't recall. I guess 23 I'd have to review it. 24 Q. It's right there in front of you. Can you 25 tell me if the sensible approach language is in</p>
<p style="text-align: right;">74</p> <p>1 review, that the City's 2004 Housing Element would 2 remain in substantial compliance with State housing 3 element law." 4 "That the City's reliance on the remaining 5 2004 Housing Element policies would not adversely 6 affect San Francisco's ability to comply with state 7 law." 8 "That moving forward with a Housing Element 9 without the provisions listed above is a sensible 10 approach to fully satisfying the Court of Appeal's 11 concerns related to environmental review under CEQA 12 while continuing to allow San Francisco to comply 13 with its State law housing obligations." 14 Now, the sensible approach language was 15 suggested by the City to be part of the letter that 16 HCD finally issued after your review; isn't that 17 right? 18 A. Suggested. 19 Q. Suggested? 20 A. Yes. 21 Q. Yes? 22 A. Yes. 23 Q. And HCD – 24 A. It's in the attachment. 25 Q. Right. And HCD did not adopt the sensible</p>	<p style="text-align: right;">76</p> <p>1 Exhibit 4? 2 A. I don't see it at this time. 3 Q. Okay. Let me ask you this: You were 4 talking about proposals to increase capacity. If all 5 the proposals which would rezone or increase capacity 6 were omitted from the housing element, is it your 7 understanding that the element would still be in 8 compliance with State law? 9 A. Yes. 10 Q. Okay. And it is your understanding that the 11 City of San Francisco's 2004 Housing Element does 12 contain various provisions designed to encourage 13 increased capacity or rezoning? 14 A. Yes. 15 Q. Now, the Data and Needs Analysis section of 16 the housing element contains an assessment of the 17 housing development potential of land; isn't that 18 right? 19 A. Uh-huh. 20 MS. SMITH: Make sure you verbally say yes. 21 THE WITNESS: Yes. 22 Q. BY MS. DEVINCENZI: And the City is, to make 23 the 20,000-some-odd target, the City is, in fact, to 24 encourage the production of housing? 25 A. They demonstrated existing capacity</p>

<p style="text-align: right;">77</p> <p>1 without programs. 2 Q. Okay. But the assessment of the housing 3 development potential is contained in the Data and 4 Needs Analysis section; isn't that right? 5 A. Sure. 6 Q. All right. And that's kind of the factual 7 underpinning for the efforts to achieve the ABAG 8 target? 9 A. Yes. 10 Q. Isn't that right? 11 A. Yes. 12 Q. Okay. And is the City required by law to 13 demonstrate efforts to achieve the ABAG target as a 14 condition of obtaining a determination of compliance 15 by HCD? 16 A. Not necessarily. But that's kind of a 17 more complex question. So, for example, if they 18 have adequate sites, they don't necessarily have 19 to increase capacity. However, there are certain 20 policies and broader objectives that are 21 important to achieving housing goals locally and 22 State goals. 23 Q. Well, the assessment of the locality's 24 housing need is a numerical figure representing the 25 number of housing units needed to meet the</p>	<p style="text-align: right;">79</p> <p>1 quantitative basis for the projected need? 2 A. For demonstrating available sites to 3 accommodate the projected need. It's one 4 requirement. 5 Q. Okay. And the formulation indicates the 6 number of new housing units needed to meet housing 7 demand in each of four income categories; isn't that 8 right? 9 A. Correct. 10 Q. And the needs assessment is contained in the 11 first part of the Data and Needs Analysis section of 12 the housing element, right? 13 A. Oftentimes. 14 Q. Usually it's in the first section of 15 San Francisco's; isn't that right? 16 A. Yes. 17 Q. And ABAG allocated San Francisco's share of 18 the regional housing need for the compliance period 19 1999 to 2006 as 20,372 units; isn't that right? 20 A. I would have to verify that. 21 Q. Okay. I'm sure we can find it in here. 22 A. Could we take a quick break while you 23 find that? 24 Q. How long do you need? Oh, here it is. I 25 did.</p>
<p style="text-align: right;">78</p> <p>1 community's projected demand for housing; isn't that 2 right? 3 A. Yes. 4 Q. And the locality's housing need is 5 calculated on a regional basis by a regional council 6 of government, or HCD where regional council does not 7 exist, correct? 8 A. Uh-huh. Yes. 9 Q. Okay. And the determination of regional 10 housing need takes into account employment trends, 11 commute patterns, current demand for housing, and the 12 availability of sites for residential development; is 13 that right? 14 A. Yes. 15 Q. And the council governments then allocates 16 this regional need among each jurisdiction in its 17 region, right? 18 A. Yes. 19 Q. Okay. And this allocation is the locality's 20 fair share of the regional housing need, and it forms 21 the quantitative basis for the remaining components 22 of the locality's housing element; isn't that right? 23 A. Not all components, but the projected, 24 yes. 25 Q. For the projected need then, it forms the</p>	<p style="text-align: right;">80</p> <p>1 I'm going to show you San Francisco's 2 Housing Element Adopted 2004, page 65 thereof. 3 A. It's not normal allocation. Do you want 4 me to – 5 Q. Well, isn't that the page that contains – 6 A. It doesn't have the four income groups 7 or the total, but I'm sure it's within here 8 somewhere. 9 Q. Okay. But that has the total, doesn't it? 10 Well, isn't it true that approximately 20,000 is the 11 figure that ABAG allocated to San Francisco? You 12 remember that, don't you? 13 A. Again, I'd have to verify that. I don't 14 remember every single number for the entire 15 state. 16 MS. DEVINCENZI: Okay. What page was 17 that that we were on? 18 MS. SMITH: 65. 19 MS. DEVINCENZI: Thanks. 20 THE WITNESS: That's your number. 21 MS. DEVINCENZI: Thanks. 22 Q. Okay. Page 80 contains the figure 20,372 23 regional housing needs allocation; isn't that right? 24 A. Yes, page 80 contains those numbers. 25 Q. Okay. So ABAG's allocation of</p>

<p style="text-align: right;">81</p> <p>1 San Francisco's share of the regional housing need 2 for the compliance period from 1999 to 2006 was 3 stated as 20,372 units in the Data and Needs Analysis 4 section of the 2004 San Francisco Housing Element; 5 isn't that right? 6 A. Correct. 7 Q. Okay. Now, do you know whether 8 San Francisco's approval resolution adopted that 9 target? 10 A. If they adopted that element. 11 Q. Would it have to have been adopted? 12 A. The element? 13 Q. No, the target. 14 A. Along with the element, sure. 15 Q. So the target, the 20,000 target was a 16 required component of the element? 17 A. Yes. 18 Q. So if the City adopted the element, they 19 adopted a housing construction target of 20,000 -- 20 A. Yes. 21 Q. -- 400 approximate units? Yes? 22 A. Yes. I'm sorry. 23 Q. Now, in the next period, the San Francisco 24 share of the housing allocation regional housing need 25 is about 30,000, isn't it?</p>	<p style="text-align: right;">83</p> <p>1 MR. LOVINGTON: Excuse me. 2 MS. DEVINCENZI: Sure. 3 Q. -- ABAG looks at the entire regional growth; 4 is that right? 5 A. Sure. 6 Q. And they then allocate to San Francisco a 7 fair share of the regional growth? 8 A. Yes. 9 Q. How do they determine what San Francisco's 10 fair share of the regional growth is, in your 11 understanding? 12 A. My understanding, based on the 13 methodology factors that you listed previously, 14 actually, and various other factors. 15 Q. Is it intended to encourage people that 16 would otherwise buy in some of the outlying areas or 17 live in those areas to instead be attracted to the 18 urban core? 19 A. I believe job housing balance is part of 20 some of the methodology factors. I don't have 21 them in front of me. 22 Q. What do you mean by "job housing balance"? 23 A. Jobs and housing near each other. So 24 housing, locating housing near where jobs are and 25 employment centers and so forth.</p>
<p style="text-align: right;">82</p> <p>1 A. I have no idea. 2 Q. You have no idea? 3 A. I haven't looked at those numbers. 4 MS. PEARSON: I'll stipulate that it's about 5 30,000, if that helps. 6 Q. BY MS. DEVINCENZI: Now, some of this fair 7 share allocation, do you understand how HCD decides 8 how much of the regional growth should be allocated 9 to San Francisco? 10 A. I have an understanding. 11 Q. Can you explain that to me? Because some of 12 it is regional growth that they are trying to 13 encourage to go to the urban core; isn't that right? 14 A. Under the new requirements? 15 Q. Under any requirements. 16 A. Well, the statute was amended through AB 17 2158 in 2004, with objectives, with infill, 18 promoting infill and housing near transit, as 19 being part of those objectives. 20 Q. Okay. Do you understand that basically -- 21 see, I'm trying to understand. 22 A. Sure. 23 Q. -- that ABAG looks at the entire regional -- 24 (Mr. Lovington re-entered the deposition 25 proceedings.)</p>	<p style="text-align: right;">84</p> <p>1 But the objectives that you are discussing 2 were added after the 2004 adopted element. But you 3 did list out the methodology factors previously in 4 your notes. 5 Q. Let's look at Exhibit 6. Okay. Exhibit 6 6 is a draft letter to John Rahaim, R-a-h-a-i-m, 7 Director of Planning, from Cathy Creswell, Deputy 8 Director. 9 Now, this is a draft that was contained in 10 your file, but it was not executed; is that correct? 11 A. Correct. 12 Q. And this draft in the second to the last 13 paragraph contained the sensible approach language, 14 didn't it? 15 A. Yes, I see it in the letter. 16 Q. Yes. But that was not executed by HCD? 17 A. It's not in our letter. 18 Q. Well, it's not in Exhibit 4, is it, which is 19 the final letter that was issued? 20 A. Yes. 21 Q. I'm going to mark a series of other 22 documents here. Well, I'll do them one by one. 23 MS. SMITH: Paul, did you need to take a 24 break while she's doing this? 25 THE WITNESS: That would be nice, yes.</p>

<p style="text-align: right;">85</p> <p>1 MS. DEVINCENZI: Okay. Shall we take five? 2 Five minutes. I'll mark documents. 3 MS. SMITH: Yeah, while you are marking 4 documents. 5 MS. DEVINCENZI: Yeah. Sure. I'm just 6 trying to get it all done. 7 Let's go off. 8 (Recess.) 9 Q. BY MS. DEVINCENZI: All right. Now, we 10 mentioned before that the City's 2004 Housing Element 11 contained various measures designed to increase 12 capacity or rezoning. 13 A. Uh-huh. 14 Q. Are you familiar with any of the kinds of 15 the zoning changes that were suggested therein? 16 A. I don't -- most of the time they stated 17 zoning changes. I'm not sure what you are 18 getting at. 19 Q. Well, what were some of the kinds of zoning 20 changes that were discussed in the housing element, 21 if you remember? 22 A. I don't -- I couldn't list all of them. 23 But like, for example, my notes said like 24 increase FAR, parking standards, different 25 modifications, whathaveyou.</p>	<p style="text-align: right;">87</p> <p>1 A. There you go. 2 Q. So if you increase the floor-to-area ratio, 3 you are increasing the building envelope? 4 A. Yes. 5 Q. And there were various proposals in the 6 housing element designed to encourage those kind of 7 zoning changes; is that right? 8 A. I believe so, yes. 9 Q. That is specifically mentioned as a kind of 10 zoning change that's set forth in the housing 11 element, isn't it? 12 MS. PEARSON: You mean mentioned in your 13 notes? 14 MS. DEVINCENZI: No. 15 Q. Doesn't the housing element specifically 16 reference changes in floor-to-area ratios? 17 A. I believe I remember that, yes. I was 18 just looking at my notes. However, it's been a 19 while since I reviewed the entire Policy and 20 Program section. 21 Q. Right. And since those are contained in 22 zoning, then to change them you would have to change 23 some kind of zoning, wouldn't you? 24 A. That is the zoning. 25 Q. That's right. So to change it, you would</p>
<p style="text-align: right;">86</p> <p>1 Q. Now -- 2 A. Is that what you mean by zoning changes? 3 Q. Yes. Yes. 4 A. Okay. 5 Q. Now, by "FAR," do you mean floor-to-area 6 ratio? 7 A. Yes. 8 Q. Can you explain how that would be changed? 9 A. Usually to increase the buildable 10 envelope. 11 Q. Okay. What do you understand a 12 floor-to-area ratio restriction to be? 13 A. Not a restriction, it just sets 14 regulations on the amount of space that can be 15 built. 16 Q. Right. 17 A. On a given parcel. 18 Q. It usually limits the number of floors? 19 A. Not necessarily. That comes with the 20 height limit. 21 Q. Okay. 22 A. There is a combination of things 23 involved there. 24 Q. A combination of things, but it limits the 25 amount of space?</p>	<p style="text-align: right;">88</p> <p>1 have to change the zoning? 2 A. Yes. 3 Q. And that applies to tall structures? What 4 kind of structures does that apply to, in the 5 downtown, or does it apply to all structures, do you 6 know? 7 A. Usually they are looking at specific 8 zoning districts. 9 Q. What zoning districts is it usually applied 10 to? 11 A. You mean in San Francisco? 12 Q. Yes. 13 A. I can't recall. 14 Q. Now, what were the changes in parking 15 standards that you just referred to? 16 A. I can't recall those specifically. 17 Q. You can't recall specifically the types of 18 changes in parking standards that the housing element 19 discussed? 20 A. Specifically from what number to what 21 number? No. 22 Q. No, generally. 23 A. Generally, there appear to be reductions 24 in parking standards. 25 Q. Okay.</p>

<p style="text-align: right;">89</p> <p>1 A. However, I don't have a strong 2 recollection. 3 Q. Okay. 4 A. San Francisco is unique with its parking 5 standards. 6 (Exhibit 15 was marked.) 7 Q. BY MS. DEVINCENZI: Okay. I'm going to show 8 you a document that's been marked as Exhibit 15. 9 Is Exhibit 15 a document that's in your 10 handwriting? 11 A. Uh-huh. 12 Q. Now, does the top state, "Truckee Outline"? 13 A. Looks like I started notes for something 14 else. I was doing a presentation in Truckee, 15 then there was a conversation, so excuse me. 16 Q. Oh, no, that's all right. I was wondering 17 if there was a meeting in Truckee. 18 A. Evidently I aborted the outline for the 19 presentation. 20 Q. Okay. Are these notes that you took during 21 any meeting or was it notes of a phone call? 22 A. Most likely a phone call. However, I 23 don't remember. 24 Q. Okay. Your notation here, "No current 25 timelines," do you know what that means?</p>	<p style="text-align: right;">91</p> <p>1 Now, Exhibit 16 contains handwriting. Is 2 that your handwriting? 3 A. Yes. 4 Q. And the handwriting lists certain objectives 5 by number. Does that list what objectives were met 6 by the programs that were listed in the left-hand 7 column? 8 A. It relates to the objectives that 9 address the six statutory areas of the housing 10 program in the housing element law. 11 Q. Okay. So you have a column on the left, 12 "Program Purpose." 13 MS. PEARSON: Do you have a date? 14 MS. DEVINCENZI: I don't know that it has a 15 date. 16 MR. LOVINGTON: Looks like it's part of the 17 element, isn't it? 18 THE WITNESS: This would be prior to our 19 letter. 20 Q. BY MS. DEVINCENZI: Why did you prepare this 21 document? 22 A. It helped me apply the statutory 23 requirements. 24 Q. Okay. What does it show? 25 A. It comes from our housing element review</p>
<p style="text-align: right;">90</p> <p>1 A. Possibly based on what was happening in 2 the courts. I don't know. 3 Q. Okay. It says, "Exploratory negotiations to 4 address order. Trying to get to agree to take out 5 policies and do EIR as part of next one." 6 Does that refer to a statement that one of 7 the City representatives made to you? 8 A. Possibly. 9 Q. Do you have any recollection of what it 10 means by "part of next one"? 11 A. Oh, yeah, next update of the housing 12 element. 13 Q. Okay. Is there a reason why they didn't 14 want to do the EIR right away? 15 A. I have no idea. 16 Q. That wasn't expressed to you? 17 A. I don't recall. 18 Q. Okay. And this is a true copy of the 19 document that's in your file? 20 A. I believe so. 21 Q. Okay. 22 A. It's my writing. 23 (Exhibit 16 was marked.) 24 Q. BY MS. DEVINCENZI: Okay. I'm going to show 25 you a document that's been marked Exhibit 16.</p>	<p style="text-align: right;">92</p> <p>1 worksheet, and covers the program sections in 2 65583(c). 3 Q. Okay. In the second box under "Program" on 4 the left, it says, "Assist in the development of 5 adequate housing to meet the needs of low- and 6 moderate-income households 65583(c)(2)." 7 And next to that you have written Objectives 8 4, 7, 8 and 10, and pages, page 159, 174, 178, and 9 191. 10 Did you mean by Objectives 4, 7, 8 and 10, 11 that those objectives of the housing element were 12 addressed to meet the program listed corresponding to 13 them in the left-hand column? 14 A. Those were relevant areas of the housing 15 element that related to the program requirements. 16 Q. Okay. 17 A. It helps me shift through everything. 18 Q. Right. And you listed the pages of the 19 housing element where those objectives appeared; 20 isn't that correct? 21 A. Correct. 22 Q. So Objective 4 appeared on page 159? 23 A. Through – 24 Q. Through – you don't have an end. 25 A. I just put that as start review, that's</p>

<p style="text-align: right;">93</p> <p>1 how I review. 2 Q. As long as it's in the beginning of the 3 page? 4 A. I just know where to start. 5 Q. That's fine. It's the start page? 6 A. Yes. 7 Q. And Objective 7 starts at page 174? 8 A. Correct. 9 Q. And Objective 8 starts at page 178, and 10 Objective 10 starts at page 191; is that right? 11 A. Based on my notes, yes. 12 Q. And the Program Purpose, "Address 13 Governmental Constraints" is addressed by Objective 14 4, starting at page 159? 15 A. Is that a question? 16 Q. Yes. Is that right? 17 A. That's what's in my notes. 18 Q. That's what you wrote, right? 19 A. Yes. 20 Q. Okay. So this shows which objectives, which 21 policies and programs were served by which objectives 22 in the housing element; isn't that right? 23 A. Correct. 24 (Exhibit 17 was marked.) 25 Q. BY MS. DEVINCENZI: Okay. I'll show you a</p>	<p style="text-align: right;">95</p> <p>1 A. It appears to be. I really don't 2 remember. This is from a long time ago. 3 (Exhibit 18 was marked.) 4 Q. BY MS. DEVINCENZI: Okay. I'm going to show 5 you a document that's been marked as Exhibit 18, 6 which is a memo from Sarah Dennis to Paul McDougall, 7 dated May 9, 2008. 8 Is this a true and correct copy of a 9 document contained in HCD's files? 10 A. Yes. 11 (Exhibit 19 was marked.) 12 Q. BY MS. DEVINCENZI: Okay. I'll show you a 13 document that's been marked Exhibit 19. 14 And I'll ask you is Exhibit 19, which is an 15 e-mail from Sarah Dennis to Cathy Creswell, dated 16 August 8, 2007, a true copy of an e-mail from the HCD 17 files? 18 A. Yes. 19 Q. Now, the first paragraph refers to an 20 e-mail, it says, "Hi Cathy, Matt just sent me your 21 e-mail to him wondering if anything had been sent. 22 While we did send a series of two e-mails last week, 23 one addressing the recent court decision," et cetera. 24 The first paragraph, first statement, "Matt 25 just sent me your e-mail to him wondering if anything</p>
<p style="text-align: right;">94</p> <p>1 document we have marked as Exhibit 17. 2 I ask you if this is a true copy of a 3 document in your file? It's an e-mail from Teresa 4 Ojeda, O-j-e-d-a, to Eve Bach, dated March 3, 2003. 5 A. It appears to be. I don't have a 6 recollection of this. You'll note that there is 7 a housing element reviewer for HCD Paul Dirksen 8 at the top. 9 Q. And Mr. Dirksen was in charge of the housing 10 element before you -- 11 A. Yes. 12 Q. -- took over? Where did he go? 13 A. You mean -- 14 Q. Yeah. Where is he now? 15 A. The City of West Sacramento. 16 Q. Oh, I see. Here's his name. I see. Okay. 17 What department for the City of West 18 Sacramento does he work in? 19 A. Essentially their housing department. I 20 forget the name of it. 21 Q. Okay. 22 A. Maybe Housing and Community Investment. 23 Q. Okay. And Exhibit 17 is a true and correct 24 copy of a document in HCD's files; isn't that 25 correct?</p>	<p style="text-align: right;">96</p> <p>1 had been sent." Did you search the files of Cathy 2 Creswell for e-mails on the subject of the housing 3 element? 4 A. I did not. 5 Q. Do you know if anybody did? 6 A. I believe she did. 7 Q. No e-mails from Cathy Creswell were 8 produced, and this indicates there certainly was one 9 which Matt sent. 10 Do you understand the Matt to be Matt 11 Franklin? 12 A. Yes, I understand that. 13 Q. So this says Matt Franklin just sent me 14 Cathy Creswell's e-mail to him wondering if anything 15 had been sent; is that right? 16 A. Yes. 17 Q. Is that how you understand that? 18 A. Yes, it says that. 19 Q. Okay. I did not receive Ms. Creswell's 20 e-mail. 21 MS. PEARSON: Perhaps it was deleted. 22 MS. DEVINCENZI: What? 23 MS. PEARSON: Perhaps it was deleted. 24 MS. DEVINCENZI: Perhaps it was not 25 reviewed.</p>

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1 THE WITNESS: Again, I believe she searched
2 her e-mails.
3 Q. BY MS. DEVINCENZI: Do you know whether any
4 were produced?
5 MR. LOVINGTON: This is based on a
6 third-hand statement. I'm not sure that e-mail
7 exists. You know, we don't know that for sure.
8 Q. BY MS. DEVINCENZI: So did Cathy Creswell
9 tell you that she reviewed her e-mails --
10 A. I said I believe.
11 Q. -- for production?
12 A. I would have to go check.
13 Q. Well, if she had done that, wouldn't you
14 have seen the final stack of material that was
15 produced?
16 A. I didn't see anything. I didn't see any
17 e-mails from her.
18 (Exhibit 20 was marked.)
19 Q. BY MS. DEVINCENZI: Okay. I'm going to show
20 you a document that is Exhibit 20. Oh, here's one.
21 Maybe this is it. Here's one. Okay.
22 Okay. Here's Exhibit 20. This is an e-mail
23 to Cathy Creswell from Sarah Dennis.
24 Do you recognize Exhibit 20 as a true and
25 correct copy of an e-mail from the HCD files?

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1 A. Yes.
2 (Exhibit 21 was marked.)
3 Q. BY MS. DEVINCENZI: Okay. I'm going to show
4 you a document that's been marked as Exhibit 21.
5 Is the handwriting on Exhibit 21 yours?
6 A. On the other side.
7 Q. On which side? The "Revisions"?
8 A. No. You see the reversed lettering?
9 Q. Yes. "Revisions"?
10 A. I used this as a cover sheet for my
11 files. So it should be within probably an
12 attachment of all the different revisions.
13 Q. Okay.
14 A. This might even be something from a
15 different file. I don't know what this is
16 really.
17 MS. PEARSON: This could be scratch paper?
18 THE WITNESS: Yes.
19 Q. BY MS. DEVINCENZI: I was just wondering
20 because I couldn't read these. Do you see the word
21 "Overcrowding," is that in your handwriting?
22 A. No.
23 Q. No. Okay. All right. Now, there are
24 certain programs that provide financial assistance to
25 cities in the form of grants and loans; isn't that

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1 right?
2 A. Yes.
3 Q. And some of these State programs require a
4 housing element to have been held in compliance by
5 HCD; isn't that correct?
6 A. Yes.
7 Q. And others only provide points to the
8 locality on the basis of whether their housing
9 element is in compliance; is that correct?
10 A. Yes.
11 MR. LOVINGTON: And others have no
12 requirement at all regarding housing element.
13 MS. DEVINCENZI: Okay. What are some of
14 those that have no requirement?
15 MR. LOVINGTON: MHP, I believe, has no
16 requirement.
17 THE WITNESS: MHP, TOD. I better go through
18 the list that requires the housing element in
19 compliance or the points.
20 Q. BY MS. DEVINCENZI: So TOD is the
21 Transit-Oriented Development Program; is that right?
22 A. Correct.
23 Q. So the Transit-Oriented Development Program
24 does not require an adopted housing element in
25 compliance with law as a condition for eligibility?

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1 A. Correct again.
2 Q. Correct. Okay. Now, the Infill
3 Infrastructure Grant Program does require an adopted
4 housing element that's been found in substantial
5 compliance with State housing element law, correct?
6 A. Yes.
7 (Exhibit 22 was marked.)
8 Q. BY MS. DEVINCENZI: Okay. I'm going to show
9 you a document that's been marked Exhibit 22. I'll
10 let you see my copy.
11 MR. LOVINGTON: I'll give it back.
12 Q. BY MS. DEVINCENZI: Do you recognize
13 Exhibit 22, "Incentives for Housing Element
14 Compliance," as a true and correct document from the
15 HCD Web site?
16 A. Yes.
17 Q. And this document shows that various
18 programs grant points for having an adopted housing
19 element in substantial compliance; is that correct?
20 A. Or threshold.
21 Q. What do you mean by "or threshold"?
22 A. Meaning not points, that they are
23 ineligible with housing and compliance.
24 Q. So this shows which, require a threshold
25 showing for eligibility or which just give points for

<p style="text-align: right;">101</p> <p>1 housing element compliance; is that right?</p> <p>2 A. It should explain that.</p> <p>3 Q. Okay. Take a look at it and tell me if it</p> <p>4 does.</p> <p>5 A. Yes, it does.</p> <p>6 Q. Okay. I only have one copy of Exhibit 23.</p> <p>7 (Exhibit 23 was marked.)</p> <p>8 Q. BY MS. DEVINCENZI: Okay. I'm going to show</p> <p>9 you a document marked Exhibit 23 entitled, "Infill</p> <p>10 Infrastructure Grant Program," which I downloaded</p> <p>11 from the HCD Web site. Okay. Page 2.</p> <p>12 A. Of what?</p> <p>13 Q. Of Exhibit 23.</p> <p>14 Do you want to see this?</p> <p>15 MS. PEARSON: Yes.</p> <p>16 Q. BY MS. DEVINCENZI: Okay. Do you recognize</p> <p>17 Exhibit 23 as a true and correct copy of an Infill</p> <p>18 Infrastructure Grant Program document downloaded from</p> <p>19 the HCD Web site?</p> <p>20 A. I'm not very familiar with those</p> <p>21 documents.</p> <p>22 Q. Okay.</p> <p>23 A. But it appears to be.</p> <p>24 Q. Okay. It appears to be.</p> <p>25 Page 2 states, as to the Infill</p>	<p style="text-align: right;">103</p> <p>1 Q. Yes.</p> <p>2 A. Yes, I have a vague understanding.</p> <p>3 Q. Under your vague understanding, are funds</p> <p>4 available under this program for the construction of</p> <p>5 actual housing units or just infrastructure?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Are funds available for the construction of</p> <p>8 housing units?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Okay. What is your vague understanding of</p> <p>11 how it works?</p> <p>12 A. It's a program to promote infill and</p> <p>13 infrastructure, I believe housing-related</p> <p>14 infrastructure, but I would have to review those</p> <p>15 things to answer that.</p> <p>16 Q. Okay.</p> <p>17 A. It's not something I interact with on a</p> <p>18 regular basis at all.</p> <p>19 (Exhibit 24 was marked.)</p> <p>20 Q. BY MS. DEVINCENZI: Okay. I'm going to show</p> <p>21 you a document that's marked Exhibit 24.</p> <p>22 Do you recognize Exhibit 24 as a true and</p> <p>23 correct copy of a memorandum dated June 20, 2007 from</p> <p>24 the Department of Housing and Community Development?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">102</p> <p>1 Infrastructure Grant Program, "Its primary</p> <p>2 objective" — let's see, oh, here, excuse me — it</p> <p>3 states, "Under the program, grants are available as</p> <p>4 gap funding for infrastructure improvements necessary</p> <p>5 for specific residential or mixed use infill</p> <p>6 development projects."</p> <p>7 Do you know whether the funding under this</p> <p>8 Infill Infrastructure Grant Program is limited to</p> <p>9 infrastructure?</p> <p>10 A. No. You are talking different divisions</p> <p>11 of the department here.</p> <p>12 Q. Do you know whether —</p> <p>13 MR. LOVINGTON: So when you say, "No," you</p> <p>14 are saying, no, you don't know; is that what you are</p> <p>15 saying?</p> <p>16 THE WITNESS: No, I don't know all aspects</p> <p>17 of it.</p> <p>18 Q. BY MS. DEVINCENZI: Do you know whether</p> <p>19 funds are available for the construction of actual</p> <p>20 housing units from the Infill Infrastructure Grant</p> <p>21 Program?</p> <p>22 A. No, not with complete certainty.</p> <p>23 Q. Well, do you have any belief at all, even</p> <p>24 vague? Do you have a vague understanding of it?</p> <p>25 A. Of the program?</p>	<p style="text-align: right;">104</p> <p>1 Q. And this is a true and correct copy of a</p> <p>2 document on HCD's Web site, isn't it?</p> <p>3 A. I would assume.</p> <p>4 Q. Now, the next planning period for the</p> <p>5 housing element for San Francisco would be due about</p> <p>6 June 2009?</p> <p>7 A. Correct.</p> <p>8 Q. Now, this memo discusses this law that</p> <p>9 requires sites to be rezoned within a year under</p> <p>10 certain circumstances pursuant to Government Code</p> <p>11 Section 65583(c)(1).</p> <p>12 Are you familiar with the term 65583(c)(1)?</p> <p>13 A. Yes.</p> <p>14 Q. Now, what are the circumstances under which</p> <p>15 a locality will be required to rezone or zone</p> <p>16 adequate sites within the first year of the new</p> <p>17 planning period?</p> <p>18 A. Whether they fail to identify adequate</p> <p>19 sites or fail to make sites available, meaning</p> <p>20 implementation of programs to rezone.</p> <p>21 Q. Okay. Now, is the implementation of sites</p> <p>22 to be rezoned part of the analysis of whether</p> <p>23 adequate sites have been identified in a housing</p> <p>24 element?</p> <p>25 A. Not analysis, program to identify</p>

<p style="text-align: right;">105</p> <p>1 adequate sites.</p> <p>2 Q. What do you mean by "program"?</p> <p>3 A. If the element with the analysis</p> <p>4 demonstrates a shortfall of capacity, then</p> <p>5 programs are necessary to address a shortfall.</p> <p>6 If those programs are implemented, then it would</p> <p>7 trigger these statutory requirements.</p> <p>8 Q. So in the 2009 element is San Francisco</p> <p>9 going to have to demonstrate capacity for 30,000 new</p> <p>10 housing units above the 20,000, or just 30,000 for</p> <p>11 the period?</p> <p>12 A. They demonstrated adequate sites and did</p> <p>13 not require a program, so it wouldn't trigger</p> <p>14 statutory requirements.</p> <p>15 Q. Okay.</p> <p>16 A. So, no.</p> <p>17 Q. Okay. So, basically, San Francisco would</p> <p>18 not be required to rezone within one year of the next</p> <p>19 element for a shortfall, in your understanding?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Now, in 2009, City of San Francisco</p> <p>22 has an allocation of a certain number such as 30,000.</p> <p>23 If they have to demonstrate capacity to achieve</p> <p>24 30,000 units, can any of that overlap the 20,000 that</p> <p>25 was demonstrated in the last element, or does it have</p>	<p style="text-align: right;">107</p> <p>1 don't know whether I can find it.</p> <p>2 Now, will San Francisco's implementation of</p> <p>3 the past element be taken into account in determining</p> <p>4 whether they have to rezone for adequate sites?</p> <p>5 A. You mean pursuant to this Government</p> <p>6 Code?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Their implementation of the past element</p> <p>10 will not be taken into account?</p> <p>11 A. For rezones pursuant to this Government</p> <p>12 Code 65584.09?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Okay. That's fine.</p> <p>16 (Exhibit 25 was marked.)</p> <p>17 Q. BY MS. DEVINCENZI: Okay. I have a document</p> <p>18 marked Exhibit 25, which is the Annual Report from</p> <p>19 HCD's Web site regarding Financial Assistance</p> <p>20 Programs.</p> <p>21 A. Right.</p> <p>22 Q. So basically let me ask you this:</p> <p>23 San Francisco is now deemed in compliance with State</p> <p>24 housing element law, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">106</p> <p>1 to be 30,000 entirely new sites that were not</p> <p>2 identified in the prior element?</p> <p>3 A. The planning period starts fresh,</p> <p>4 assuming these requirements aren't triggered.</p> <p>5 Q. So the answer is they would not have to</p> <p>6 demonstrate new sites, they could use some of the</p> <p>7 ones they relied on before?</p> <p>8 A. Correct.</p> <p>9 Q. So in 2009 if San Francisco's allocation of</p> <p>10 the regional need is 30,000, they will only be</p> <p>11 required to demonstrate capacity for 30,000 sites?</p> <p>12 A. Yes.</p> <p>13 Q. Not 30,000 plus the 20,000 from the 2004</p> <p>14 element?</p> <p>15 A. Yes.</p> <p>16 Q. So in 2009 San Francisco will not be</p> <p>17 required to demonstrate capacity for 50,000 units?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. Assuming that's not their allocation.</p> <p>21 Q. Right. But we are assuming that</p> <p>22 San Francisco -- I think the City Attorney stipulated</p> <p>23 that allocation is 30,000.</p> <p>24 A. Based on her stipulation, yes.</p> <p>25 Q. Well, I think I have that somewhere, but I</p>	<p style="text-align: right;">108</p> <p>1 Q. So they are free to apply for any State</p> <p>2 grant or loan or financial assistance program of any</p> <p>3 kind?</p> <p>4 A. If they are eligible, yes.</p> <p>5 Q. If they are eligible. But based on a need</p> <p>6 to demonstrate compliance with the housing element,</p> <p>7 they satisfy that requirement for any State program,</p> <p>8 as far as you know?</p> <p>9 A. Yes, where pertinent.</p> <p>10 Q. Pardon me?</p> <p>11 A. Where applicable. Where the housing</p> <p>12 element is a requirement, right.</p> <p>13 Q. Where it's a requirement, right.</p> <p>14 And a lot of these State funding programs</p> <p>15 are highly competitive among jurisdictions;</p> <p>16 jurisdictions compete for the funding, don't they?</p> <p>17 A. In some programs, yes.</p> <p>18 Q. In some programs they do.</p> <p>19 So merely because a jurisdiction is eligible</p> <p>20 doesn't mean they are going to get funding?</p> <p>21 A. Correct.</p> <p>22 Q. Because there isn't enough funding to go</p> <p>23 around to meet all the requests in many cases; isn't</p> <p>24 that right?</p> <p>25 A. I couldn't say in many cases or give you</p>

<p style="text-align: right;">109</p> <p>1 specifically, but a lot of our programs are 2 oversubscribed, to the best of my knowledge. 3 Q. So as to the programs that are 4 oversubscribed, there isn't enough State funding to 5 be actually granted to every locality that applies? 6 A. Yes. 7 Q. Okay. So eligibility doesn't mean you are 8 necessarily going to get money? 9 A. Yes. 10 Q. Okay. Exhibit 25 is a true and correct copy 11 of the HCD Annual Report; isn't that correct? 12 A. It appears. 13 Q. That's from the Web site; isn't that right? 14 And this lists the various financial assistance 15 programs; isn't that right? 16 A. It appears, yes. 17 Q. All right. On page 1 to 3 of this 18 Exhibit 25, page 1 refers to, "\$300 million for a new 19 Transit-Oriented Development Implementation Program," 20 and it refers to developing high-density housing near 21 transit stations. 22 Do you know what they mean by "transit 23 station"? 24 A. I can't fully explain the requirements, 25 but buses and Rapid Transit and so forth under</p>	<p style="text-align: right;">111</p> <p>1 column called, "Other funds leveraged." 2 Do you know what that means? 3 A. I would assume funds outside the 4 program. But I'm not completely familiar with 5 the contents of this document, nor did I prepare 6 it. 7 Q. Well, "Other funds leveraged" you say means 8 are funds outside of the program? 9 A. Programs listed. 10 Q. Meaning? 11 A. I have no idea the contents of that, 12 that amount or anything. 13 Q. You mean outside of HCD programs? 14 A. I have no idea of those numbers 15 whatsoever. 16 Q. No. When you said, "outside the programs," 17 did you mean outside HCD? 18 A. I assume. 19 Q. You assume? 20 A. Yeah. I just said I would assume 21 outside the program that was listed, like the 22 specific program. But, again, I have no idea of 23 the contents of these numbers whatsoever. 24 Q. Okay. Well, page 28 shows that 25 San Francisco received 8.1 million in BEGIN,</p>
<p style="text-align: right;">110</p> <p>1 certain criteria. 2 Q. Well, it's not every bus line, is it? 3 A. No. 4 Q. It's certain bus hubs and major bus areas, 5 isn't it? 6 A. Yeah, high-interval locations. 7 Q. "High-interval locations" you mean? 8 A. Every ten minutes, 15 minutes, not every 9 twice a day. 10 Q. Okay. Now, page 6 of this document 11 Exhibit 25 shows that San Francisco received \$40.2 12 million from HCD from 2006 to 2007; isn't that right? 13 Page 6. 14 A. Can you go over that again, please? 15 Q. Page 6 of Exhibit 25 shows that 16 San Francisco received \$40.2 million -- 17 A. I can read it now. Yes. 18 Q. -- from HCD funding for 2006 to 2007, 19 doesn't it? 20 A. That's what the document reads. 21 Q. Okay. And page 28 also lists several awards 22 of several million dollars to San Francisco; isn't 23 that correct? 24 A. Correct. 25 Q. Now, in the far right column there is a</p>	<p style="text-align: right;">112</p> <p>1 B-E-G-I-N, funding; isn't that right? 2 A. Yes. 3 Q. And a million in CalHome funding? 4 A. Yes. 5 Q. And a million in EHAP-CD funding? 6 A. Yes. 7 Q. And 29 million in MHP-SH funding? 8 A. Yes. 9 Q. And \$65,605 in EHAP funding, correct? 10 A. Yes. 11 Q. Now, do you know what any of those kinds of 12 funding entail? Are they for housing? 13 A. Yes. EHAP is Emergency Housing 14 Assistance. 15 Q. Do you know what MHP is? 16 A. Multi-Family Housing Program. Rental 17 Construction. 18 Q. Okay. Page 53 of that document, which is 19 unnumbered but entitled, "Proposition 46," it comes 20 after page 48. I guess these are excerpts. 21 Do you see the page following the numbered 22 page 48? 23 A. The map? 24 Q. Yes. It's entitled, "Proposition 46." Do 25 you see the title on that, "Proposition 46"?</p>

28 (Pages 109 to 112)

<p style="text-align: right;">113</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Good. Do you see San Francisco</p> <p>3 received \$120 million in Proposition 46 funding?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then if you flip two more pages,</p> <p>6 do you see Proposition 1C?</p> <p>7 A. Yes.</p> <p>8 Q. And San Francisco received one million in</p> <p>9 those funds? Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know whether those are highly</p> <p>12 competitive funds?</p> <p>13 A. No, I don't know the contents of that</p> <p>14 whatsoever.</p> <p>15 (Exhibit 26 was marked.)</p> <p>16 Q. BY MS. DEVINCENZI: Okay. I'm going to show</p> <p>17 you a document marked Exhibit 26.</p> <p>18 Do you recognize Exhibit 26 as a copy of the</p> <p>19 Department of Housing and Community Development's</p> <p>20 press release dated February 28, 2008?</p> <p>21 A. This isn't from the files, right?</p> <p>22 Q. No, it's from the Web site.</p> <p>23 A. It seems familiar. I mean, I recognize</p> <p>24 it. I'm not familiar with every press release.</p> <p>25 Q. Okay. The second page says, under</p>	<p style="text-align: right;">115</p> <p>1 MR. LOVINGTON: You need to plan for that.</p> <p>2 MS. DEVINCENZI: Right. I'm going as fast</p> <p>3 as I can. I think we'll be able to do it.</p> <p>4 MS. PEARSON: I have a few follow-up</p> <p>5 questions, too.</p> <p>6 Q. BY MS. DEVINCENZI: Okay. Do you recognize</p> <p>7 Exhibit 27, an August 19, 2004 letter to HCD from the</p> <p>8 Planning Department as a true and correct copy of</p> <p>9 your file?</p> <p>10 A. That's been a while for sure, but it</p> <p>11 looks like I recognize the communications.</p> <p>12 Q. Okay.</p> <p>13 A. I don't recognize the last page,</p> <p>14 however.</p> <p>15 (Exhibit 28 was marked.)</p> <p>16 Q. BY MS. DEVINCENZI: Okay. Let me show you</p> <p>17 Exhibit 28.</p> <p>18 A. Are you sure this is in there?</p> <p>19 Q. Okay. Exhibit 28 is a letter dated</p> <p>20 October 11, 2002 from HCD to Mr. Gerald Green,</p> <p>21 Planning Director.</p> <p>22 And it's a correct copy of a document in</p> <p>23 your file; isn't that correct?</p> <p>24 A. It appears to be, yeah.</p> <p>25 Q. Okay. The handwriting on that document, on</p>
<p style="text-align: right;">114</p> <p>1 "San Francisco/Bay Area Region," it says, "The</p> <p>2 San Francisco/Bay Area Region will receive more than</p> <p>3 \$45.5 million to provide housing and incentive units</p> <p>4 for 838 families and individuals."</p> <p>5 Is that correct?</p> <p>6 A. That's what it reads.</p> <p>7 MS. PEARSON: Do you know what that</p> <p>8 San Francisco/Bay Area region entails?</p> <p>9 THE WITNESS: Possibly the nine counties. I</p> <p>10 don't know, though.</p> <p>11 MS. PEARSON: More than just San Francisco</p> <p>12 as a city?</p> <p>13 THE WITNESS: Yes. I would assume by Bay</p> <p>14 Area Region, yes.</p> <p>15 Q. BY MS. DEVINCENZI: Let's find Exhibit 12.</p> <p>16 Well, we'll keep that last. Let's mark these and get</p> <p>17 these identified.</p> <p>18 (Exhibit 27 was marked.)</p> <p>19 Q. BY MS. DEVINCENZI: I'll show you</p> <p>20 Exhibit 27.</p> <p>21 MR. LOVINGTON: Ms. Devincenzi, I don't know</p> <p>22 what your schedule is, but we are going to have to be</p> <p>23 out of this room at 5 o'clock, and we are going to</p> <p>24 have all these papers picked up.</p> <p>25 MS. DEVINCENZI: Right.</p>	<p style="text-align: right;">116</p> <p>1 the inside, is that yours?</p> <p>2 A. I'm pretty sure. It looks like mine. I</p> <p>3 remember it.</p> <p>4 Q. It looks like yours?</p> <p>5 A. That's my method, also. So, yes, it's</p> <p>6 mine.</p> <p>7 Q. So were you involved in reviewing the draft</p> <p>8 housing elements for compliance with law before the</p> <p>9 final was submitted to HCD?</p> <p>10 A. No.</p> <p>11 Q. I see. So when did you put these notations</p> <p>12 on?</p> <p>13 A. These notations are my vehicle for</p> <p>14 reviewing the adopted and the changes to</p> <p>15 determine whether the findings were addressed in</p> <p>16 the draft review.</p> <p>17 Q. I don't understand what you meant.</p> <p>18 Did you put these on when you engaged in the</p> <p>19 review that the City asked you to conduct concerning</p> <p>20 the omitted policies or was it before that?</p> <p>21 A. The adopted 2004 review.</p> <p>22 Q. The adopted. Okay.</p> <p>23 Page 7 of the document, "Implementation 1.1</p> <p>24 Citywide Action Plan," states, "This measure should</p> <p>25 be strengthened to demonstrate the City's commitment</p>

<p style="text-align: right;">117</p> <p>1 to implement this program and provide a timeline for 2 its completion." 3 Did HCD wish the City to demonstrate 4 commitment to implement the CAP? 5 A. That appears to be the finding from the 6 draft, yes. 7 Q. And did the City satisfy HCD's concern with 8 relation to the commitment to implement the CAP? 9 A. My notes indicate that in the left 10 column. I'd have to go back and figure out 11 exactly what's behind that determination, though. 12 Q. So the "Okay" means that somehow the City 13 satisfied HCD's concerns to implement the CAP? 14 A. Exactly. 15 Q. So they indicated they would implement it? 16 A. Or notice that "should" is underlined. 17 So, again, I'd have to go back and review 18 everything. 19 Q. Well, the "should" is "This measure should 20 be strengthened to demonstrate the City's 21 commitment." 22 A. Right. 23 Q. So it indicates that they wanted a 24 commitment. And you have an "ok," so that indicates 25 there was a commitment, doesn't there?</p>	<p style="text-align: right;">119</p> <p>1 A. Oh, yes, sorry. 2 Q. Exhibit 29 is a true copy of a document 3 that's contained in the HCD files, correct? 4 A. Yes, it should. 5 (Exhibit 30 was marked.) 6 Q. BY MS. DEVINCENZI: Let me show you a 7 document marked Exhibit 30. 8 All right. Do you recognize Exhibit 30 as a 9 true and correct copy of a document contained in 10 HCD's files that consists of a letter from the 11 San Francisco Planning Department dated February 13, 12 2008 to Cathy E. Creswell? 13 A. February 14, yes. 14 (Exhibit 31 was marked.) 15 Q. BY MS. DEVINCENZI: Okay. I'll show you 16 Exhibit 31. 17 Okay. Do you recognize Exhibit 31 as a copy 18 of a document contained in HCD's files consisting of 19 a February 13, 2003 memorandum from the Planning 20 Department to People Interested in San Francisco 21 Housing? 22 A. I recognize their stamp, but I don't 23 recall this correspondence. 24 Q. Right. But the HCD stamp is on the 25 document, and you recognize it, correct?</p>
<p style="text-align: right;">118</p> <p>1 A. No, that indicates that somehow the 2 finding was addressed. 3 Q. Okay. Now, under 1.7, "Encourage and 4 support the construction of quality, new family 5 housing," it states, "The element should be revised, 6 providing more specific information on the sites to 7 be rezoned and considered for elimination of density 8 requirements and provide a specific timeline to 9 provide flexible development standards to accommodate 10 families with children." 11 Did the City provide information on the 12 specific sites to be rezoned? 13 A. I don't recall. 14 Q. Did this Policy and Implementation encourage 15 specific sites to be rezoned? 16 A. I don't recall that. 17 (Exhibit 29 was marked.) 18 Q. BY MS. DEVINCENZI: Okay. I'm going to show 19 you a document marked Exhibit 29. 20 Okay. Do you recognize Exhibit 29 to be a 21 true and correct copy of a Planning Department letter 22 to HCD dated September 30, 2004 that's contained in 23 your files? 24 A. Yes. September 30? 25 Q. Yes, September 30, 2004.</p>	<p style="text-align: right;">120</p> <p>1 A. Yes. 2 (Exhibit 32 was marked.) 3 Q. BY MS. DEVINCENZI: Okay. I'm going to show 4 you Exhibit 32. 5 A. These are from the draft, right? 6 Q. What is this document from? Well, it's 7 dated 2003. So you mean it's from the process of 8 reviewing the draft, producing the draft? 9 A. I was asking you. I don't recognize 10 this. 11 Q. You don't recognize 32? 12 A. It's been a while. So I'm assuming that 13 you got this stuff from the draft based on the 14 dates. 15 Q. Okay. Was Eve Bach an employee here? 16 A. Eve Bach is an advocate. 17 Q. Eve Bach is an advocate, okay. 18 A. Housing advocate. 19 (Exhibit 33 was marked.) 20 Q. BY MS. DEVINCENZI: Okay. Here's one with 21 the department stamp. I'll show you Exhibit 33. 22 Now, the localities have to report to HCD on 23 their progress in implementing housing elements, 24 don't they? 25 A. Some.</p>

<p style="text-align: right;">121</p> <p>1 Q. Some. Don't they give you an annual report?</p> <p>2 A. 65400 requires an annual report.</p> <p>3 However, I'm not sure of its applicability to</p> <p>4 charter cities.</p> <p>5 Q. Oh, I see. So charter cities may not have</p> <p>6 to give you an annual report?</p> <p>7 A. I believe. I would have to double-check</p> <p>8 that. However, there was an eligibility</p> <p>9 requirement for the Work Force Housing Program.</p> <p>10 Q. Do they have to provide it annually to be</p> <p>11 eligible for the Work Force Housing Program?</p> <p>12 A. I would have to go back and check. I</p> <p>13 think it was for the specific application.</p> <p>14 Q. I see. Are those funds available every</p> <p>15 year?</p> <p>16 A. They were available for about three</p> <p>17 years under Prop 36. They are no longer</p> <p>18 available.</p> <p>19 Q. No longer available. Okay. So that</p> <p>20 accounts for the fact that we don't have a current</p> <p>21 annual progress report from the City.</p> <p>22 A. Correct.</p> <p>23 Q. Okay. This is a progress report dated --</p> <p>24 well, Exhibit 33 is a letter from the Planning</p> <p>25 Department dated December 31, 2004 to HCD enclosing</p>	<p style="text-align: right;">123</p> <p>1 Q. Okay. Let me ask you this: Let's go back</p> <p>2 to the time that -- well, first, let me ask you this:</p> <p>3 When the City passed its housing element in 2004,</p> <p>4 around, oh, September thereabouts, there had been</p> <p>5 some amendments made to it at the last minute. Do</p> <p>6 you remember?</p> <p>7 A. It's adopted?</p> <p>8 Q. Before it was adopted. There had been made</p> <p>9 some amendments that had been made shortly before it</p> <p>10 was adopted. Do you remember that?</p> <p>11 A. Not too much. When you say amended</p> <p>12 before it was adopted, do you mean board</p> <p>13 rejecting or accepting the planning boards?</p> <p>14 Q. No, I mean changes to the document.</p> <p>15 A. No. Oh.</p> <p>16 Q. Changes in the language of the document.</p> <p>17 A. I do remember that a little bit, yes.</p> <p>18 Q. Okay. After the housing element was</p> <p>19 amended, did you have an in-person meeting with</p> <p>20 representatives of the City?</p> <p>21 A. Yes.</p> <p>22 Q. Did you go to San Francisco for that</p> <p>23 meeting?</p> <p>24 A. I don't recall. I know we had a meeting</p> <p>25 here.</p>
<p style="text-align: right;">122</p> <p>1 an Annual Progress Report; isn't that correct?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. And do you recognize the HCD stamp on that</p> <p>4 document?</p> <p>5 A. Yes.</p> <p>6 Q. So that's a correct copy of the annual</p> <p>7 report that was contained in the HCD files; isn't</p> <p>8 that right?</p> <p>9 A. Annual report files, yes.</p> <p>10 Q. Yes.</p> <p>11 (Exhibit 34 was marked.)</p> <p>12 Q. BY MS. DEVINCENZI: Okay. I'm going to show</p> <p>13 you Exhibit 34.</p> <p>14 Now, 34 is a WFH Annual Progress Report on</p> <p>15 Implementation of the Housing Element from the City</p> <p>16 and County of San Francisco for the reporting period</p> <p>17 January to December 2005.</p> <p>18 Does HCD maintain files containing those</p> <p>19 reports?</p> <p>20 A. Yes.</p> <p>21 Q. Were they searched? Because I don't think</p> <p>22 they produced this one for me. I got it from the</p> <p>23 City.</p> <p>24 A. I was going to say that. I think the</p> <p>25 only one we found was the 2004.</p>	<p style="text-align: right;">124</p> <p>1 Q. A meeting here. And who was at the meeting</p> <p>2 here shortly after it was amended?</p> <p>3 A. Oh, boy. Well, do you have the</p> <p>4 correspondence that follows up on that? Gerald</p> <p>5 Green, it was me, Deputy Director Creswell,</p> <p>6 Mr. Ghosh. And there were a few others, but I'd</p> <p>7 have to dig it out.</p> <p>8 Q. Was the subject of the amendments that were</p> <p>9 made shortly before the element was adopted discussed</p> <p>10 at that meeting?</p> <p>11 A. The subject was more based on our</p> <p>12 preliminary review of the adopted and where areas</p> <p>13 were marginal, if you will.</p> <p>14 Q. What areas were marginal?</p> <p>15 A. These are the things that are part of my</p> <p>16 review notes on the draft.</p> <p>17 Q. Okay.</p> <p>18 A. One of them was -- the one that I</p> <p>19 remember the most was the SP 520, which was</p> <p>20 recent changes to housing element law.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. There were changes in 2002 to</p> <p>23 specifically analyze potential constraints on</p> <p>24 housing for persons with disabilities.</p> <p>25 Q. Okay.</p>

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1 A. And the other was expanding on the
2 analysis of potential government constraints in
3 general. Those are the two that I recall.
4 Q. Okay. How did it expand on the potential
5 analysis of government constraints in general?
6 A. It lacked an expansion. It didn't have
7 what we normally see on land use controls zoning
8 mechanisms.
9 Q. You mean the San Francisco's element did not
10 have what you normally see on zoning control?
11 A. Right. Mainly due to the complexity of
12 the City and its zoning districts. So these were
13 areas from our preliminary review that we further
14 met on, and they provided clarification on in
15 support.
16 Q. And what clarification did they provide as
17 to zoning controls?
18 A. I can't recall all that. But the
19 correspondence from Gerald Green outlines those
20 things.
21 Q. Didn't the City basically tell you that they
22 didn't want to specify the rezoning in the element
23 because it would support the need for environmental
24 review?
25 A. No, I don't recall that at all.

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1 Q. Do you recall whether it was said or not?
2 A. No. Like I said, I remember the meeting
3 being more about those few areas, not the changes
4 to the, you know, certain policies.
5 Q. Okay. Now, let's go to the time that the
6 City came and initiated a process where they asked
7 you to review the housing element with the omission
8 of the seven or eight policies.
9 A. Uh-huh.
10 Q. And they asked you to determine if the
11 element would still comply with the State law if they
12 omitted those seven or eight policies?
13 A. Sure.
14 Q. All right. That was not HCD's idea, it was
15 the City's idea to initiate that review; is that
16 right?
17 A. Yes.
18 Q. Okay. Now, during that review, the Data and
19 Needs Analysis was not considered omitted from the
20 housing element; isn't that right?
21 A. Correct.
22 Q. Now, the Data and Needs Analysis contains an
23 assessment of adequate sites; is that right?
24 A. Correct.
25 Q. And what does that assessment of adequate

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1 sites have to contain?
2 A. Information – the requirements were
3 different back then. But analysis in
4 relationship of zoning, acreage, suitability of
5 sites, capacity of sites, and so forth, and
6 ability to accommodate the regional housing need
7 allocation.
8 Q. Okay. So the adequate sites evaluation has
9 to demonstrate the ability to accommodate the
10 regional housing need allocation; is that correct?
11 A. Correct.
12 Q. Okay. And San Francisco did that in 2004?
13 A. Yes.
14 Q. By relying on the existing capacity of
15 zoning?
16 A. Yes.
17 Q. And if that part of the element is kept in,
18 it will continue to comply with law?
19 A. That requirement, yes.
20 Q. Yes. Okay. If the text, "Encouraging
21 increased capacity and rezoning" is omitted from the
22 housing element, it will continue to comply with the
23 2004 legal requirements; isn't that right?
24 A. Yes.
25 Q. And when you evaluated the housing element

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1 for compliance, you evaluated it under the 2004
2 standards because it was passed then, right?
3 A. Correct.
4 Q. Just a minute.
5 Now, did you have any discussion, either at
6 HCD among staff or with the City, about what it would
7 take to find the 2004 Housing Element out of
8 compliance?
9 A. No.
10 Q. No. Right now the next update is due June
11 2009, right?
12 A. Yes.
13 Q. And the City intends to prepare an
14 Environmental Impact Report on that, correct?
15 A. I'm assuming.
16 Q. Yes. Well, haven't they told you that they
17 are going to include the same policies and
18 implementation measures from San Francisco 2004
19 element in the 2009 and build on those?
20 A. We haven't had a lot of discussion on
21 their update yet.
22 Q. Okay. Well, we are about nine months away
23 from the next update; isn't that right?
24 A. Yes.
25 Q. Okay. At this point wouldn't you be

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1 surprised if the State Department of Housing and
2 Community Development found San Francisco's housing
3 element adopted in 2004 out of compliance?
4 A. I don't know what you mean by that, I'm
5 sorry.
6 Q. Well, wouldn't it surprise you if anything
7 happened at this point to cause them to change the
8 compliance status at this late time?
9 A. Why?
10 MS. PEARSON: What if we didn't have one?
11 MS. DEVINCENZI: Well, you do have -- well,
12 maybe you don't have one.
13 Q. Did you ever evaluate whether the City's
14 1990 Residence Element is in compliance with the
15 current requirements of State housing element law?
16 A. No.
17 Q. It's unlikely that it is in compliance;
18 isn't that correct?
19 A. I never evaluated it.
20 Q. Nonetheless, there have been a lot of
21 changes in the law since 1990 and 2004, haven't
22 there?
23 A. Oh. So if you are saying if I reviewed
24 the 1990 element under current standards would it
25 comply?

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1 Q. Yeah. Well, I'm saying that there have been
2 a lot of changes in State housing element law between
3 1990 and 2004; isn't that right?
4 A. Yes.
5 Q. Are you familiar with them?
6 A. Yes.
7 Q. What are some of the major changes insofar
8 as they deal with the contents of housing elements?
9 A. Do you want 2000 or to go back to 1990?
10 Q. Well, let's start with 1990.
11 A. There is changes to require more
12 specific analysis of farm workers and sites to
13 identify -- or identify sites for farm workers,
14 including zoning; more specific requirements for
15 at-risk preservation; flexibilities added to
16 identify alternative adequate sites; amendments
17 for the persons with disabilities, SB 520; AB
18 2348 requiring a more specific listing of
19 parcels; AB 2634 requiring a specific analysis of
20 extremely low income households; and most
21 recently SB 2 requiring a more specific
22 demonstration of zoning to permit emergency
23 shelters and encourage transitional and
24 supportive housing.
25 Q. Okay. Now, you mention flexibility to

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1 identify alternative adequate sites; is that what you
2 said?
3 A. Yes.
4 Q. Okay. What does that entail? What does
5 that require?
6 A. Government Code 65583.1 was added in
7 1998 to allow up to 25 percent of the regional
8 housing need allocation to be accommodated
9 through three tracks, including substantial
10 rehabilitation, conversion of market rate to
11 affordable units, and preservation, in addition
12 to some other stuff.
13 Q. You say it required 25 percent of the
14 regional housing needs?
15 A. Not required, allowed up to 25 percent.
16 Q. I see. Okay. So some of it could be
17 shifted to these other categories?
18 A. It could.
19 Q. Could. I see. Now, the more specific
20 listing of parcels, what did that entail?
21 A. AB 2348 added Government Code 65583.2,
22 requiring a specific parcel based inventory by
23 size, General Plan designation, zoning, and
24 calculation of realistic capacity, added more
25 specific requirements for analysis of suitability

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1 for nonvacant sites, added more specific analysis
2 of realistic capacity, that's the capacity
3 calculated on the sites, added more specific
4 requirements when a shortfall of sites is
5 identified to accommodate the regional housing
6 need by writ provisions. I'm sure there are a
7 few other things in there.
8 Q. Okay. When did that come into effect?
9 A. 2005, 2004.
10 Q. Okay. But it wasn't in effect in 1990?
11 A. No.
12 Q. Did you discuss with City representatives
13 what kind of a ruling on the writ might cause your
14 department to find housing element out of compliance?
15 A. I'm not really sure what you mean. I
16 don't know.
17 Q. Well, you had meetings with the City?
18 A. Right.
19 Q. And they clearly wanted the Court to find
20 that everything was fine as long as eight or nine --
21 excuse me, as long as eight policies were omitted,
22 right?
23 A. I thought it was seven, but whatever
24 policies.
25 Q. Yeah, whatever. Seven policies and one

<p style="text-align: right;">133</p> <p>1 implementation action. 2 A. Uh-huh. 3 Q. Okay. And did you discuss what kind of a 4 ruling could cause you to change the compliance 5 status to say out of compliance? 6 A. I don't recall. No, I don't. What do 7 you mean, what kind of ruling would change the 8 compliance? I don't understand. 9 Q. Well, what portion of a housing element 10 would have to be omitted by the Court for you to find 11 the housing element out of compliance? 12 A. No, we didn't. We didn't discuss that. 13 I don't remember that. 14 Q. Okay. Can you tell me what portion would 15 have to be stricken? 16 MR. LOVINGTON: I think that's really highly 17 speculative. And I would ask the witness not to 18 respond to that question. 19 Q. BY MS. DEVINCENZI: Okay. Did you 20 understand in the meetings that the City wanted to 21 minimize the impact of the Court's decision? 22 A. No. 23 Q. Has the City reported to you on any of the 24 new zonings that it's passed? 25 A. I believe that was in some of the</p>	<p style="text-align: right;">135</p> <p>1 San Francisco, in general, are you familiar with 2 those, generally? 3 A. I don't have a recollection. I remember 4 that Municipality Code. I don't remember every 5 aspect of the zoning. 6 Q. Well, you reviewed this? 7 A. Yes. 8 Q. And when you reviewed this, did you have an 9 understanding of what the current density 10 requirements were? 11 A. I did at the time of the review. 12 Q. And what was your understanding? 13 A. I can't give you a complete recollection 14 of that. You are talking about something very 15 specific. 16 Q. Well, don't they generally establish a 17 density of certain number of units per square footage 18 of ground? 19 A. Sure. 20 Q. Okay. 21 A. Most cities do. 22 Q. Right. And if the City was going to 23 eliminate density limits, didn't that mean that they, 24 by "eliminate," means do away with them entirely? 25 A. I would assume that's what eliminate</p>
<p style="text-align: right;">134</p> <p>1 correspondence. They talked about some of the 2 recent efforts in housing and so forth. 3 Q. Okay. Do you have an understanding of the 4 meaning of the term "density limit"? 5 A. Yes. 6 Q. What is a density limit? 7 A. I would assume something that limits 8 density. 9 Q. Okay. 10 A. There could be a variety of mechanisms, 11 of course. 12 Q. I'm going to read you a section from the 13 City's Adopted 2004 Housing Element. "Implementation 14 1.7 states, "The Planning Department will also 15 propose eliminating density requirements within 16 permitted building envelopes in downtown areas and 17 areas subject to a Better Neighborhoods type planning 18 process to maximize family units constructed." 19 By eliminating density requirements, do you 20 understand that means that they would be proposing 21 zoning changes to eliminate density requirements? 22 A. That seems like, yes, changes to the 23 zoning. 24 Q. Now, the old density limits, the density 25 limits contained in the current Planning Code for</p>	<p style="text-align: right;">136</p> <p>1 means in this case. 2 Q. All right. And if you would eliminate 3 density requirements, then the City could decide how 4 many units would be permitted in a building envelope, 5 right? 6 A. I would assume that, yes. 7 Q. So the City would have the subjective right 8 to make that determination? 9 MR. LOVINGTON: I think that's speculative. 10 There are other limits on density that may come from 11 just direct units per acre limits. 12 Q. BY MS. DEVINCENZI: Okay. Well, when you 13 read this here, "Implementation 1.7, eliminating 14 density requirements," you understood it to mean 15 doing away with them, didn't you? 16 A. I would assume that, yeah. I mean, I 17 can't recollect exactly everything when I read 18 that. But I would assume eliminate density 19 requirements, that helps them increase or 20 maximize the building envelope. 21 Q. How does it do that? 22 A. Well, I'm assuming. I mean, I can't go 23 back and look at all the details. That the 24 building envelope, through FARs, whatever, was 25 above the density requirements, and by</p>

<p style="text-align: right;">137</p> <p>1 eliminating that they are able to maximize their 2 space. 3 Q. Excuse me, would you say that again? 4 A. A building envelope allowed to, 5 whatever, regulations on bulk, the density 6 requirement might not allow you to get to and 7 maximize that. It might be a limit within the 8 zoning. 9 Q. So you are saying that the density 10 requirement would prevent you from building as many 11 floors as you could under the floor-area ratio? 12 A. Or whatever. I mean, I'm just kind of 13 presuming, you know, based on what you are 14 reading there. 15 Q. Has the City told you whether they 16 eliminated density limits in any of its new zonings? 17 A. New zonings? 18 Q. Yeah. Are you aware of that? 19 A. No. 20 Q. Okay. 21 MR. LOVINGTON: We are going to have to be 22 wrapping up, especially if Ms. Pearson wants to have 23 the opportunity to ask some questions. 24 MS. DEVINCENZI: Okay. Hold on. 25 Q. Policy 11.1, "Use new housing development as</p>	<p style="text-align: right;">139</p> <p>1 a minimum standard, that's what we call a minimum 2 standard; isn't that right? 3 A. Yes. 4 Q. Okay. So under that minimum standard, you 5 could have more than one parking space for each 6 residential unit? 7 A. Yes. 8 Q. So there is a big difference between a 9 maximum and a minimum parking standard? 10 A. Is that a question? 11 Q. Yes. 12 A. Yes, that is correct, there is a 13 difference. 14 Q. Okay. Are you aware of whether the City has 15 adopted any maximum parking standards in any new 16 zoning? 17 A. I know that it was definitely part of 18 their efforts. I forget exactly what was done at 19 the time of review. 20 Q. Okay. Exhibit 12, which is the Sarah Dennis 21 memo, memo from Sarah Dennis to Paul McDougall, dated 22 Friday, March 21, 2008. Here's my copy of it. 23 It says, "Paul, great! Thanks so much to 24 all of you for taking this on to support us. Sarah 25 Dennis."</p>
<p style="text-align: right;">138</p> <p>1 a means to enhance neighborhood vitality and 2 diversity." Implementation 11.1 talks about, 3 "Minimum density requirements and maximum parking 4 standards." 5 A. Okay. 6 Q. Do you see this here, "Minimum density 7 requirements and maximum parking standards" is 8 referred to under Policy 11.1; isn't that right? 9 A. Yes. 10 Q. Okay. Now, what do you understand maximum 11 parking standards to be? 12 A. Parking to not exceed a certain limit. 13 Q. Right. So, in other words, there are zoning 14 ordinances that limit the number of off-street 15 parking spaces permitted in a new structure? 16 A. Yes. 17 Q. To, for example, one space for every two 18 residential units? 19 A. For example, yes. 20 Q. Right. So a maximum parking standard is a 21 limitation on parking? 22 A. Yes. 23 Q. Okay. Now, under the old parking standard, 24 which we call the 1 to 1, that required at least one 25 parking space for each residential unit. So that was</p>	<p style="text-align: right;">140</p> <p>1 What did she mean, in your understanding, 2 for "taking this on to support us"? 3 A. I would say evaluating -- you know, 4 basically honoring their request or taking it to 5 evaluate the document policies. 6 Q. Well, it's HCD's mission to produce housing, 7 isn't it? 8 A. That's part of our mission. 9 Q. Right. Is it part of HCD's mission to be 10 concerned about the environmental impacts on the 11 urban core such as San Francisco? 12 A. It's part of our mission to address a 13 request from cities and counties and a variety of 14 stakeholders. 15 Q. Okay. I didn't ask you that. I asked you: 16 Is it part of HCD's mission to be concerned about the 17 adverse environmental impacts of, say, congestion on 18 urban cores such as San Francisco? 19 A. I think those things are stated that way 20 in our mission. 21 Q. Well, you never consider it, do you, in your 22 analysis? 23 A. Do we review the way things are adopted 24 and the sequence of adopted? No. 25 Q. Okay. It's your mission to promote -- it's</p>

<p style="text-align: right;">141</p> <p>1 HCD's mission to promote the construction of housing; 2 isn't that correct? 3 A. That's part of it. 4 Q. Wouldn't HCD be loathe to make any finding 5 or determination that would discourage the production 6 of housing? 7 MR. LOVINGTON: That's argumentative and 8 speculative and I object. And I'm instructing the 9 witness not to answer that. 10 MS. DEVINCENZI: All right. Let's let 11 Ms. Pearson ask some questions. 12 --oOo-- 13 EXAMINATION BY MS. PEARSON 14 Q. I just have a couple, just before it slips my 15 mind. 16 You said that there is a big difference 17 between a minimum parking standard and a maximum 18 parking standard? 19 A. Uh-huh. 20 Q. And that's just in the definitions? Or do 21 you mean -- I mean, if the minimum parking standard 22 is 1 to 1, and the maximum parking standard is 1.1 to 23 1, is that a big difference? So I guess my question 24 is: Wouldn't the difference and the size of the 25 difference depend on what the standard was?</p>	<p style="text-align: right;">143</p> <p>1 Q. Okay. That was really all I had. 2 --oOo-- 3 FURTHER EXAMINATION BY MS. DEVINCENZI 4 Q. Well, I have a question about what you just 5 asked, about meeting existing capacity, about meeting 6 the regional needs through use of existing capacity. 7 That's not exactly what you said. 8 Didn't you say that there was some 9 determination based on standards relating to the 10 meeting new regional need based on the existing 11 zoning? 12 A. Existing capacity, yeah, that they 13 identified, sure, available capacity. 14 Q. Okay. Well, what standards did you use to 15 determine whether they had identified adequate sites? 16 This is part of the adequate site assessment, isn't 17 it? 18 A. Yes. 19 Q. Okay. So what standards did you use to 20 determine whether they identified adequate sites? 21 A. Available acreage, relationship to 22 zoning, capacity, available capacity. 23 Q. Right. But you didn't actually expect them 24 to use the unused capacity, did you? 25 A. Expect them to use?</p>
<p style="text-align: right;">142</p> <p>1 A. Right. Yeah, I was referring more to 2 the fundamental difference between the minimum 3 and the maximum parking standard. 4 Q. Okay. And then you also mentioned a while 5 ago that you did not review the City's 1990 Residence 6 Element? 7 A. Correct. 8 Q. Okay. And so you've never done a comparison 9 of the 1990 Residence Element and the 2004 Housing 10 Element? 11 A. Not that I recall. 12 Q. Okay. So you wouldn't know whether or not 13 policies that are in the 2004 Housing Element are 14 also in the 1990 Residence Element? 15 A. Not that I recollect. I forget. 16 Q. And then the last question I have is -- I 17 guess the last series -- you stated that 18 San Francisco could meet its regional housing need 19 allocation numbers through the existing capacity? 20 A. Correct. 21 Q. And do you know if San Francisco considered 22 as part of its existing capacity that housing would 23 need to be demolished, housing that did not reach 24 maximum capacity would need to be demolished? 25 A. I don't remember that specifically.</p>	<p style="text-align: right;">144</p> <p>1 Q. Yes, to actually build housing. You didn't 2 actually expect the City to use the unused capacity 3 under zoning for the new housing construction, did 4 you? 5 A. Wouldn't that be part of how they 6 demonstrate their available capacity? 7 Q. Well, you require a demonstration of 8 available capacity, right? 9 A. Right. 10 Q. And on a lot of these sites there is already 11 a building. 12 A. Uh-huh. 13 Q. So you didn't expect a substantial amount of 14 the regional housing need allocation to actually be 15 made up by using up the unused capacity, did you? 16 A. I really can't -- I can't really recall, 17 you know. 18 Q. That doesn't go into your determination, 19 does it? 20 A. I'd have to go back and look. The 21 existing units on it? 22 Q. No. Does a determination of how much of the 23 existing capacity is likely to actually be used for 24 new housing go into your determination of whether 25 adequate sites have been identified?</p>

<p style="text-align: right;">145</p> <p>1 A. Of the available capacity?</p> <p>2 Q. Right.</p> <p>3 A. Yes.</p> <p>4 Q. How does that go in?</p> <p>5 A. It's just whatever capacity is available</p> <p>6 and how they demonstrate, you know, the number of</p> <p>7 units that can be accommodated.</p> <p>8 Q. Okay. So San Francisco's available capacity</p> <p>9 was, say unused capacity under zoning in the state,</p> <p>10 say 20,000 units, how much of that did you expect to</p> <p>11 actually be converted to housing?</p> <p>12 A. It really wasn't part of the evaluation.</p> <p>13 We just look at the capacity available, and</p> <p>14 whether it's sufficient to accommodate the</p> <p>15 regional housing need allocation.</p> <p>16 Q. Okay. So you just look at the capacity</p> <p>17 available, and you don't look at how much was</p> <p>18 actually expected to be converted to housing?</p> <p>19 A. It's more about planning to accommodate</p> <p>20 the regional housing need allocation. Cities</p> <p>21 don't necessarily build the units. So the</p> <p>22 requirement is about whether there is planning</p> <p>23 zoning capacity sufficient to accommodate the</p> <p>24 regional housing need allocation.</p> <p>25 Q. Okay. But you don't look at whether the</p>	<p style="text-align: right;">147</p> <p>1 MS. DEVINCENZI: Well, I would like a minute</p> <p>2 to look at my notes, but there is only two minutes</p> <p>3 left, so how about just holding on for a second.</p> <p>4 MR. LOVINGTON: Are you done, Ms. Pearson?</p> <p>5 MS. PEARSON: Can I ask one more question?</p> <p>6 MR. LOVINGTON: Certainly. While she's</p> <p>7 checking her notes.</p> <p>8 MS. PEARSON: Yeah.</p> <p>9 —oOo—</p> <p>10 FURTHER EXAMINATION BY MS. PEARSON</p> <p>11 Q. When you said that the housing element, even</p> <p>12 without the seven policies and one implementation</p> <p>13 measure that the City asked you to analyze on the</p> <p>14 housing element, that there was policies in there for</p> <p>15 increased density?</p> <p>16 A. Or policies to further encourage</p> <p>17 development. I can't recall exactly what they</p> <p>18 were.</p> <p>19 Q. And are you basing that on just policies in</p> <p>20 the housing development or are you basing that on</p> <p>21 other policies in the City's General Plan that</p> <p>22 outline to you in the letter?</p> <p>23 MS. DEVINCENZI: When is my question. Are</p> <p>24 you basing it when?</p> <p>25 Q. BY MS. PEARSON: When you reviewed the</p>
<p style="text-align: right;">146</p> <p>1 City's likely to actually build on the unused</p> <p>2 capacity or substantial amount of it?</p> <p>3 A. It's not a specific requirement.</p> <p>4 Q. And you don't look at that?</p> <p>5 A. It's not part of our evaluation.</p> <p>6 Whether they will build is usually not part of</p> <p>7 our review.</p> <p>8 Q. Or are likely to build?</p> <p>9 A. Right.</p> <p>10 MS. PEARSON: Can we go off the record for</p> <p>11 one second?</p> <p>12 MS. DEVINCENZI: Yes.</p> <p>13 (Discussion off the record.)</p> <p>14 Q. BY MS. DEVINCENZI: We talked about how</p> <p>15 San Francisco's 2004 Housing Element had certain</p> <p>16 policies to encourage expansion of the housing</p> <p>17 capacity or rezoning.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Okay. So it's safe to say that</p> <p>20 San Francisco's housing element went further than</p> <p>21 required by the need to show movement toward</p> <p>22 attainment of the regional housing need allocation?</p> <p>23 A. It's safe to say that, yes.</p> <p>24 Q. Okay.</p> <p>25 MR. LOVINGTON: Are we done?</p>	<p style="text-align: right;">148</p> <p>1 City's housing element without the eight policies,</p> <p>2 did you base its compliance — you said that it was</p> <p>3 in compliance and that there was other policies in</p> <p>4 the housing element that encouraged higher density</p> <p>5 housing or the production of housing.</p> <p>6 A. Yes, in the housing element.</p> <p>7 Q. Okay. And you have not reviewed the 1990</p> <p>8 Residence Element?</p> <p>9 A. Not that I remember.</p> <p>10 Q. So you don't know whether or not those</p> <p>11 policies are also in the 1990 Residence Element; is</p> <p>12 that correct?</p> <p>13 A. Not really. I just don't remember that,</p> <p>14 that far back.</p> <p>15 Q. And did you also base the belief that the</p> <p>16 housing element has other policies to encourage</p> <p>17 higher density housing or to encourage the production</p> <p>18 of housing, are you basing that solely on the housing</p> <p>19 element itself or are you basing it on other elements</p> <p>20 in the General Plan as outlined to you in Exhibit 9,</p> <p>21 the August 1st letter from the Planning Department to</p> <p>22 Cathy Creswell?</p> <p>23 A. Right. I mainly just evaluated the</p> <p>24 housing element.</p> <p>25 —oOo—</p>

<p style="text-align: right;">149</p> <p>1 EXAMINATION BY MS. DEVINCENZI</p> <p>2 Q. Oh, so when you engaged in this evaluation</p> <p>3 of the eight omitted policies for the City and</p> <p>4 determined that the housing element would still be in</p> <p>5 substantial compliance without them, you didn't take</p> <p>6 into account the various provisions of the</p> <p>7 transportation element or the other elements that the</p> <p>8 City asked you to consider, did you?</p> <p>9 A. Not specifically, no. I mean, the</p> <p>10 biggest part of the review was about whether they</p> <p>11 had sufficient sites and whether they needed to</p> <p>12 identify additional sites, whether they had</p> <p>13 existing constraints or whether they needed</p> <p>14 programs to address those constraints.</p> <p>15 Q. Okay.</p> <p>16 A. That was fundamentally the review.</p> <p>17 Q. But you did take into account that they had</p> <p>18 the Citywide Action Plan that they were going to rely</p> <p>19 on?</p> <p>20 A. Well, not as part -- you know, the</p> <p>21 evaluation on those seven policies being -- not</p> <p>22 being operative, you know. It was important to</p> <p>23 understand the City's commitment to housing and</p> <p>24 efforts through the action plan, but not</p> <p>25 absolutely critical to what we would do based on</p>	<p style="text-align: right;">151</p> <p>1 deadline?</p> <p>2 A. I have no idea.</p> <p>3 Q. You haven't heard that?</p> <p>4 A. I imagine there is some discussions to</p> <p>5 align housing need allocation with the Regional</p> <p>6 Transportation Planning, but the specifics I</p> <p>7 haven't heard that.</p> <p>8 Q. Okay. When the extensions were given</p> <p>9 before, were they conditioned on using the new</p> <p>10 proposed policies during the extension period?</p> <p>11 A. The extensions before were a result of</p> <p>12 aligning the housing need planning process with</p> <p>13 the Regional Transportation Planning process.</p> <p>14 They simply took the end of the planning period</p> <p>15 and went ahead two years when the Transportation</p> <p>16 Plan is due.</p> <p>17 Q. Okay. So the extensions contained nothing</p> <p>18 about what policy should be used during the extension</p> <p>19 period?</p> <p>20 A. For local jurisdictions, no.</p> <p>21 Q. For any jurisdictions?</p> <p>22 A. No. It's just due dates, new due dates.</p> <p>23 Q. Well, it's five o'clock. Thank you very</p> <p>24 much. I guess we have to go.</p> <p>25 THE REPORTER: Counsel, do you need a copy?</p>
<p style="text-align: right;">150</p> <p>1 the request.</p> <p>2 Q. Well, what did you understand their</p> <p>3 commitment was?</p> <p>4 A. Well, I can't recall all the specifics,</p> <p>5 but just the various efforts to encourage housing</p> <p>6 and the different implementation and what have you.</p> <p>7 Q. Okay. I have a question about extensions, a</p> <p>8 quick one.</p> <p>9 When an extension is given to a housing</p> <p>10 element update, so they don't have to say do it by</p> <p>11 2001, they give them an extension to 2003?</p> <p>12 A. Who is "they"?</p> <p>13 Q. The HCD or ABAG, or whoever gives the</p> <p>14 extensions. Who gives the extensions?</p> <p>15 A. We don't give extensions.</p> <p>16 Q. Who gives them?</p> <p>17 A. There are no extensions.</p> <p>18 Q. There were a lot of extensions on the last</p> <p>19 one. Who gave them?</p> <p>20 A. Oh, that's the legislature.</p> <p>21 Q. Did the legislature give the extensions? If</p> <p>22 an extension is given, the legislature is the only</p> <p>23 one that has authority, right?</p> <p>24 A. Yes.</p> <p>25 Q. Is there some talk about extending the 2009</p>	<p style="text-align: right;">152</p> <p>1 MS. PEARSON: Yes, please.</p> <p>2 MR. LOVINGTON: No.</p> <p>3 (The proceedings concluded at 5:03 p.m.)</p> <p>4 --oOo--</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 CASE: SAN FRANCISCANS VS. CITY AND COUNTY
2 DATE: August 19, 2008

3
4 Please be advised I have read the foregoing
5 deposition, and I hereby state there are:
6 (Check one)

7 ☐ NO CORRECTIONS
8 ☐ CORRECTIONS ATTACHED
9

10

11 PAUL McDOUGALL

12

13 Date Signed

14

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155

1 REPORTER'S CERTIFICATE

2
3 I certify that the witness in the foregoing
4 deposition was by me duly sworn to testify in the
5 within-entitled cause; that said deposition was taken
6 at the time and place therein named; that the
7 testimony of said witness was reported by me, a duly
8 Certified Shorthand Reporter of the State of
9 California authorized to administer oaths and
10 affirmations, and said testimony was thereafter
11 transcribed into typewriting.

12 I further certify that I am not of counsel
13 or attorney for either or any of the parties to said
14 deposition, nor in any way interested in the outcome
15 of the cause named in said deposition.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 25th day of August, 2008.

18

19

20

21 LUANNE MEISSEN
22 Certified Shorthand Reporter
23 State of California
24 Certificate No. 6479
25

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1 DEPONENT'S CHANGES OR CORRECTIONS

2

3 Note: If you are adding to your testimony, print the
4 exact words you want to add. If you are deleting
5 from your testimony, print the exact words you want
6 to delete. Specify with "add" or "delete" and sign
7 this form.

8 DEPOSITION OF: PAUL McDOUGALL

9 CASE: SAN FRANCISCANS VS. CITY AND COUNTY

10 DATE OF DEPO: August 19, 2008

11 Page Line CHANGE/ADD/DELETE

12

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25 Deponent's Signature _____ Date _____

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EXHIBIT 3

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ENDORSED
FILED
Superior Court of California
County of San Francisco

SEP 10 2008

6 Attorney for Petitioner/Plaintiff
7 San Franciscans for Livable Neighborhoods

GORDON PAHK-LI, Clerk
BY: CAROLYN BALISTRERI
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN FRANCISCO

10 SAN FRANCISCANS FOR LIVABLE
11 NEIGHBORHOODS,

12 Petitioner and Plaintiff,

13 v.

14 CITY AND COUNTY OF SAN FRANCISCO, and DOES
15 I-X,

16 Respondents and Defendants.

) No. CPF04 504 780
)
) DECLARATION OF
) DAVID GOLICK IN SUPPORT
) OF PETITIONER'S
) MOTION FOR ISSUANCE
) OF PEREMPTORY WRIT
) OF MANDATE AND
) IN OPPOSITION TO
) RESPONDENT CITY'S
) MOTION FOR ENTRY OF
) JUDGMENT AND
) PEREMPTORY WRIT
) OF MANDATE

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19 Action Filed: November 30, 2004

20 Hearing Date: October 2, 2008
21 Time: 9:30 a.m.
22 Dept. 302
23 Honorable Patrick J. Mahoney

24 Accompanying Declarations of
25 David Golick and
26 Kathryn R. Devincenzi

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1 City's 2004 Housing Element contained development standards designed to encourage further
2 development or change the zoning to increase housing capacity and that such "actions to increase the
3 buildable envelope were beyond the regional housing need allocation" allocated to the City of San
4 Francisco. (McDougall Deposition [hereafter "McDougall"], p. 12, lines 10-14, p. 13, lines 3-8; p.
5 34, lines 7-18, p. 60, lines 1-25, p. 61, lines 1-25, p. 62, lines 1-25, p. 63, lines 1-25) Standards to
6 increase capacity are found throughout the Housing Element, and Housing Element programs
7 intended to increase the capacity of the City's zoning include "different development standards,
8 heights, bulk requirement, floor-area ratios" and "parking." (McDougall p. 60, lines 14-25, p. 61, lines
9 1-3, p. 62, lines 18-25, p. 85, lines 9-25, p. 86, lines 1-25, p. 87, lines 1-8) The City's 2004 Housing
10 Element went further than required by HCD to show movement toward attainment of the regional
11 housing need allocation. (McDougall, p. 146, lines 19-23) If the City's proposals to increase housing
12 capacity or rezoning were omitted from the Housing Element, the Housing Element would still be in
13 compliance with state housing element law because these "further encouragement policies" went
14 "beyond the regional housing need allocation." (Mc Dougall p. 76, lines 10-14, p. 61, lines 11-25,
15 p. 62, lines 1-25, p. 127, lines 20-24) Mr. McDougall explained that the City is able to demonstrate
16 a buildable envelope sufficient to accommodate the regional housing need allocation without changes
17 to zoning, land use, et cetera. (McDougall, p. 58, lines 25, p. 59, lines 1-25, p. 60 lines 1-25, p. 61,
18 lines 1-25, p. 62, lines 1-16) In the Data and Needs analysis of the Housing Element, the City
19 presented an assessment of adequate sites that demonstrated the ability to accommodate the regional
20 housing need allocation by relying on the existing capacity of zoning. (McDougall p. 126, lines 5-25,
21 p. 127, lines 1-24, p. 66, lines 7-17, p. 67, lines 8-12, p. 145, lines 8-25, 146, lines 1-9) If the land
22 inventory in a housing element demonstrates adequate sites, then programs to make additional
23 capacity available are not required. (McDougall, p. 58, line 25, p. 59, lines 1-15) Also, the City's
24 Housing Element did not identify constraints that required a State-mandated program to address
25 constraints. (McDougall p. 72, lines 4-8) If text encouraging increased capacity and rezoning is
26 omitted from the Housing Element, it will still continue to comply with the 2004 requirements of state
27

28

*Declaration of David Golick in Support of Petitioner's Motion for
Issuance of Peremptory Writ of Mandate*

1 housing element law. (McDougall, p. 127, lines 20-24)

2 4. The Housing Element itself admits that “there are more than enough in-fill housing
3 sites to meet projected housing needs and aggressive housing policies and programs are set to
4 encourage housing development.” (1 AR 212) Government Code §65583 (a)(1) requires that a
5 housing element contain an “analysis of population and employment trends and documentation of
6 projections and a quantification of the locality’s existing and projected housing needs for all income
7 levels,” and these “existing and projected needs shall include the locality’s share of the regional
8 housing need in accordance with Section 65584.” However, a locality’s Housing Element can go
9 further than required to meet the state HCD requirements, as the City did in the 2004 Housing
10 Element.

11 5. The Negative Declaration explains that “[a]s part of the CAP, the Housing Element
12 is being updated to provide a policy basis for more specific planning efforts, such as Better
13 Neighborhoods Program, the Eastern Neighborhoods Community Plans for the Mission District,
14 Bayview, Showplace Square/Potrero Hill, and the Downtown Neighborhoods, such as the C-3-O
15 District and Rincon Hill district. (15 AR 4186) Housing Element work programs also call for a new
16 Land Use Element and an amended Urban Design Element to “establish the policy basis” for the
17 CAP. (1 AR 328)

18 6. The Housing Element describes rezonings as designed to achieve the Housing Element
19 goal of increased capacities. The Housing Element estimates the “additional potential capacity with
20 re-zoning to be introduced in the Better Neighborhoods Program and Eastern Neighborhoods
21 Community Planning Area processes” as increasing “these neighborhoods’ capacity by some 18,300
22 to 38,800 more housing units. (1 AR 179, 178) The accompanying table lists the estimated increased
23 capacity for the Better Neighborhoods Program areas of Balboa Park, Central Waterfront and Market
24 Octavia and the Eastern Neighborhoods Community Planning Area of South of Market, Mission,
25 Potrero/Showplace Square, South Bayshore, and Visitacion Valley. (1 AR 180) The capacity of these
26 areas under current zoning is only 8,628 units. (*Ibid.*)
27

28

*Declaration of David Golick in Support of Petitioner’s Motion for
Issuance of Peremptory Writ of Mandate*

1 7. Each of these areas is listed along with others such as “[b]egin Geary Boulevard Better
2 Neighborhood Program” as work programs for implementing the Housing Element. (1 AR 328) The
3 target date for approval of each of these work programs (except Visitacion Valley) is after Housing
4 Element approval. Since San Francisco Planning Code §101.1(d) requires all new zoning to be
5 consistent with the City’s general plan (Slip Op. p. 23), all the new zoning adopted in these Housing
6 Element work program areas would have to be consistent with the policies and objectives of the
7 adopted 2004 Housing Element. Also, pursuant to San Francisco Charter §4.105, the Planning
8 Department “shall periodically prepare special area, neighborhood and other plans designed to carry
9 out the General Plan.”

10 8. Thus, the City’s 2004 Housing Element amendments call for a substantial expansion of
11 housing capacity which is greater than required by the state HCD.
12

13 **GRANTING THE CITY’S REQUEST TO RELY UPON ALL PROVISIONS OF THE 2004**
14 **HOUSING ELEMENT EXCEPT SEVEN POLICIES AND ONE IMPLEMENTATION**
15 **ACTION WOULD PREJUDICE THE CONSIDERATION OF ALTERNATIVES AND**
MITIGATION MEASURES AND FACILITATE AN INADEQUATE PROJECT
DESCRIPTION IN THE EIR ORDERED BY THE COURT.

16 9. In its decision, the Court of Appeal cited various examples of significant changes
17 proposed in the 2004 Housing Element which triggered the need for a full environmental impact
18 report. Since the Court used the terms “[f]or example,” the cited changes were not an exclusive list
19 of the significant changes which the City had made to the Housing Element.

20 10. Examples of other important changes to its housing element that the City set forth in
21 the 2004 Housing Element, and which should be subject to the EIR, include the following. The
22 Housing Element states that “the Planning Department will address the housing targets developed by
23 HCD-ABAG through initiatives of a Citywide Action Plan (CAP).” (1 AR 210) Housing Element
24 Implementation 1.1 adopts the CAP to “provide a comprehensive framework for the allocation of
25 higher density, mixed-use residential development in transit-rich areas with stable urban amenities
26 in place” where “specific CAP strategies should include: higher densities and reduced parking
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1 requirements in downtown areas or through a Better Neighborhoods type planning process.” (1 AR
2 216) The Housing Element discusses the CAP as a means to implement its strategy of increasing
3 densities in areas well served by transit:

4 “The CAP promotes housing by increasing densities in areas well served by transit. Specific
5 strategies in these areas include: reducing parking requirements; floor-to-area ratio (FAR)
6 exemptions; removing density caps in certain areas; increasing height limits; utilizing air-
7 rights for housing; and increasing density and height limits at key corner lots. These strategies
8 will be applied throughout the City. Generally, increased housing densities and reduced
9 parking requirements will be proposed in areas well served by transit. In the Central
10 Waterfront area, a mix of uses is being planned to accommodate housing in a largely
11 industrial area. Lands occupied by the former Central Freeway around Market Street and
12 Octavia Boulevard are being programmed for new housing while increasing existing
13 residential densities. In Balboa Park, new housing is planned capitalizing on city owned land
14 and an existing transit node. In the Downtown area, dense housing is planned on
15 underutilized parcels....The Eastern Neighborhoods, representing roughly one-quarter of the
16 City, are being studied and re-zoned ...In the Mission District and South of Market, residential
17 densities will be increased along transit corridors and additional land will be re-zoned for
18 housing....These rezoning efforts can boost the City’s housing capacity by as much as 12,000
19 additional housing units.” (1 AR 210-211).

20 Each of the programs described above is a Housing Element work program scheduled by the City to
21 be approved after the adoption of the 2004 Housing Element. (1 AR 328) A 2002 version of the CAP
22 in the administrative record is a Planning Department plan which states that:

23 “The planning department is developing the CAP along two fronts:

- 24 • Clarifying and updating *General Plan* policy including a revised Housing Element,
25 a new Land Use Element, and revisions to the Urban Design Element.
- 26 • Preparing implementation measures including revisions to zoning, review procedures,
27 and Planning Code provisions that would implement the CAP.” (1 AR 2310-2311-
28 Exhibit B attached hereto, San Francisco Planning Department August 2002 CAP)

During the appeal of the preliminary negative declaration for the subject Housing Element
amendments, the City’s environmental review staff characterized the CAP as a “pamphlet.” (12 AR
3323, 3332-Exhibit C hereto, pertinent excerpts)

11. To achieve higher densities, the Housing Element also uses the Better Neighborhoods
program to “generate community support” for area plans and “specialized zoning” including the

1 “Transit Oriented Neighborhood Commercial District (NC-T) Zoning” which will provide for
2 “increased housing densities” and “reduced residential parking requirements **on linear shopping**
3 **streets and along transit corridors.**” (1 AR 204, emphasis added) Plans for the first three Better
4 Neighborhoods Program areas will facilitate construction of “between 3,500 and 8,200 new
5 residential units.” (1 AR 303) On a citywide level, the Better Neighborhood Program aims to
6 encourage “new housing at an urban scale in transit-rich areas with good neighborhood services.”
7 (1 AR 321) The specialized “Transit Oriented Neighborhood Commercial District (NC-T) Zoning”
8 was not proposed or used as implementation in the City’s 1990 Residence Element and should be
9 subject to the Housing Element EIR.

10 12. The CAP and Better Neighborhoods program were not mentioned or used as
11 implementation in the City’s 1990 Residence Element and should be addressed in the Housing
12 Element EIR.

13 13. I have reviewed the August 1, 2007 letter from City representatives to the Deputy
14 Director of the State of California Department of Housing and Community Development which
15 contains an attachment referred to as a “Revised San Francisco Housing Element” which consists of
16 Part II of the Housing Element with certain text struck out and much remaining text, some of which
17 is highlighted. Among the highlighted remaining text on page 135 of the document is
18 Implementation 1.1 which adopts the CAP “for the allocation of higher density, mixed-use residential
19 development in transit-rich areas with stable urban amenities in place,” and the detailed discussion
20 of the CAP including proposed rezonings on pages 130-131 of the Housing Element was also retained
21 in the “revision.”

22 14. I have also reviewed a second August 1, 2007 letter from City representatives to
23 Deputy Director of the Department of Housing and Community Development which contains a
24 discussion of the CAP and a list of area planning efforts “underway” including the Market and
25 Octavia Better Neighborhoods Plan, the Transbay plan, the Eastern Neighborhoods rezoning, the
26 Balboa Park Better Neighborhoods Plan, and the Visitation Valley Redevelopment Plan. Each of
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1 these area plans is identified in the Housing Element as a "Work Program for Implementing the
2 Housing Element." (1 AR 328) All, except Visitacion Valley, were scheduled to be approved after
3 adoption of the Housing Element.

4 15. I have also reviewed the e-mail from Sarah A. Dennis of the Planning Department that
5 is marked as combined Exhibits 5 and 3 to the Deposition of Paul McDougall. That e-mail states that
6 the City is "submitting to the Court that we would render the 7 policies and one implementation
7 measure that were cited as objectionable in the Court's decision as inoperative pending environmental
8 review" and that **"the substance of these policies and implementation measures continue to exist
9 elsewhere in our General Plan, and in our City's continuing programs, so we would continue
10 to pursue them in other ways."** (Emphasis added)

11 16. In its August 1, 2007 proposal that new policies calling for increased density and
12 reduced parking be excised from one portion of the Housing Element but that the City be permitted
13 to rely upon language to the same effect in other portions of the Housing Element (including reliance
14 upon the Planning Department's Citywide Action Plan and programs identified as Housing Element
15 work programs), the City seeks to evade CEQA's requirements that the "project" under evaluation
16 constitutes the "whole of the action" which has a potential for resulting in a "reasonably foreseeable
17 indirect physical change in the environment" and that the local agency consider a reasonable range
18 of alternatives to the proposed project.

19 17. Public Resources Code §21002 states the policy of the Legislature that "public
20 agencies should not approve projects as proposed if there are feasible alternatives or feasible
21 mitigation measures available which would substantially lessen the significant environmental effects
22 of such projects." "An EIR shall describe a range of reasonable alternatives to the project, or to the
23 location of the project, which would feasibly attain most of the basic objectives of the project but
24 would avoid or substantially lessen any of the significant effects of the project, and evaluate the
25 comparative merits of the alternatives." (14 CCR §15126.6(a); Public Resources Code §21002.1 (a)
26 and (b)) Under 14 CCR §15378(a), a "project" is defined as "the whole of an action, which has a
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1 potential for resulting in either a direct physical change in the environment or a reasonably foreseeable
2 indirect physical change in the environment.”

3 18. The City’s August 1, 2007 correspondence indicates that the City would urge the Court
4 to restrict the scope of the Housing Element amendments that must be considered in the EIR to seven
5 policies and one implementation action, while omitting the remainder of the Housing Element and
6 all its work programs from the scope of the project under environmental review. Language would
7 remain in the Housing Element which is to the same effect as the stricken text. Granting the City’s
8 request would result in an inaccurate “project” description and would severely prejudice
9 consideration of alternatives to the project as proposed, since the City admits that the substance of
10 the stricken amendments is repeated elsewhere in the Housing Element which the City would deem
11 itself free to implement. In essence, the City seeks to be permitted to rely upon and implement,
12 without inclusion in the Housing Element EIR, expansionist changes in Housing Element language
13 which exist throughout the Housing Element and are to the same effect as the stricken changes.
14 Under this tactic, virtually all the implementation for the Housing Element amendments would be
15 omitted from the scope of the project under environmental review. However to comply with CEQA,
16 all the implementation for the Housing Element’s new expansionist policies must be subjected to an
17 EIR since the implementations are the means by which the foreseeable physical changes to the
18 environment would occur. A Housing Element policy does not implement itself.

19 19. Further, if the Court were to permit the City to rely upon and implement the CAP
20 strategies or work programs identified in the 2004 Housing Element before the EIR process on the
21 Housing Element amendments is completed, the City would claim to be entitled to grant project
22 approvals which implement the Housing Element’s increased capacity policies. The momentum for
23 such policies and work programs could build, increased capacity structures could be built and cited
24 as precedent, and physical impacts on the environment could begin to appear. If the City were to
25 permit a developer to build new residential units according to the Housing Element’s new policies
26 and increased capacity strategies prior to the certification of the Housing Element EIR, other
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1 applicants will likely point to what the City permitted, and additional pressures will be put on City
2 decision-makers to approve similar projects under similar circumstances. While area plans or new
3 zoning could be modified, it would be very difficult to overturn a final entitlement or permit which
4 the City could grant for a project which would implement such Housing Element expansionist
5 strategies or programs. In view of the City's assertion that it "would pursue" such work programs and
6 CAP strategies in other ways, the City could prejudice the EIR's consideration of alternatives to the
7 full set of Housing Element work program area plans and rezonings by attempting to omit some of
8 them from the alternatives analysis and project description. To make an informed decision as to the
9 environmental consequences of the Housing Element and alternatives thereto, the general plan
10 decision-makers would need information on all the areas of the City that had not yet been built upon
11 according to the Housing Element's expansionist policies so that they could decide which areas
12 should be chosen for expanded capacity, the appropriate amount of increased capacity which should
13 be imposed on each area and the types of development strategies that should be employed in the
14 various areas.

15 20. The Housing Element EIR's definition of the "project" and consideration of
16 alternatives would also be prejudiced if the City's assertion of housing need based on 2004 economic
17 conditions and population projections available in 2004 was excluded from the EIR. The City's
18 projected housing need would then be asserted in the EIR based on out-of-date data. Since 2004,
19 there has been a significant change in the economic climate and housing market, where housing prices
20 have dropped. Also, according to the U.S. Census Bureau, San Francisco's population declined from
21 776,733 in 2000 to 764,976 in 2007. (See Exhibit E attached hereto) One purpose of the EIR process
22 is to provide the public with the opportunity to review and contest inaccurate data and analyses in the
23 draft EIR. If the City's Housing Element EIR were to base its objectives as to the amount of housing
24 needed, and analyses of alternatives thereto, on 2004 economic and population data, analyses of
25 alternatives calling for lesser or no expansion of the City's housing capacity based on current
26 population projections and economic data could be prejudiced because the City could be expected to
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1 claim that the population and economic data set forth in the 2004 Housing Element is not included
2 within the seven policies and one implementation measure which the City asserts should define the
3 scope of the EIR

4 21. The Housing Element EIR's consideration of alternatives would also be prejudiced
5 if the scope of the EIR did not include the potential impact of the new language in the Housing
6 Element calling for extracting public benefits in return for increasing the permitted density or
7 intensity of housing. The Housing Element states that "these density increases must be combined
8 with the capture of some of the added development value through the provision of public benefits."
9 (1 AR 211) This statement follows the discussion of the CAP and various areas proposed to receive
10 increased density housing and reduced parking requirements. The approach of extracting public
11 benefits in return for increasing permitted density of housing can create a powerful incentive for the
12 City to increase densities to generate additional revenues beyond the growth that they would permit
13 absent such an economic incentive. An example of the types of significant public benefits that can
14 result from this approach are the new Community Improvement Impact Fees for additional residential
15 or commercial capacity recently adopted for the Market and Octavia Community Improvements Fund
16 in San Francisco Planning Code §§326-326.8 and the fees charged for exceeding the allowable floor
17 area ratio in the Van Ness and Market Downtown Residential Special Use District as recently adopted
18 in San Francisco Planning Code §§249.33, as summarized in the excerpts from the agenda of the
19 April 15, 2008 meeting of the San Francisco Board of Supervisors, attached hereto as collective
20 Exhibit F.

21 22. Notably, a draft EIR issued by the City's Transportation Authority projects that the
22 time spent in congested traffic conditions in the City will double as a result of projected population
23 and employment growth and planned growth that is "designed to complement and support the city's
24 proposals to concentrate future development along transit routes and transfer points" according to the
25 "Citywide Land Use Action Plan." (20 AR 5503, 5508, 10 AR 2741, 2746-Exhibit G hereto) Traffic
26 impacts should be addressed in the forthcoming EIR.

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1 23. Reducing on-site parking spaces is a key component of the Housing Element's
2 increased capacity strategy since parking space reduction coupled with other proposed housing
3 policies would increase the amount of space available for housing development and permit taller
4 structures. San Francisco Planning Code §151 implements the traditional requirement of one parking
5 space per dwelling unit citywide, except in the downtown area or for senior and group housing
6 arrangements. (8 AR 2278-Exhibit H attached hereto) As explained by the Legislative Analyst to
7 the Board of Supervisors, the "1:1" parking requirement can reduce the height or density of
8 developments because only a limited number of parking spaces can be economically constructed
9 given the geometry of the land parcel, thus limiting the units accompanying them. (11 AR 2941-
10 Exhibit I attached hereto) The requirement can impede the ability to build up to the height limit on
11 a given parcel since the "total number of housing units can be limited by the number of parking
12 spaces that fit on the first level." (11 AR 2942) Relaxation of these requirements could cause
13 potential impacts because "[h]ousing development regulation allows the City to control traffic and
14 congestion and protect the environment." (11 AR 2937)

15 24. It is well established that when parking spaces are scarce, vehicles spend more time
16 circling seeking parking. A study of eleven cities found that about thirty percent (30%) of the cars
17 in the traffic flow were cruising for parking and the average time it took to find a curb space was eight
18 minutes. (Donald Shoup, *Cruising for Parking*, 2007-Exhibit J attached hereto) Further, cars
19 traveling at low rates of speed cruising for parking emit more pollutants than cars traveling at higher
20 rates of speed. The attached tables produced by Illingsworth and Rodkin, an air quality consulting
21 firm, demonstrate that the worst speed for pollutants from cars (reactive organic gases, carbon
22 monoxide, oxides of nitrogen, carbon dioxide, sulfur dioxide and PM 10) is up to about 15 miles per
23 hour. (See Exhibit K attached hereto)

24 25. Allowing the City to implement its reduced parking policies in areas identified as
25 Housing Element work plans would permit the City to approve projects with reduced on-site parking
26 spaces that could result in adverse impacts on traffic conditions and resulting air pollution, give
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1 momentum to the new parking reduction policies and prejudice the consideration of mitigation
2 measures that could be advocated for the "Transit Oriented Neighborhood Commercial District (NC-
3 T) Zoning" that could be applied citywide and for all Housing Element work programs in the citywide
4 Housing Element EIR. Such mitigation measures would include consideration of retaining the
5 traditional requirement of at least one parking space per residential unit to mitigate the potential
6 impact on City traffic conditions and air emissions from displaced cars cruising for parking that could
7 result from implementing the City's change in parking policy. There is a greater likelihood that
8 alternatives and mitigation measures will be adequately presented in the citywide EIR process on the
9 important Housing Element revision than if the City were permitted to pursue a divide and conquer
10 strategy of implementing the new parking reduction strategies area by area, where citizen groups
11 likely would possess less resources to adequately participate in the environmental review process.

12 26. The Housing Element EIR should consider alternatives to the greatly increased amount
13 of housing capacity which Housing Element goals, work programs and implementation actions seek
14 to achieve. Alternatives which achieve the City's share of the regional housing need without any of
15 the rezonings proposed by the Housing Element should be evaluated.

16 27. Such an alternative could analyze whether increases in density, if warranted at all,
17 should be limited to the areas served by heavy-rail transit such as Cal-Train and BART stations. An
18 article by a former BART director explains that such areas in Rincon Hill and the Central Waterfront
19 may be appropriate for increased density, but that the Housing Element's proposal to ignore
20 neighborhood character and squeeze additional population into existing neighborhoods is based on
21 a fundamental misunderstanding of the concept of transit-based communities. (Michael Bernick, *San*
22 *Francisco's Housing Element - Built on misunderstanding*, November 23, 2004, San Francisco
23 *Chronicle*-Exhibit D attached hereto)

24 28. Alternatives should also analyze whether all the City's neighborhood commercial
25 districts should be subject to the Housing Element's one-size-fits-all policies designed to increase
26 densities and reduce required on-site parking in neighborhood commercial areas or whether some
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1 of the City's established neighborhood commercial districts are unsuited to increases in density and
2 reduced parking and should be excepted from such policies. The Planning Department map of
3 residential lots within 1,250 feet of "transit and commercial" depicts vast residential areas as
4 potentially impacted by such increased density and reduced parking policies. (10 AR 2797-Exhibit
5 L hereto)

6 29. Alternative growth proposals such as those described above should be evaluated in the
7 EIR regarding proposed amendments to the City's Housing Element. Such EIR should evaluate
8 alternate scenarios of where capacity for housing could be increased through rezoning, if at all, in a
9 citywide process with all the stakeholders present, instead of evaluating various areas separately
10 without all the stakeholders present.

11 30. The City's argument that increasing residential densities in urban areas well served
12 by transit might significantly decrease impacts from suburban sprawl is questionable. The City has
13 not submitted any data indicating that such strategy has successfully persuaded significant numbers
14 of families to give up the "suburban home with the white picket fence." It is highly unlikely that the
15 types of families whose values lead them to live in large residences in outlying suburbs such as
16 Brentwood would choose to live in a densely populated urban area such as San Francisco. Such a
17 family would more likely choose to live in an alternative suburb closer to employment rather than in
18 a densely populated urban area. The City has not pointed to any data showing that substantial
19 numbers of people have migrated from outlying suburbs to densely populated urban areas or changed
20 their preference for suburban living as a result of an opportunity to locate in dense housing in an
21 urban center.

22
23 **THE MEANING OF DEVELOPMENT STRATEGIES SET FORTH IN A GENERAL PLAN**
24 **HOUSING ELEMENT IS GLEANED FROM POLICIES, INTERPRETATIVE TEXT,**
IMPLEMENTATION ACTIONS AND WORK PROGRAMS

25 31. A housing element is legally required to contain more than policies. Under
26 Government Code §65583 (c), the Housing Element must contain a "program which sets forth a five-
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1 year schedule of actions the local government is undertaking or intends to undertake to implement
2 the policies and achieve the goals and objectives of the housing element through the administration
3 of land use and development controls, the provision of regulatory concessions and incentives, and the
4 utilization of appropriate federal and state financing and subsidy programs when available” and other
5 means. Government Code §65583(b)(1) requires the Housing Element to set forth a “statement of
6 the community’s goals, quantified objectives, and policies relative to the maintenance, preservation,
7 improvement, and development of housing.”

8 32. Interpretative text and implementation actions are often very important to
9 understanding the meaning of housing element policies. For example, the Court of Appeal cited as
10 a significant change, and subject to the EIR, new Policy 11.8, which provides: “Strongly encourage
11 housing project sponsors to take full advantage of allowable building densities in their housing
12 developments while remaining consistent with neighborhood character.” The Court of Appeal noted
13 that its explanatory text provides that the “Department should strongly support projects that creatively
14 address residential parking and open space requirements, resulting in higher densities with a full range
15 of unit sizes.” (Slip Op. p. 17-18; 1 AR 284-285) The Department will “study the impacts of reduced
16 parking and private open space provisions and will consider revising the Planning Code accordingly.”
17 (*Ibid.*)

18 33. With respect to “neighborhood character,” the Court of Appeal cited as a significant
19 change new policy 11.1 to “[u]se new housing development as a means to enhance neighborhood
20 vitality and diversity” and noted that its interpretive text states that “[m]inimum density requirements
21 and maximum parking standards should be used to encourage a mix of unit sizes in areas well served
22 by transit and neighborhood retail.” (Slip Op. p. 18) A maximum parking standard is a limitation on
23 the number of permitted parking spaces. An example of a maximum permitted parking space standard
24 would be one space for every two new residential units where the applicant could have less, but not
25 more parking. In contrast, the traditional requirement in San Francisco of at least one parking space
26 for each residential unit is a minimum standard that permits more than one parking space. (See also
27

1 McDougall Deposition p. 138, lines 6-25, p. 139, lines 1-13) the interpretative text calling for
2 “maximum parking standards” is very important to understanding the meaning of new Policy 11.1.
3 The City’s 1990 Residence Element did not propose to utilize new zoning containing maximum
4 parking standards for residential units.

5 34. Under the new implementation for new Housing Element Policy 1.7, cited by the Court
6 of Appeal, to encourage the construction of new family housing, the “Planning Department will also
7 propose eliminating density requirements within permitted building envelopes in downtown areas and
8 areas subject to a Better Neighborhoods type planning process to maximize family units constructed.”
9 (1 AR 142) Eliminating density requirements would be a major change because the absence of a
10 density requirement and only using floor area ratio standards would permit the City to allow very high
11 density housing with many small units. An example of what could result from high density and/or
12 a high floor area ratio is the 250 square foot condominium units which the City recently permitted be
13 built in the South of Market area of the City. (See James Temple, *Home, small home: 250 square feet*
14 *in SoMa*, San Francisco Chronicle, August 24, 2008-Exhibit M attached hereto) Such condominiums
15 are unsuitable for families and certainly have the potential for bringing large numbers of people and
16 cars into the area.

17 35. As the Court of Appeal also noted, interpretative text for new Housing Element Policy
18 11.1, to “[u]se new housing development as a means to enhance neighborhood vitality and diversity,”
19 explains that new “in-fill housing development should be compact, mixed-use.” (1 AR 196) The
20 clarification that mixed-use development is intended is important to understanding the meaning of
21 the policy.

22 36. The 1990 Residence Element contained a policy to “[r]elate land use controls to the
23 appropriate scale for new and existing residential areas.” The Court of Appeal noted that its
24 interpretive text stated that “zoning envelopes should be tailored to the prevailing built pattern to
25 maintain the low density character [of single- and two-family neighborhoods].” One stated objective
26 of the policy was to “allow some expansion” of height and depth controls in one- and two-family
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1 areas “to accommodate contemporary living space needs and still be compatible with the
2 neighborhood scale.” Modified policy 11.6 of the 2004 Housing Element now states: “Employ
3 flexible land use controls in residential areas that can regulate inappropriately sized development in
4 new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type
5 planning process while maximizing the opportunity for housing near transit.” The Court of Appeal
6 noted that its implementation action states: “The City will continue to promote increased residential
7 densities in areas well served by transit and neighborhood compatible development with the support
8 and input from local neighborhoods.” (Slip Op. p. 18)

9 In contrast, the City’s housing policy in the 1980s and 1990s led to the “adoption of zoning
10 controls that retain existing residential densities in more established neighborhoods.” (1 AR 203)
11 Under 1990 RE policy II-4, density was only to be changed in the “Mission Bay area.” (RE p. 175)
12 The Court of Appeal held the Housing Element’s elimination of a 1990 Residence Element policy
13 to adopt specific zoning districts that would set density categories was a significant change that was
14 subject to the EIR which it ordered. (Slip Op. p.17, 22) This 1990 policy as to density categories is
15 not the equivalent of, or substantially similar to, the general priority policy set forth in San Francisco
16 Planning Code §101.1(b)(2) that “existing housing and neighborhood character be conserved and
17 protected in order to preserve the cultural and economic diversity of our neighborhoods.”

18 37. Also, the Court of Appeal noted that, although policy 1.6, to “[c]reate incentives for
19 the inclusion of housing, particularly permanently affordable housing, in new commercial
20 development projects,” is almost identical to a policy in the 1990 Residence Element, an
21 implementation provision now calls for reviewing the possibility of removing parking and density
22 requirements as “incentives.” (Slip Op. p.19) The appellate court stated that this implementation
23 measure is subject to the EIR.

24 38. There are additional examples of interpretative text and implementation actions which
25 are important to understanding the meaning of policies. Changes made to Housing Element Policy
26 1.1 call for “allowable densities in established residential areas” to be set “at levels which will
27

1 promote compatibility with prevailing neighborhood scale and character where there is neighborhoods
2 [sic] support,” and its new interpretative text states that “along transit-preferential streets” “residential
3 parking requirements” “should be, if appropriate, modified,” and that there “is a reduced need for
4 automobile use” in “neighborhood commercial districts” where “parking and traffic problems can be
5 further addressed by community parking facilities and car-sharing programs, and other creative
6 transportation programs.” (1 AR 215) New Implementation 1.1 —utilizes---adopts the “citywide
7 action plan(CAP)” to “provide a comprehensive framework for the allocation of higher density,
8 mixed-use residential development in transit-rich areas” and explains that in these areas “specific
9 CAP strategies should include: higher densities and reduced parking requirements in downtown areas
10 or through a Better Neighborhoods type planning process.” (1 AR 215-216)

11 39. Similarly, new Housing Element Policy 1.2, to “[e]ncourage housing development,
12 particularly affordable housing, in neighborhood commercial areas” contains interpretative text stating
13 that in “many cases, additional floors can be constructed to make full and efficient use of
14 appropriately scaled height limits” and “[i]f necessary, private open space requirements could also
15 be modified” and that “[i]n the long term, neighborhood commercial district controls and standards
16 should be revised.” (1 AR 216) In contrast, 1990 implementation for policy 2.2 only called for
17 “[m]ore study” in “neighborhood Commercial districts on how to accommodate residential parking
18 and transportation needs without weakening the cohesiveness of ground level commercial activities.”
19 (RE p. 135, 175)

20 40. New Housing Element Policy 11.7, to “reduce or remove minimum parking
21 requirements for housing, increasing the amount of lot area available for housing units” where “there
22 is neighborhood support” contains Implementation stating that the “Planning Department will work
23 to reduce parking in older neighborhoods and in other areas through a Better Neighborhoods type
24 planning process with the support and input from local neighborhoods.” (1 AR 284)

25 41. New Implementation 1.3 for modified Housing Element policy 1.3 states that
26 “[d]owntown areas and areas subject to a Better Neighborhoods type planning process will be
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1 expected to absorb major office and residential developments over the next decade” and that
2 “[p]lanning and zoning changes should include floor-to-area ratio exemptions.” (1 AR 217) That
3 implementation further states that the “Planning Department will introduce zoning changes in the
4 traditionally industrial eastern part of the City” and identifies the “areas under study” as the “Mission,
5 South of Market, Showplace Square/Potrero Hill, Bayview Hunters Point and Visitacion Valley.”
6 (1 AR 217)

7 42. Implementation measures are described throughout the Housing Element. For
8 example, in the Housing Element’s Part I. Data and Needs Analysis, among the “policies and
9 programs under development” to “further facilitate housing production” is a specialized type of
10 zoning called “Transit Oriented Neighborhood Commercial District (NC-T) Zoning” controls that
11 “provide increased housing densities above the ground floor and reduced residential parking
12 requirements on linear shopping streets and along transit corridors.” (1 AR 204) In addition,
13 “[n]eighborhood based Specific Plans that establish development profiles with completed program
14 EIRs,” “rezoning certain former industrial areas near downtown to mixed use” and encouraging “the
15 development of high density housing,” “[a]llowing increases in housing densities in appropriate areas
16 citywide” and [r]educing parking requirements on residential projects” were tools that should be used
17 through planning processes such as the Better Neighborhoods program to increase availability of land
18 for housing. (*Ibid.*) Also, permit processing was to be facilitated by “[p]reparing master
19 environmental impact reports covering all potential new housing in a selected area to streamline the
20 approval and construction processes.” (1 AR 205) NC-T zoning was not used or proposed in the 1990
21 Residence Element.

22 43. Further, a discussion of approaches to meet housing needs in Part I of the 2004
23 Housing Element proclaims that the “Planning Department is dedicated to zoning changes citywide
24 that encourage new housing in areas particularly close to transit.” (1 AR 203)

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*Declaration of David Golick in Support of Petitioner’s Motion for
Issuance of Peremptory Writ of Mandate*

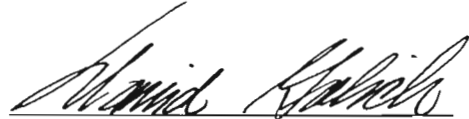
1 //

2 I declare under penalty of perjury under the laws of the State of California that the foregoing
3 is true and correct.

4 Executed on September 8, 2008, at Concord, California.

5

6

A handwritten signature in black ink, appearing to read "David Golick", written over a horizontal line.

7

DAVID GOLICK

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*Declaration of David Golick in Support of Petitioner's Motion for
Issuance of Peremptory Writ of Mandate*

1 **PROOF OF PERSONAL SERVICE**

2
3 I, KATHRYN R. DEVINCENZI, declare as follows:

4 I am a citizen of the United States, over the age of eighteen years and not a party to the within
5 entitled action. My business address is 22 Iris Avenue, San Francisco, CA 94118.

6 On September 10, 2008, I served by hand a true and correct copy of:

7 **DECLARATION OF DAVID GOLICK IN SUPPORT OF PETITIONER'S MOTION**
8 **FOR ISSUANCE OF PEREMPTORY WRIT OF MANDATE AND IN OPPOSITION**
9 **TO RESPONDENT CITY'S MOTION FOR ENTRY OF JUDGMENT AND**
10 **PEREMPTORY WRIT OF MANDATE**

11 by delivering a copy thereof to the following persons:

12
13 Audrey Williams Pearson
14 Deputy City Attorney
15 City Hall, Room 234
16 1 Dr. Carlton B. Goodlett Place
17 San Francisco, CA 94102-5408

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed on September 10, 2008, at San Francisco, California.

20 
21 KATHRYN R. DEVINCENZI

22
23
24
25
26
27 Proof of Personal Service of Declaration of David Golick
28 in Support of Petitioner's Motion for Issuance of
Peremptory Writ of Mandate and in Opposition to Respondent's
Motion for Entry of Judgment and Peremptory Writ of Mandate

RESUME

David Golick
4241 Dubhe Court
Concord, CA 94521
Phone (925) 798-6276
e-mail dlgolick@msn.com

Work Experience

1. Planning Consultant and Contract Planner, May, 2000 – Present

A. Interim Community Development Director, City of Benicia, 2005

Responsible for the operation of the Planning Division and Building Division. Involved in preparation of departmental budget and work program.

B. Interim Community Development Director, City of Lafayette, December, 2000 - April, 2001

Supervised and coordinated the Planning, Building, Engineering, and Public Works functions. Responsible for a major reorganization of the Planning Services Division.

C. Interim Planning and Building Manager, City of Lafayette, April, 2001 - October, 2001

Managed Planning and Building program. Responsible for hiring almost an entire new staff. Major projects included three controversial subdivisions, a senior housing proposal, and a downtown redevelopment commercial and housing project. Conducted zoning administrator hearings.

D. Major Land Use Projects

- Managed contentious in-fill applications, including a proposed 23 unit residential subdivision that required an Environmental Impact Report, for the City of Lafayette, 2000-2008.
- Project planner for a 119,000 sq. ft. Home Depot commercial warehouse development for the City of Hercules, 2002.
- Project planner for a 132 unit low income apartment project for the City of Hercules, 2002.
- Critiqued environmental documents prepared for two proposed Contra Costa County ordinance amendments, private sector clients, 2000-2003.
- Critiqued Draft Environmental Impact Report prepared for South Schulte Specific Plan in the City of Tracy, private sector client, 2003.

EXHIBIT A

- Helped develop scopes of services for technical consultants involved in preparation of an Environmental Impact Report for a large mixed use development in the City of Fairfield, private sector client, 2003.
 - Provided technical assistance to a consortium of 15 homeowner groups opposed to revisions to the Housing Element by the City and County of San Francisco, 2004.
2. Chief of Planning, City of Concord 1990 – 2000
Director of Planning, City of Concord 1989

Responsible for the management and administration of planning functions. Responsibilities included development of Planning Division priorities and work programs, budget preparation and monitoring, personnel management, policy and ordinance formulation, a complete revision of the General Plan, and management of large scale development projects. Provided staff support to City Council, Planning Commission, and Design Review Board.

Examples of Other Work Related Experience

1. Co-authored a guide for planners titled, “Free Advice for Young Planners Entering Public Sector Employment”, which has been often quoted and used as a teaching tool by public planning departments and universities.
2. Served on a review committee for development of a booklet titled, “Start at the Source – Residential Site Planning and Design Guidance Manual for Stormwater Quality”, prepared by Bay Area Stormwater Management Agencies Association.
3. Chaired a task force that developed innovative customer service approaches.
4. Speaker at American Planning Association national and state conventions as well as at local events.
5. Served on Bay Area Council focus groups that analyzed economic development potentials and constraints of the metropolitan area.
6. Member of the American Planning Association, Bay Area Planning Directors Association, and the Urban Land Institute.

Education

1. University of Massachusetts at Amherst, B.A. in Economics.
2. University of Rhode Island
 - A. Graduate Studies in Community Planning. All course work, 61 graduate semester credits, completed
 - B. Graduate Studies in Public Administration. Nine graduate semester credits completed.
3. San Francisco State University. Spanish language and cross-cultural training.
4. Participated in numerous technical seminars regarding Planning and Management.

CAP



San Francisco
Planning Department
August 2002

EXHIBIT B

002310

The Citywide Action Plan (CAP) explores comprehensively the issue of how to meet the need for housing and jobs in ways that capitalize upon and enhance the best qualities of San Francisco as a place to live and work. The CAP will direct a mix of housing and neighborhood-serving uses to places with good public transit and urban amenities; new office uses to the city's compact downtown core; and industrial uses to core industrial lands in portions of the city's east side, thereby releasing the rest of the industrially zoned lands for other uses.

The planning department is developing the CAP along two fronts:

- Clarifying and updating *General Plan* policy including a revised Housing Element, a new Land Use Element, and revisions to the Urban Design Element.
- Preparing implementation measures including revisions to zoning, review procedures, and Planning Code provisions that would implement the CAP.

002311

THE CHALLENGES OF GROWTH AND CHANGE

San Francisco is at a critical juncture. About 800,000 people live in San Francisco today—66,000 more than in 1990. By 2010, 32,500 new residents and 56,000 new jobs are expected. As we grow, the city faces some very real challenges that affect our quality of life. There is an urgent need to find positive ways to accommodate growth, ensuring that new development enhances the quality and character of our neighborhoods and builds new places with the services and amenities that support urban living.

What are the challenges?

Increase the supply and diversity of housing opportunities

Despite the recent economic downturn, we have a housing crisis—a crisis of affordability. Housing production has not kept pace with both numbers of units and employment and population growth. We have among the highest housing prices on record. To catch up with existing demand, we need to build 2,720 housing units every year for the next five years, with the majority of these units priced to be affordable to San Franciscans earning the city's median income (\$86,100 for a four person household) or less.¹ From 1991 to 2000, we built an average of 1,030 units per year, with only 29 percent affordable below the median income.²

Build housing where it makes sense

The housing built in the city is often built in the wrong places. The current market is locating housing in industrial areas where land is cheap and there is less opposition. We do not have adequate transit service, open space, shops and services in these areas, however, to create successful neighborhoods. Instead, we need to locate new housing, jobs, and services where the city has the transit, open space and other services that support urban living.

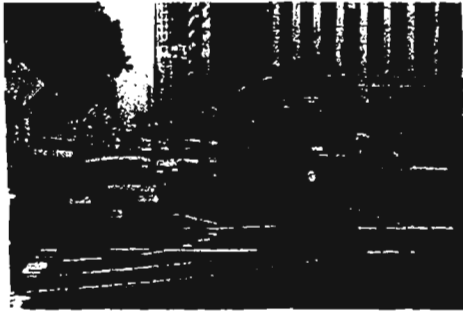


¹ The median income covers the San Francisco Primary Metropolitan Statistical Area (PMSA), which includes San Francisco, San Mateo and Marin Counties. Source: HUD.

² "Expanding and Modifying the Affordable Housing Policy Requirements: Staff Report and Findings." Source: San Francisco Planning Department, January 31, 2002.



Ensure space for all the vital functions of our economy
While housing and office uses can pay more for space, modern production, distribution and repair activities play a vital role in supporting the city's economic vitality and provide a diverse job base for San Francisco residents. Rather than allowing these activities to be priced out of the city, we need to provide appropriate space for them to thrive. Fortunately, the kinds of land that make sense for these activities are "gritty" places by nature—poorly suited to support a residential population.



Ensure the efficient movement of people and goods on our streets
Streets provide us with space to move around the city. As San Francisco grows, our streets are reaching their capacity to move cars, and cannot be widened without knocking down buildings. The solution, ultimately, is about geometry, not ideology. If our streets are to continue serving our needs to get around, we must give priority to travel modes that make efficient use of street space, like public transit, bicycling, and walking, and ensure that they can share our streets safely with cars.



Recognize the value of streets as civic spaces
Streets are also our most important civic spaces—they are where we meet and socialize, stroll and take in what the city has to offer. Streets should be more than means of getting from place to place—they should be places worth experiencing. Adequate space for pedestrians, trees for shade and beauty, benches and stoops for rest, and facades that spill out with activity and intrigue help to make streets safe and comfortable places for people.

The Planning Department's aim is to plan for growth in a way that builds on the positive qualities of San Francisco and strengthens the character of our neighborhoods. Our planning efforts are intended to respond to human needs—ensuring that new development contributes to creating a more livable city. In response to the city's housing crisis, we are revisiting planning policies and procedures citywide to encourage housing in the best possible locations, at appropriate densities and at prices affordable to those who live and work in our city.

THE FIVE INITIATIVES OF THE CAP:

1. Encouraging Housing And Better Neighborhoods Citywide
Policy initiatives to encourage and facilitate the development of housing citywide, especially the development of affordable housing.
2. The Downtown Neighborhoods
Planning for new downtown neighborhoods south of the downtown office core. This will include capturing housing potential in the downtown office district as well as encouraging new housing adjacent to downtown in areas such as Rincon Hill, the Transbay Terminal area, and Yerba Buena Center, as well as lands designated for housing encouragement through the Planning Department's community planning process.
3. Infill in Transit- and Service-Rich Areas
Policy initiatives for supporting and encouraging higher-density, mixed-use—primarily residential—infill in selected transit-rich corridors.
4. New Permanent Controls For Core Industrial Lands
Land use analysis and community planning process to determine which of San Francisco's industrially zoned lands are central to the city's economic health, and developing new zoning controls for those determined to be core industrial lands.
5. New Permanent Controls For Surplus Industrial Lands
Industrial lands determined through the department's land use analysis and community planning process not to be strategically critical to the city's economic health will be made available for other uses, primarily housing. New zoning controls for these new uses will be prepared.

POLICY BASIS FOR THE CITYWIDE ACTION PLAN

The five initiatives of the Citywide Action Plan are based on the *General Plan*. The Planning Commission and the Board of Supervisors will soon be considering two new *General Plan* elements that will update and articulate the city's land use policies. The Housing Element will update the 1990 Residence Element to reflect changes in San Francisco's population and housing stock and the challenges of encouraging housing production today and into the future. The new Land Use Element will summarize the land use policies that are now found throughout the *General Plan*. The Planning Department is in the initial stages of revising the Urban Design Element, as well. These new elements will provide citizens and decision-makers with a concise and easily understood picture of the *General Plan's* vision for how San Francisco will respond to growth and change in the future.

While these three new elements of the *General Plan* will contain the policy basis for San Francisco's future land use, the CAP's five initiatives will carry out the policies over the next few years. The Housing Element, the Land Use Element, the revised Urban Design Element, and the CAP are all proceeding at the same time. They will inform and reinforce one another as San Francisco grapples with the challenges of growth and change.

Planning initiatives currently underway

The Better Neighborhoods Program

The Planning Department's Better Neighborhoods Program is developing specific plans for three neighborhoods: Balboa Park, the Central Waterfront and Market and Octavia. The Better Neighborhoods Program is the first community-based area planning effort conducted by the City of San Francisco that proactively seeks to forge a shared vision of the best future for the city's transit-served neighborhoods. The Planning Department has been working with local residents to imagine a better neighborhood, discuss the issues facing the city and how they play out in each neighborhood, share ideas and concerns, and get feedback and suggestions from specialists to find solutions.

Goals and proposals have been developed from a series of community workshops, walking and bus tours, meetings with community groups, and discussions with individual residents, business owners, agencies, and

institutions. Throughout the process, community members have been engaged and encouraged to comment and offer suggestions on the evolving proposals and scope of issues being considered. This ongoing dialogue has led to a strong set of goals and a framework for neighborhood improvements for each of the neighborhoods.

Community Planning for San Francisco's Eastern Neighborhoods

The San Francisco Planning Department is engaged in a community planning effort for the City's eastern neighborhoods. This large area, consisting of the Mission, SoMa, Bayview, Visitacion Valley, and Showplace Square/Potrero Hill, has a tremendous diversity of people, housing, and businesses. It is also an area that has experienced extraordinary change. The goal of this community planning process is to develop a set of permanent zoning controls for the entire area as well as policies and procedures to guide future development in each of the five neighborhoods.

Rincon Hill Rezoning

The Planning Department is in the midst of rezoning Rincon Hill to encourage the residential development that was expected but did not occur with the establishment of the Rincon Hill Special Use District. This new zoning is intended to encourage the development of thousands of new housing units close to the Transbay Terminal and downtown. *

Transbay Terminal Planning

The San Francisco Redevelopment Agency is now in the process of testing concepts for redevelopment of the Transbay Terminal area. The Agency and the Planning Department are undertaking a new planning effort to support the area's transformation into a full-service mixed-use commercial and residential downtown neighborhood.

Board of Supervisors Initiatives

The Board of Supervisors has instigated a number of policy initiatives that address the need for jobs and housing in the city. These initiatives include recent legislation to exempt housing in the downtown from FAR controls, special zoning for transit-oriented neighborhood commercial (NCT) districts, legislation to allow secondary units without parking in areas well-served by transit and neighborhood services, revisions to the city's inclusionary housing policy, and changes to fees for transit impacts, housing, childcare, parks and inclusionary housing.



OVERVIEW OF THE CITYWIDE ACTION PLAN

002317

Timeline for the Citywide Action Plan

San Francisco Planning Department
July 2002

2nd Quarter 2002 3rd Quarter 2002 4th Quarter 2002 1st Quarter 2003 2nd Quarter 2003 3rd Quarter 2003 4th Quarter 2003

General Plan Policy Updates

Housing
Element
Update

New
Land Use
Element

Urban Design
Element
Revisions

Planning Initiatives

Better Neighborhoods
(Balboa Park Station Area, Market and Octavia, Central Waterfront)

Eastern Neighborhoods Community Plans
(Bayview, Mission, Showplace Square / Potrero Hill, SoMa, Visitacion Valley)

Encouraging Housing and Better
Neighborhoods Citywide (Citywide Code Changes)

The Downtown Neighborhoods
(Downtown Office Core, Transbay / Rincon Hill, Yerba Buena Center, Market / Mission Corridor)
Infill in
Transit- and Service-Rich Areas

New Permanent Controls
for Core Industrial Lands

New Permanent Controls
for Surplus Industrial Lands

FY 2001 / 2002

FY 2002 / 2003

FY 2003 / 2004

OVERVIEW OF THE CITYWIDE ACTION PLAN

002318



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

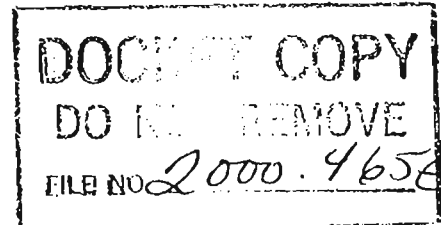
DATE: May 6, 2004

TO: San Francisco Planning Commissioners

Cc: Appellants

FROM: Rick Cooper, Senior Environmental Planner, and
Paul Maltzer, Environmental Review Officer

SUBJECT: Appeal of the Preliminary Negative Declaration for the 2003 Update of
the San Francisco Housing Element



We have received the letter from David Golick, Planning Consultant, dated March 23, 2004, which was submitted on behalf of the Appellants to support their appeal of the Preliminary Negative Declaration the Planning Department prepared for the 2003 Update of the Housing Element of the San Francisco General Plan (hereinafter "the PND"). After review and consideration of the letter and its supporting exhibits, we believe that a fair argument has not been made to support the contention that adoption of the proposed Housing Element update has the potential for significant adverse impacts on the environment necessitating the preparation of an Environmental Impact Report.

Please note that, in response to discussions with community representatives, the Department is proposing some additional modifications to the update of the Housing Element. We have reviewed these proposed changes and have found that the analysis and conclusions of the PND would remain unchanged with the proposed modifications.

Following is our summary of the contentions of the Appellants set forth in the March 23, 2004 letter and our responses to those contentions, and accompanying this memo is an attachment which provides responses to the exhibits provided in the Appellants' letter.

Contention 1: While the PND states that it is not practical or meaningful to speculate on and then analyze the environmental effects of housing production that would result from the adoption of the 2003 Housing Element Update, CEQA and the Planning Department's own procedures require that environmental reviews analyze maximum buildout. Thus, the EIR for the 1990 update of the Residence Element assumed that it would achieve its goals and conducted an analysis based on those goals, and the same should be done for the 2003 update.

Response 1: As described in previous documents, the PND for the 2003 update is not required under CEQA to analyze the objectives and policies of the 1990 Housing Element which have been thoroughly analyzed in the 1990 EIR. The Negative

EXHIBIT C

003323

	Plan, as a separate project under CEQA, will undergo its own environmental review.
Exhibit 8	Appellants cite to a portion of the Market and Octavia Neighborhood Plan for the proposition that the Board of Supervisors has already started implementing the new Housing Element. This is not the case. The document describes various policy initiatives introduced by the Board that address the need for jobs and housing in the City. All of those ordinances are separate projects under CEQA. In addition, while some of those initiatives, such as the inclusionary housing legislation, went forward and was passed by the Board of Supervisors, some pieces of legislation, such as special zoning for transit-oriented neighborhood commercial (NCT) districts has been inactive. The legislation to exempt the downtown from FAR calculations has been delayed due to inadequate funding to prepare an environmental impact report. As discussed elsewhere, the legislation to allow secondary units is still in the legislative process and, in any event, is not a direct result of any changes to the Housing Element as the secondary unit language remains the same from the 1990 Element. As to the reference to the Rincon Hill Plan, that plan is currently undergoing its own environmental review. A Notice of Preparation of an EIR was published on March 10, 2001, and a Draft EIR is still being prepared.
Exhibit 9	The Citywide Action Plan (CAP) pamphlet does describe a proposed direction for the City, through various community planning initiatives, to accommodate future growth. The brochure does not, however, provide the solutions for how and where such growth would or should occur

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JOHN OVERMYER / Special to The Chronicle

San Francisco's Housing Element — Built on misunderstanding

By Michael Bernick

Recently, San Francisco's Board of Supervisors approved a change to the city's General Plan, with potentially far-reaching impacts on the city's neighborhoods. Proponents of this change, known as the Housing Element, claim that it better connects transit and land use by densi-

survey of California rail-transit stations that Cervero conducted in 2003.

These studies, though, focus on rail transit, particularly heavy-rail transit, such as BART. The data on ridership for light rail and buses, the main transit service in San Francisco, show a far less significant tie between transit ridership and station proximity.

More important, transit ridership is

position. It assumes that many new residents will not own cars — even though our research showed that transit village residents, while using transit for many trips, do own autos and need parking.

San Francisco does have areas in which higher density housing is appropriate, primarily Rincon Hill and the central waterfront. These areas are

U.S. Census Bureau
American FactFinder**POPULATION FINDER**United States | California | **San Francisco County****San Francisco County, California**

city/ town, county, or zip

San Francisco

state

-- select a state --



search by address »

The 2007 population estimate for San Francisco County, California is 764,976.**Note:** Information about challenges to population estimates data can be found on the Population Estimates Challenges page.**View population trends...**

	2007	2000	1990
Population	764,976	776,733	723,959

Source: U.S. Census Bureau, 2007 Population Estimates, Census 2000, 1990 Census

View more results...

Population for all counties in California, 2000-2007:

alphabetic | ranked

Map of Persons per Square Mile, California by County:

2000 | 1990

Map of Persons per Square Mile, County by County Subdivision:

2000 | 1990

See more data for San Francisco County, California on the Fact Sheet.


The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for free from the Adobe web site.

EXHIBIT E

- TEXT ONLY:



- PRINT:



- TEXT SIZE:



April 15, 2008

Click on the file numbers below to obtain background materials. These files are provided in PDF format, and you must have the Adobe Acrobat Reader to access them. Click [here](#) for Info about obtaining Acrobat (it's free).

Printable Version of Board Agenda (PDF)

Board of Supervisors City and County of San Francisco

***Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689***



AGENDA

Tuesday, April 15, 2008

2:00 PM

Regular Meeting

AARON PESKIN, PRESIDENT

**MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS
DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL,
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL**

Angela Calvillo, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

EXHIBIT F

and 1 and 2 from 80 feet to 85 feet and Block 870, Lot 3 from 40 feet to 50 feet; (3) amending the Generalized Residential Land Use Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the generalized land use of Block 857 from Public/Open Space to Residential and of Block 870 from Public/Open Space to Mixed Use, predominantly Commercial/Industrial; (4) amending the Residential Density Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the residential density of Blocks 857 and 870 from Public and Heavy Industrial Areas to Moderately High Density; (5) adopting findings pursuant to the California Environmental Quality Act; and (6) adopting findings that the General Plan amendments are consistent with the eight priority policies of Planning Code Section 101.1.

4/8/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 071157 [Planning Code Amendments to implement Supervisors Mirkarimi, the Market and Octavia Area Plan] McGoldrick

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of \$8 in the Van Ness Market Special Use District, \$4 in the Neighborhood Commercial Transit (NCT) district, and \$0 in the Transit-Oriented Residential (RTO) district; Section 316 (Procedures for Conditional Use

Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units In RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying \$30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and providing that projects may further exceed FAR limits above a site FAR of 9:1 by paying \$15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of \$10 per square foot for certain new residential and \$4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of \$9 per square foot for transit impacts from residential development and \$5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncoded Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

3/4/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

3/4/2008, RE-REFERRED to Land Use and Economic Development Committee. Re-referred as amended to the Land Use and Economic Development Committee.

4/8/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

4/8/2008, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

10. 071159 [Zoning Map Amendment in connection with Supervisor Mirkarimi the Market and Octavia Area Plan]

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

3/4/2008, RE-REFERRED to Land Use and Economic Development Committee.

4/8/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/8/2008, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi, Chu

11. 080219 [2008 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2008 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

12. 080333 [Ten Year Capital Expenditure Plan 2009-2018] Supervisor Elsbernd

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2009-2018. (City Administrator)

Question: Shall this Resolution be ADOPTED?

13. 080362 [Amending a contract with anticipated expenditures in excess of \$10 million]

Resolution approving the Eleventh Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company

SEC. 326. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

Section 326.1 to 326.8 set forth the requirements and procedures for the Market and Octavia Community Improvements Fund.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.1. FINDINGS.

A. Market and Octavia Plan Objectives. The Market and Octavia Area Plan embodies the community's vision of a better neighborhood, which achieves multiple objectives including creating a healthy, vibrant transit-oriented neighborhood. The Planning Department coordinated development of the Area Plan objectives around the tenants of the Better Neighborhood Planning process and within the larger framework of the General Plan.

The Market and Octavia Plan Area encompasses a variety of districts, most of which are primarily residential or neighborhood commercial. The Area Plan calls for a maintenance of the well-established neighborhood character in these districts with a shift to a more transit-oriented type of districts. A transit-oriented district, be it neighborhood commercial or residential in character, generates a unique type of infrastructure needs.

The overall objective of the Market and Octavia planning effort is to encourage balanced growth in a centrally located section of the City that is ideal for transit oriented development. The Area Plan calls for an increase in housing and retail capacity simultaneous to infrastructure improvements in an effort to maintain and strengthen neighborhood character.

B. Need for New Housing and Retail. New residential construction in San Francisco is necessary to accommodate a growing population. The population of California has grown by more than 11 percent since 1990 and is expected to continue increasing. The San Francisco Bay Area is growing at a rate similar to the rest of the state.

The City should encourage new housing production in a manner that enhances existing neighborhoods and creates new high-density residential and mixed-use neighborhoods. One solution to the housing crisis is to encourage the construction of higher density housing in areas of the City best able to accommodate such housing. Areas like the Plan Area can better accommodate growth because of easy access to public transit, proximity to downtown, convenience of neighborhood shops to meet daily needs, and the availability of development opportunity sites. San Francisco's land constraints, as described in Section 318.1 (A), limit new housing construction to areas of the City not previously designated as residential areas, infill sites, or areas that can absorb increased density.

The Market and Octavia Plan Area presents opportunity for infill development on various sites, including parcels along Octavia Boulevard known as "the Central Freeway parcels," some parcels along Market Street, and the SoMa West portions of the Plan Area. These sites are compelling opportunities because new housing can be built within easy walking distance of the downtown and Civic Center employment centers and City and regional transit centers, while maintaining the comfortable residential character and reinforcing the unique and exciting neighborhood qualities.

To respond to the identified need for housing, repair the fabric of the neighborhood, and support transit-oriented development, the Market and Octavia Plan Area is zoned for the appropriate residential and commercial uses. The Planning Department is adding a Van Ness Market Downtown Residential Special Use District (VNMDR-SUD) in the Plan Area and establishing a Residential Transit-oriented (RTO) district and several Neighborhood Commercial Transit (NCT) districts. New zoning controls encourage housing and commercial development appropriate to each district.

The plan builds on existing neighborhood character and establishes new standards for amenities necessary for a transit-oriented neighborhood. A transit-oriented neighborhood requires a full range of neighborhood serving businesses. New retail and office space will provide both neighborhood- and City-serving businesses.

San Francisco is experiencing a severe shortage of housing available to people at all income levels, especially to those with the lowest incomes while seeing a sharp increase in housing prices. The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce 2,716 new units of housing annually to meet projected needs. At least 5,639 of these new units should be available to moderate income households. New

affordable units are funded through a variety of sources, including inclusionary housing and in lieu fees leveraged by new market rate residential development pursuant to Sections 313 and 315. The Planning Department projects that approximately 1,400 new units of affordable housing will be developed as a result of the plan. New Development Requires new Community Infrastructure.

The purpose for new development in the Plan Area is established above (Section 326.1(a)). New construction should not diminish the City's open space, jeopardize the City's Transit First Policy, or place undue burden on the City's service systems. The new residential and commercial construction should preserve the existing neighborhood services and character, as well as increase the level of service for all modes necessary to support transit-oriented development. New development in the area will create additional impact on the local infrastructure, thus generating a substantial need for community improvements as the district's population and workforce grows.

The amendments to the General Plan, Planning Code, and Zoning Maps that correspond to this ordinance will permit an increased amount of new residential and commercial development. The Planning Department anticipates an increase of 5,960 units within the next 20 years, and an increase of 9,875 residents, as published in the environmental impact report. This new development will have an extraordinary impact on the Plan Area's infrastructure. As described more fully in the Market and Octavia Plan Final Environmental Impact Report, San Francisco Planning Department, Case No. _____ on file with the Clerk of the Board in File No. 071157, and the Market and Octavia Community Improvements Program Document, San Francisco Planning Department, Case No. _____ on file with the Clerk of the Board in File No. 071157, new development will generate substantial new pedestrian, vehicle, bicycle, and transit trips which will impact the area. The transition to a new type of district is tantamount to the development of new subdivisions, or the transition of a district type, in terms of the need for new infrastructure.

The Market and Octavia Area Plan proposes to mitigate these impacts by providing extensive pedestrian, transit, traffic-calming and other streetscape improvements that will encourage residents to make as many daily trips as possible on foot, by bicycle or on transit; by creating new open space, greening, and recreational facilities that will provide necessary public spaces; and by establishing a range of other services and programming that will meet the needs of community members. A comprehensive program of new public infrastructure is necessary to lessen the impacts of the proposed new development and to provide the basic community improvements to the area's new community members. The Market and Octavia Community Improvements Program Document provides a more detailed description of proposed Community Improvements.

In order to enable the City and County of San Francisco to provide necessary public services to new residents; to maintain and improve the Market and Octavia Plan Area character; and to increase neighborhood livability and investment in the district, it is necessary to upgrade existing streets and streetscaping; acquire and develop neighborhood parks, recreation facilities and other community facilities to serve the new residents and workers.

While the open space requirements imposed on individual developments address minimum needs for private open space and access to light and air, such open space does not provide the necessary public social and recreational opportunities as attractive public facilities such as sidewalks, parks and other community facilities that are essential urban infrastructure, nor does it contribute to the overall transformation of the district into a safe and enjoyable transit-oriented neighborhood.

C. Program Scope. The purpose of the proposed Market and Octavia Community Improvements Impact Fees is to provide specific public improvements, including community open spaces, pedestrian and streetscape improvements and other facilities and services. These improvements are described in the Market and Octavia Area Plan and Neighborhood Plan and the accompanying ordinances, and are necessary to meet established City standards for the provision of such facilities. The Market and Octavia Community Improvements Fund and Community Improvements Impact Fee will create the necessary financial mechanism to fund these improvements in proportion to the need generated by new development.

National and international transportation studies (such as the Dutch Pedestrian Safety Research

Review. T. Hummel, SVVOV Institute for Road Safety Research (Holland), and University of North Carolina Highway Safety Research Center for the U.S. Department of Transportation, 1999 on file with the Clerk of the Board in File No. _____) have demonstrated that pedestrian, traffic-calming and streetscape improvements of the type proposed for the Market and Octavia Plan Area result in safer, more attractive pedestrian conditions. These types of improvements are essential to making pedestrian activity a viable choice, thereby helping to mitigate traffic impacts associated with excess automobile trips that could otherwise be generated by new development.

The proposed Market and Octavia Community Infrastructure Impact Fee is necessary to maintain progress towards relevant state and national service standards, as well as local standards in the Goals and Objectives of the General Plan for open space and streetscape improvements as discussed in Planning Code section 318.1(F). Additionally the fee contributes to library resources and childcare facilities standards discussed below:

Library Resources: New residents in Plan Area will generate a substantial new need for library services. The San Francisco Public Library does not anticipate adequate demand for a new branch library in the Market and Octavia Plan Area at this time. However, the increase in population in Plan Area will create additional demand at other libraries, primarily the Main Library and the Eureka Valley Branch Library. The Market and Octavia Community Infrastructure Impact Fee includes funding for library services equal to \$69.00 per new resident, which is consistent with the service standards used by the San Francisco Public Library for allocating resources to neighborhood branch libraries. **Child Care Facilities:** New households in the Plan Area will generate a need for additional childcare facilities. Childcare services are integral to the financial and social success of families. Nationwide, research and policies are strengthening the link between childcare and residential growth, many Bay Area counties are leading in efforts to finance new childcare through new development. San Mateo has conducted detailed research linking housing to childcare needs. Santa Clara County has developed exemplary projects that provide childcare facilities in proximity to transit stations, and Santa Cruz has levied a fee on residential development to fund childcare. Similarly many research efforts have illustrated that adequate childcare services are crucial in supporting a healthy local economy, see research conducted by Louise Stoney, Mildred Warner, PPIC, County of San Mateo, CA on file with the Clerk of the Board in File No. _____. MOCD's Project Connect Report identified childcare as an important community service in neighboring communities. Project connect did not survey the entire Market and Octavia Plan Area, it focused on low income communities, including Market and Octavia's neighbors in the Mission, Western Addition, and the Tenderloin. The Department of Children Youth and Their Families projects new residents of Market and Octavia will generate demand for an additional 435 childcare spaces, of those 287 will be serviced through new child care development centers.

D. Programmed Improvements and Costs. Community improvements to mitigate the impact of new development in the Market and Octavia Plan Area were identified through a community planning process, based on proposals in the Market and Octavia Area Plan on file with the Clerk of the Board in File No. _____, and on a standards based analysis, and on community input during the Plan adoption process. The Planning Department developed cost estimates to the extent possible for all proposed improvements. These are summarized by use type in Table 1. Cost projections in Table 1 are realistic estimates made by the Planning Department of the actual costs for improvements needed to support new development. More information on these cost estimates is located in the Market and Octavia Community Improvements Program Document. Cost estimates for some items on Table 1 are to be determined through ongoing analyses conducted in coordination with implementation of the Market and Octavia Plan Community Improvements Program. In many cases these projects require further design work, engineering, and environmental review, which may alter the nature of the improvements; the cost estimates are still reasonable approximates for the eventual cost of providing necessary community improvements to respond to identified community needs. The Board of Supervisors is not committing to the implementation of any particular project at this time. Projects may be substituted for like projects should new information from the Citizens Advisory Committee, the Interagency Plan Implementation Committee, other stakeholders, or the environmental review process illustrate that substitute projects should be prioritized. Cost projections will be updated at a minimum approximately every five years after adoption.

Table 1.
Cost of proposed community improvements in the Market and Octavia Plan Area.

TABLE INSET:

Market and Octavia Community Improvements	
Greening	\$58,310,000
Parks	\$6,850,000
Park Improvements	\$ TBD
Vehicle	\$49,260,000
Pedestrian	\$23,760,000
Transportation	\$81,180,000
Transit User Infrastructure	\$ TBD
Bicycle	\$1,580,000
Childcare	\$17,170,000
Library Materials	\$690,000
Recreational Facilities	\$15,060,000
Future Studies	\$460,000
Program Administration	\$4,730,000
Total	\$258,900,000

Provision of affordable housing needs are addressed in Sections 313 and 315 of the Planning Code. Additionally subsidized affordable housing may be granted a waiver from the Market and Octavia Community Improvement Fee as provided for in section 326.3 (h)(3). This waiver may be leveraged as a local funding 'match' to Federal and State affordable housing subsidies enabling affordable housing developers to capture greater subsidies for projects in the Plan Area.

E. Sharing the Burden. As detailed above, new development in the Plan Area will clearly generate new infrastructure demands.

To fund such community infrastructure and amenities, new development in the district shall be assessed development impact fees proportionate to the increased demand for such infrastructure and amenities. The City will use the proceeds of the fee to build new infrastructure and enhance existing infrastructure, as described in preceding sections. A Community Improvements Impact Fee shall be established for the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD), and the Neighborhood Commercial Transit (NCT) and Residential Transit Oriented (RTO) Districts as set forth herein.

Many counties, cities and towns have one standardized impact fee schedule that covers the entire municipality. Although this type of impact fee structure works well for some types of infrastructure, such as affordable housing and basic transportation needs, it cannot account for the specific improvements needed in a neighborhood to accommodate specific growth. A localized impact fee gives currency to the community planning process and encourages a strong nexus between development and infrastructure improvements.

Development impact fees are an effective approach to achieve neighborhood mitigations and associate the costs with new residents, workers, and a new kind of development. The proposed Market and Octavia Community Improvements Impact Fee would be dedicated to infrastructure improvements in the Plan Area, directing benefits of the fund clearly to those who pay into the fund, by providing

necessary infrastructure improvements, needed to serve new development. The net increases in individual property values in these areas due to the enhanced neighborhood amenities financed with the proceeds of the fee are expected to exceed the payments of fees by project sponsors.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees. The Market and Octavia Community Improvements Program Document contains a full discussion of impact fee calculation. Cost estimates are based on an assessment of the potential cost to the City of providing the specific improvements described in the Market and Octavia Plan Area. The Planning Department assigned a weighted value to new construction based on projected population increases in relation to the total population.

The proposed fee would cover less than 80% of the estimated costs of the community improvements calculated as necessary to mitigate the impacts of new development. By charging developers less than the maximum amount of the justified impact fee, the City avoids any need to refund money to developers if the fees collected exceed costs. The proposed fees only cover impacts caused by new development and are not intended to remedy existing deficiencies; those costs will be paid for by public, community, and other private sources.

The Market and Octavia community improvements program relies on public, private, and community capital. Since 2000, when the Market and Octavia planning process was initiated, the area has seen upwards of \$100 million in public investment, including the development of Octavia Boulevard, the new Central freeway ramp, Patricia's Green in Hayes Valley and related projects. Additionally private entities have invested in the area by improving private property and creating new commercial establishments. Community members have invested by creating a Community Benefits District in the adjacent Castro neighborhood, organizing design competitions, and lobbying for community programming such as a rotating arts program on Patricia's Green in Hayes Valley. Project sponsor contributions to the Market and Octavia Community Improvements Fund will help leverage additional public and community investment.

As a result of this new development, projected to occur over a 20-year period, property tax revenue is projected to increase by as much as \$28 million annually when projected housing production is complete. Sixteen million dollars of this new revenue will be diverted directly to San Francisco (see the Market and Octavia Community Improvements Program Document for a complete discussion of increased property tax revenue). These revenues will fund improvements and expansions to general City services, including police, fire, emergency, and other services needed to partially meet increased demand associated with new development. New development's local impact on community infrastructure will be greater in the Market and Octavia Plan Area, relative to those typically funded by City government through property tax revenues. Increased property taxes will contribute to continued maintenance and service delivery of new infrastructure and amenities. The City should pursue state enabling legislation that directs growth related increases in property tax directly to the neighborhood where growth is happening, similar to the redevelopment agencies' Tax Increment Financing tool. If such a revenue dedication tool does become available, the Planning Department should pursue an ordinance to adopt and apply a tax increment district to the Market and Octavia Plan Area even if the Plan is already adopted by the Board of Supervisors and in effect. The relative cost of capital improvements, along with the reduced role of State and Federal funding sources, increases the necessity for development impact fees to cover these costs. Residential and commercial impact fees are one of the many revenue sources necessary to mitigate the impacts of new development in the Market and Octavia Plan Area.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.2. DEFINITIONS.

The following definitions shall govern this ordinance:

- (a) Definitions from Section 318.2 shall apply unless otherwise noted in this Section.
- (b) "Community facilities" shall mean all uses as defined under Section 209.4(a) and 209.3(d) of this Code.
- (c) "Commercial use" shall mean any structure or portion thereof intended for occupancy by retail or office uses that qualify as an accessory use, as defined and regulated in Sections 204 through 204.5.
- (d) "Commercial development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any occupied floor area of commercial use; provided, however, that for projects that solely comprise an addition to an existing structure which would add occupied floor area in an amount less than 20 percent of the occupied floor area of the existing structure, the provisions of this Section shall only apply to the new occupied square footage.
- (e) "In-Kind Agreement" shall mean an agreement acceptable in form and substance to the City Attorney and the Director of Planning between a project sponsor and the Planning Commission subject to the approval of the Planning Commission in its sole discretion to provide a specific set of community improvements, at a specific phase of construction, in lieu of contribution to the Market and Octavia Community Improvement Fund. The In-Kind Agreement shall also mandate a covenant of the project sponsor to reimburse all City agencies for their administrative and staff costs in negotiating, drafting, and monitoring compliance with the In-Kind Agreement. The City also shall require the project sponsor to provide a letter of credit or other instrument, acceptable in form and substance to the Planning Department and the City Attorney, to secure the City's right to receive payment as described in the preceding sentence.
- (f) "Net addition of occupiable square feet of commercial use" shall mean occupied floor area, as defined in Section 102.10 of this Code, to be occupied by or primarily serving, non-residential use excluding common areas such as hallways, maintenance facilities and lobbies, less the occupied floor area in any structure demolished or rehabilitated as part of the proposed commercial development project which occupied floor area was used primarily and continuously for commercial use and was not accessory to any use other than residential use for at least five years prior to Planning Department approval of the residential development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.
- (g) "Program" shall mean the Market and Octavia Community Improvements as described in the Market and Octavia Community Improvements Program Document.
- (h) "Program Area" shall mean the Market and Octavia Plan Area in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan, which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown Residential Special Use District (VMDRSUD).
- (i) "Waiver Agreement" means an agreement acceptable in form and substance to the Planning Department and the City Attorney, under which the City agrees to waive all or a portion of the Community Improvements Impact Fee, conditioned upon the project sponsor's covenant to make a good faith effort to secure the formation of a Community Facilities (Mello-Roos) District, if such a district has not already been successfully

formed, and in any event to take all steps necessary to support the construction of a portion of the improvements described in Sections 326.6 (the "CFD Improvements") using the proceeds of one or more series of special tax bonds or moneys otherwise made available by such a district ("CFD Funds"). Such agreement shall include a specific description of the CFD Improvements and a specific date for the commencement of such improvements. Such agreement shall also provide that the project sponsor shall pay the full amount of the waived Community Improvements Impact Fee plus interest in the event that CFD Funds are not received in amounts necessary to commence construction of the CFD Improvements on the stated commencement date listed in the Waiver Agreement. The City also shall require the project sponsor to provide a letter of credit or other instrument, acceptable in form and substance to the Planning Department and the City Attorney, to secure the City's right to receive payment as described in the preceding sentence.

(j) "Residential Space Subject to the Community Improvement Impact Fee" means each net addition of occupiable square feet within the Program Area which results in an additional residential unit or contributes to a 20 percent increase of residential space from the time that this ordinance is adopted within the Market and Octavia Community Improvements Fund.

(k) "Commercial Space Subject to the Community Improvement Impact Fee" means for each net addition of occupiable square feet within the Program Area which results in an additional commercial unit or any increased commercial capacity that is beyond 20 percent of the non-residential capacity at the time that this ordinance is adopted.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.3. APPLICATION.

(a) Program Area. The Market and Octavia Community Improvements Neighborhood Program is hereby established and shall be implemented through district-specific community improvements funds which apply to the following areas:

The Program Area includes properties identified as part of the Market and Octavia Plan Area in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan.

(b) The sponsor shall pay to the Treasurer Market and Octavia Community Improvements Impact Fees of the following amounts:

(1) Prior to the issuance by DBI of the first site or building permit for a residential development project, or residential component of a mixed use project within the Program Area, a \$10.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in (a) above, for the Market and Octavia Community Improvements Fund, for each net addition of occupiable square feet which results in an additional residential unit or contributes to a 20 percent increase of residential space from the time that this ordinance is adopted.

(2) Prior to the issuance by DBI of the first site or building permit for a commercial development project, or commercial component of a mixed use project within the Program Area, a \$4.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in (a) above, for the Market and Octavia Community Improvements Fund for each net addition of occupiable square feet which results in an additional commercial capacity that is beyond 20 percent of the non-residential capacity at the time that this ordinance is adopted.

(c) Upon request of the sponsor and upon payment of the Community Improvements Impact Fee in full to the Treasurer, the execution of a Waiver Agreement or In-Kind Agreement approved as described herein, the Treasurer shall issue a certification that the obligations of this section of the Planning Code have been met. The sponsor shall present such certification to the Planning Department and DBI prior to the issuance by DBI of the first site or building permit for the development project. DBI shall not issue the site or building permit without the Treasurer's certification. Any failure of the Treasurer, DBI, or the Planning Department to give any notice under this Section shall not relieve a sponsor from compliance with this Section. Where DBI inadvertently issues a site or building permit without payment of the fee, Planning and DBI shall not issue any further permits or a certificate of occupancy for the project without notification from the Treasurer that the fees required by this Section have been paid or otherwise satisfied. The procedure set forth in this Subsection is not intended to preclude enforcement of the provisions of this Section under any other section of this Code, or other authority under the laws of the State of California.

(d) Fee Adjustments.

(1) Inflation Adjustments. The Planning Commission may adjust the amount of the development impact fees set forth in the annual fee adjustments on an annual basis before the annual budget is approved. The Market and Octavia Community Improvements Impact Fee adjustments should be based on the following factors: (a) the percentage increase or decrease in the cost to acquire real property for public park and open space use in the area and (b) the percentage increase or decrease in the construction cost of providing these and other improvements listed in § 326.1(E)(a). Fluctuations in the construction market can be gauged by indexes such as the Engineering News Record or a like index. Revision of the fee should be done in coordination with revision to other like fees, such as those detailed in Sections 247, 313, 314, 315, 318, and 319 of the Planning Code. The Planning Department shall provide

notice of any fee adjustment including the formula used to calculate the adjustment, on its website and to any interested party who has requested such notice at least 30 days prior to the adjustment taking effect.

(2) Program Adjustments. Upon Planning Commission and Board approval adjustments may be made to the fee to reflect changes to (a) the list of planned community improvements listed in § 326.1(D); (b) re-evaluation of the nexus based on new conditions; or (c) further planning work which recommends a change in the scope of the community improvements program. Changes may not be made to mitigate temporary market conditions. Notwithstanding the foregoing, it is the intent of the Board of Supervisors that it is not committing to the implementation of any particular project at this time and changes to, additions, and substitutions of individual projects listed in the related program document can be made without adjustment to the fee rate or this ordinance as those individual projects are placeholders that require further public deliberation and environmental review.

(3) Unless and until an adjustment has been made, the schedule set forth in this ordinance shall be deemed to be the current and appropriate schedule of development impact fees.

(e) Option for In-Kind Provision of Community Improvements. The Planning Commission may reduce the Community Improvements Impact Fee described in (b) above for specific development proposals in cases where a project sponsor has entered into an In-Kind Agreement with the City to provide In-Kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities described in Section 326.1(E)(a) or similar substitutes. For the purposes of calculating the total value of In-Kind community improvements, the project sponsor shall provide the Planning Department with a cost estimate for the proposed In-Kind community improvements from two independent contractors or, if relevant, real estate appraisers. If the City has completed a detailed site specific cost estimate for a planned community improvement this may serve as one of the cost estimates, required by this clause; if such an estimate is used it must be indexed to current cost of construction. Based on these estimates, the Director of Planning shall determine their appropriate value and the Planning Commission may reduce the Community Improvements Impact Fee assessed to that project proportionally. Approved In-Kind improvements should generally respond to priorities of the community, or fall within the guidelines of approved procedures for prioritizing projects in the Market and Octavia Community Improvements Program. Open space or streetscape improvements, including off-site improvements per the provisions of this Special Use District, proposed to satisfy the usable open space requirements of Section 135 and 138 are not eligible for credit toward the contribution as In-Kind improvements. No credit toward the contribution may be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. A permanent easement shall be valued at no more than 50% of appraised fee simple land value, and may be valued at a lower percentage as determined by the Director of Planning in its sole discretion. Any proposal for contribution of property for public open space use shall follow the procedures of Subsection (6)(D) below. The Planning Commission may reject In-Kind improvements if they do not fit with the priorities identified in the plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Market and Octavia Citizens Advisory Committee (Section 341.5) or other prioritization processes related to Market and Octavia Community Improvements Programming.

(f) Option for Provision of Community Improvements via a Community Facilities (Mello-Roos) District. The Planning Commission may waive the Community Improvements Impact Fee described in 326.3(b) above, either in whole or in part, for specific development proposals in cases where one or more project sponsors have entered into a Waiver Agreement with the City approved by the Board of Supervisors. Such waiver shall not exceed the value of the improvements to be provided through the Mello Roos district. In consideration of a Mello-Roos

waiver agreement, the Board of Supervisors shall consider whether provision of Community Improvements through a Community Facilities (Mello-Roos) District will restrict funds in ways that will limit the City's ability to provide community amenities according to the established community priorities detailed in the Market and Octavia Area Plan, or to further amendments. The Board of Supervisors shall have the opportunity to comment on the structure of bonds issued for Mello Roos Districts. The Board of Supervisors may decline to enter into a Waiver Agreement if the establishment of a Mello Roos district does not serve the City or Area Plan's objectives related to Market and Octavia Community Improvements and general balance of revenue streams.

(g) Applicants who provide community improvements through a Community Facilities (Mello Roos) District or an In-Kind development will be responsible for all additional time and materials costs including, Planning Department staff, City Attorney time, and other costs necessary to administer the alternative to the direct payment of the fee. These costs shall be paid in addition to the community improvements obligation and billed no later than expenditure of bond funds on approved projects for Districts or promptly following satisfaction of the In-Kind Agreement. The Planning Department may designate a base fee for the establishment of a Mello Roos District, that project sponsors would be obliged to pay before the district is established. The base fee should cover basic costs associated with establishing a district but may not account for all expenses, a minimum estimate of the base fee will be published annually by the Planning Department.

(h) Waiver or Reduction:

(1) Waiver or Reduction Based on Absence of Reasonable Relationship.

(A) A project applicant of any project subject to the requirements in this Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of development and the amount of the fee charged or for the reasons set forth in subsection (3) below, a project applicant may request a waiver from the Board of Supervisors.

(B) Any appeal of waiver requests under this clause shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay to the Treasurer the fee as required in Section 326.3

(b). The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. The decision of the Board shall be by a simple majority vote and shall be final. If a reduction, adjustment, or waiver is granted, any change of use or scope of the project shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Treasurer and Planning Department.

(2) Waiver or Reduction, Based on Housing Affordability or Duplication of Fees. This section details waivers and reductions available by right for project sponsors that fulfill the requirements below. The Planning Department shall publish an annual schedule of specific values for waivers and reductions available under this clause. Planning Department staff shall apply these waivers based on the most recent schedule published at the time that fee payment is made.

(A) A project applicant subject to the requirements of this Section who has received an approved building permit, conditional use permit or similar discretionary approval and who submits a new or revised building permit,

conditional use permit or similar discretionary approval for the same property shall be granted a reduction, adjustment or waiver of the requirements of Section 326 of the Planning Code with respect to the square footage of construction previously approved.

(B) The Planning Commission shall give special consideration to offering reductions or waivers of the impact fee to housing projects on the grounds of affordability in cases in which the State of California, the Federal Government, the Mayor's Office of Housing, the San Francisco Redevelopment Agency, or other public subsidies target new housing for households at or below 50% of the Area Median Income as published by HUD. This waiver clause intends to provide a local 'match' for these deeply subsidized units and should be considered as such by relevant agencies. Specifically these units may be rental or ownership opportunities but they must be subsidized in a manner which maintains their affordability for a term no less than 55 years. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary, usually this takes the form of a deed restriction. Projects that meet the requirements of this clause are eligible for a 100 percent fee reduction until an alternative fee schedule is published by the Planning Department. Ideally some contribution will be made to the Market and Octavia Community Improvement Program, as these units will place an equal demand on community improvements infrastructure. This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, and Section 315.

(C) The City shall make every effort not to assess duplicative fees on new development. This section discusses the method to determine the appropriate reduction amount for known possible conflicts. In general project sponsors are only eligible for fee waivers under this clause if a contribution to another fee program would result in a duplication of charges for a particular type of community infrastructure. Therefore applicants may only receive a waiver for the portion of the Market and Octavia Community Improvements Fund that addresses that infrastructure type. Refer to Table 2 for fee composition by infrastructure type. The Planning Department shall publish a schedule annually of all known opportunities for waivers and reductions under this clause, including the specific rate. Requirements under Section 135 and 138 do not qualify for waiver or reductions. Should future fees pose a duplicative charge, such as a Citywide open space or childcare fee, the same methodology shall apply and the Planning Department shall update the schedule of waivers or reductions accordingly. Additionally the City should work to ensure that fees levied on development in the Plan Area through other fee programs should be targeted towards improvements identified through the Market and Octavia Plan, especially fees that allow project sponsors to obtain a waiver from the Market and Octavia Community Improvement's Fund.

(i)

Table 2. Breakdown of Market and Octavia Community Improvements Fee

by Infrastructure Type.

Components of Proposed Impact Fee

TABLE INSET:

--	Residential	Commercial
Greening	34.1%	50.2%
Parks	8.2%	13.8%
Park Improvements	tbd	tbd
Vehicle	0.4%	0.4%
Pedestrian	6.9%	6.2%
Transportation	22.2%	20.1%
Transit User Infrastructure	tbd	tbd
Bicycle	0.5%	0.4%
Childcare	8.3%	0.0%
Library Materials	0.9%	0.0%
Recreational Facilities	13.1%	0.0%
Future Studies	0.2%	.4%
Program Administration	5.1%	8.6%

(ii) Applicants that are subject to the downtown parks fee, Section 139 can reduce their contribution to the Market and Octavia Community Improvements Fund by one dollar for every dollar that they contribute to the downtown parks fund, the total fee waiver or reduction granted through this clause shall not exceed 8.2 percent of calculated contribution for residential development or 13.8 percent for commercial development.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.4. LIEN PROCEEDINGS.

(a) A sponsor's failure to comply with the requirements of Sections 326.3, shall constitute cause for the City to record a lien against the development project in the sum of the fees required under this ordinance. The fee required by Section 326.3(b) of this ordinance is due and payable to the Treasurer prior to issuance of the first building or site permit for the development project unless a Waiver Agreement has been executed. If, for any reason, the fee remains unpaid following issuance of the permit and no Waiver Agreement has been executed, any amount due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the permit until the date of final payment.

(b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the housing development project and shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's housing development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fees authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Market and Octavia Community Improvements Fund established in Section 326.6.

(c) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the housing development project, and to the applicant for the site or building permit at the address on the permit application.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.5. COMMUNITY IMPROVEMENTS IMPACT FEE REFUND WHEN BUILDING PERMIT EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.

In the event a building permit expires prior to completion of the work on and commencement of occupancy of a residential or commercial development project so that it will be necessary to obtain a new permit to carry out any development, the obligation to comply with this ordinance shall be cancelled, and any Community Improvements Impact Fee previously paid to the Treasurer shall be refunded. If and when the sponsor applies for a new permit, the procedures set forth in this ordinance regarding payment of the Community Improvements Impact Fee shall be followed.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.6. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Market and Octavia Community Improvements Fund ("Fund"). All monies collected by the Treasurer pursuant to Section 326.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund community improvements subject to the conditions of this Section.

(b) The Fund shall be administered by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve neighborhood open spaces, pedestrian and streetscape improvements, community facilities, childcare facilities, and other improvements that result in new publicly-accessible facilities and related resources within the Market and Octavia Plan Area or within 250 feet of the Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible". Funds generated for 'library resources' should be used for materials at the Main Library, the Eureka Valley Library, or other library facilities that directly service Market and Octavia Residents. Funds may be used for additional studies and fund administration as detailed in the Market and Octavia Community Improvements Program Document. These improvements shall be consistent with the Market and Octavia Civic Streets and Open Space System as described in Map 4 of the Market and Octavia Area Plan of the General Plan, and any Market and Octavia Improvements Plan. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee pursuant to Section 326.3(d) above, to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary.

(2) No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the purposes of administering this fund. Administration of this fund includes time and materials associated with reporting requirements, facilitating the Market and Octavia Citizens Advisory Committee meetings, and maintenance of the fund. Total expenses associated with administration of the fund shall not exceed the proportion calculated in Table 3 (above). All interest earned on this account shall be credited to the Market and Octavia Community Improvements Fund.

(c) With full participation by the Planning Department and related implementing agencies the Controller's Office shall file an annual report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of this ordinance, which shall include the following elements: (1) a description of the type of fee in each account or fund; (2) Amount of the fee; (3) Beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) Amount of fees collected and interest earned; (5) Identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) An identification of the approximate date by which the construction of public improvements will commence; (7) A description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) Amount of refunds made and any allocations of unexpended fees that are not refunded.

Every fifth fiscal year following the first deposit into the account the following account reporting shall be made by the Controller's office in coordination with the Planning Department: (1) Purpose to which the fee is to be put; (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged; (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in this ordinance and subsequent reporting; and (4) Designate the approximate dates on which the funding referred to above (3) is expected to be deposited into the appropriate account or fund. The reporting requirements detailed in this section refer to the current

requirements under AB1600; and are detailed here to insure that this fund fulfills all legal obligations as detailed by the State of California. Any amendments to AB1600 automatically apply to the reporting requirements of this ordinance and the ordinance should be amended accordingly.

(d) A public hearing shall be held by both the Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund in the Fund or through agreements for In-Kind or Community Facilities (Mello-Roos) District that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use and for development of property acquired for park use.

(e) The Planning Commission shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, Department of Public Works, and the Metropolitan Transportation Agency, to develop agreements related to the administration of the improvements to existing and development of new public facilities within public rights-of-way or on any acquired property designed for park use, using such monies as have been allocated for that purpose at a hearing of the Board of Supervisors.

(f) The Director of Planning shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with this ordinance. The Director of Planning shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.7. DIRECTOR OF PLANNING'S EVALUATION AND STUDY

The Planning Department shall fulfill all relevant evaluation, reporting and study requirements to insure that the fee program remains up to date. These requirements include those outlined in Section 326.6(c), 341.2, and 341.3 of the Planning Code, and Section 36.4 of the Administrative Code. Fulfillment of these reporting requirements shall be coordinated to minimize staff time. Funds to fulfill these requirements should be considered monitoring and program administration.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 326.8. TRANSPORTATION STUDIES AND FUTURE FEES.

(a) Purpose. Studies conducted by the City including the Transit Impact Development Fee nexus study, the ongoing Eastern Neighborhoods studies, and others indicate that new residential development and the creation of new commercial or residential parking facilities negatively impact the City's transportation infrastructure and services. The purpose of this Section is to authorize a nexus study establishing the impact of new residential development and new parking facilities, in nature and amount, on the City's transportation infrastructure and parking facilities and, if justified, to impose impact fees on residential development and projects containing parking facilities.

(b) Timing. No later than October 15, 2008, the City shall initiate a study as described below. The agencies described in subsection (c) shall develop a comprehensive scope and timeline of this study which will enable the Board of Supervisors to pursue policy recommendations through the legislative process as soon as twelve months after the study's initiation.

(c) Process. The study shall be coordinated by the Municipal Transportation Agency (MTA) and the City Attorney's Office. The study shall build on existing Nexus Study work including recently published nexus studies for parks and recreation, childcare facilities, the existing Transit Development Impact Fee Nexus Study, and all relevant area plan nexus analysis. The MTA shall coordinate with all relevant government agencies including the San Francisco County Transportation Authority, the Planning Department, the Mayor's Office of Housing, the Controller's Office, the City Attorney's Office and the City Administrator by creating a task force that meets regularly to discuss the study and resultant policy and program recommendations. The MTA shall hire consultants as deemed appropriate to complete the technical analysis.

(d) Scope. The study shall determine the impact, in nature and amount, of new residential development and new parking facilities, including new individual parking spaces, on transportation infrastructure and services within the City and County of San Francisco. The study shall not consider or develop specific transportation infrastructure improvement recommendations. The study shall make policy and/or program recommendations to the Board of Supervisors on the most appropriate mechanisms for funding new transportation infrastructure and services including but not limited to new residential transit impact fees and new parking impact fees.

(e) Springing Condition Projects Subject to Future Fees, Based on the findings of the above-referenced study the City anticipates that the Board may adopt new impact fees to offset the impact of new parking facilities and residential development on San Francisco's transportation network. As the Market and Octavia Plan Area is one of the first transit oriented neighborhood plans in the City and County of San Francisco the City should strive for a successful coordination of transit oriented development with adequate transportation infrastructure and services. All residential and commercial development projects in the Market and Octavia Plan Area that receive Planning Department or Commission approval on or after the effective date of this ordinance shall be subject to any future Citywide or Plan-specific parking impact fees or residential transit impact fees that are established before the project receives a final certificate of occupancy. The Planning Department and Planning Commission shall make payment of any future residential transit impact fee or parking impact fee a condition of approval of all projects in the Market and Octavia Plan Area that receive Planning Department or Commission approval on or after the effective date of this ordinance, with the following maximum amounts;

(1) Parking Impact fee no more than \$5.00 per square foot of floor area dedicated to parking.

(2) Transit Impact fee no more than \$9.00 per square foot of residential and commercial floor area.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

SEC. 249.33. VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.

(a) Purpose. There shall be a Van Ness & Market Downtown Residential Special Use District, which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area, and whose boundaries are designated on Sectional Map No. 2SU and 7SU of the Zoning Map of the City and County of San Francisco. This district is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. A notable amount of large Citywide commercial and office activity will remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the City's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan, and is described therein.

(b) Use Controls.

(1) Non-residential uses. For newly-constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, non-residential uses are not permitted above the 4th story, and at least two occupied square feet of residential use shall be provided for each occupied square foot of non-residential use. In order to accommodate local government office uses near City Hall, publicly-owned or leased buildings or lots are exempted from the requirements of this subsection.

(2) Residential Density. There shall be no density limit for residential uses by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principals for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. The limitations of Section 215 shall not apply.

(3) Residential Affordable Housing Program. All projects in this district shall be subject to all the terms of Section 315 and following of the Residential Inclusionary Affordable Housing Program. Notwithstanding the foregoing, projects within the Van Ness and Market Downtown Residential Special Use District shall at a minimum fulfill the requirements to the levels specified in this Section. Should Section 315 require greater contributions to the affordable housing program, those requirements shall supercede this section. Proposed exceptions to these requirements due to hardships associated with construction type, specifically heights above 120 feet, are not applicable in this Special Use District because parcels are receiving an up zoning through increased density and benefits through the general transformation of the district to a transit oriented neighborhood with a mixed use character. Requirements and administration of this program shall follow the conditions outlined in Section 315 of the Planning Code unless otherwise specified in this Section.

(A) On site housing requirements and benefits. For projects that choose to fulfill the requirements of Section 315 through the provision of onsite housing, the Planning Department shall require that 15% of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .15 times the total number of units produced in the principal project

beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) Compliance through in-lieu fees. Projects in the Van Ness and Market Special Use District may choose to fulfill no more than fifty percent (50%) of the requirements of Section 315 and following through the payment of in-lieu fees as provided in Section 315.6.

(C) Compliance through off-site housing development. For projects that choose to fulfill the requirements of Section 315 through the provision of off-site housing, the Planning Department shall require that 20% of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .20 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(4) Open Space Provider. The off-site open space permitted by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(A) Off-site provision of required open space. Up to 40 percent of usable open space required by Sections 135 and 138 may be provided off-site if it is within the SUD or within 900 feet of the project site and meets the standards described below for publicly accessible open space described below.

(B) Publicly-Accessible Open Space Standards.

(C) Open space must be of one or more of the following types:

(i) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas according to the Market and Octavia Area Plan;

(ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service;

(iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section 827(g)(3)(A)--(E);

(iv) A terrace or roof garden with landscaping;

(v) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market & Octavia Area Plan, such as sidewalk widening or building setbacks; and

(vi) Streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic

street tree planting or street lighting as otherwise required by this Code, in accordance with the Market & Octavia Area Plan.

(D) Open space must meet the following standards:

- (i) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;
- (ii) Be appropriately landscaped;
- (iii) Be protected from uncomfortable winds;
- (iv) Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;
- (v) Be well signed and accessible to the public during daylight hours;
- (vi) Be well lighted if the area is of the type requiring artificial illumination;
- (vii) Be designed to enhance user safety and security;
- (viii) Be of sufficient size to be attractive and practical for its intended use; and
- (ix) Have access to drinking water and toilets if feasible.

(E) Maintenance. Open spaces shall be maintained at no public expense, except as might be provided for by any community facilities district that may be formed. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1.

(F) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly-accessible open space, identifying said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.

(G) The Zoning Administrator shall have authority to require a property owner to hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of open space, and to require the owner or owners or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the open space.

(5) Lot coverage. The rear yard requirements of Section 134 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined

that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

(6) Floor Area Ratio.

(A) The maximum FAR allowed, except as allowed in this Section, shall be that described in Section 123(C), provided that it shall not be greater than 9:1. The definition of Gross Floor Area shall be that in Section 102.9 as of the date of approval of this Ordinance, and shall include all residential uses. The provisions of Section 124(g) shall not apply in this special use district.

(B) Floor Area Bonus Permitted for Public Improvements or In-lieu Contributions to the Van Ness and Market Neighborhood Infrastructure Fund and In lieu Contributions to the Citywide Affordable Housing Fund.

(i) The gross floor area of a structure or structures on a lot may exceed the maximum ratio described in Section 123(c) through participation in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program, according to the procedures described below in Subsection (b)(7).

(ii) Notwithstanding the provisions of Sections 127 and 128 projects in this Special Use District are not eligible to acquire Transferable Development Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127--128 for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Instead, a project may pay to the City's Citywide Affordable Housing Fund thirty dollars (\$30.00) per additional gross square foot for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Any monies deposited into the Citywide Affordable Housing Fund shall be administered as provided for in Section 315 et seq.

(7) Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program.

(A) Purpose and Findings.

(i) Affordable Housing: The Van Ness and Market Residential SUD enables the creation of a very dense residential neighborhood through significant increases in development potential. This increase in development potential permits an increase in market rate housing development. As described in Section 315.2 affordable housing is a priority for San Francisco and additional demand for affordable housing is closely correlated to the development of new market rate housing. At the direction of the Board of Supervisors and as part of a larger analysis of development impact fees in the City, the City contracted with Keyser Marston Associates to prepare a nexus analysis in support of the Inclusionary Housing Program, or an analysis of the impact of development of market rate housing on affordable housing supply and demand.

The City's current position is that the City's Inclusionary Housing Program including the in lieu fee provision which is offered as an alternative to building units within market rate projects, is not subject to the requirements of the Mitigation Fee Act, Government Code Sections 66000 et seq. While the City does not expect to alter its position on this matter, due to past legislative actions supporting such a study, the Citywide study being undertaken to conduct nexus studies in other areas, and a general interest in determining whether the Inclusionary Program can be supported by a nexus type analysis as an additional support measure, the City contracted to undertake the preparation of a nexus

analysis.

The final study can be found in Board of Supervisors File No. _____ and is incorporated by reference herein. The Board of Supervisors has reviewed the study and staff analysis and report of the study and, on that basis finds that the study supports the current inclusionary housing requirements as specified in this Section 249.33 combined with this Affordable Housing FAR Bonus Program. Specifically, the Board finds that the nexus study: identifies the purpose of the fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the current inclusionary requirements combined with the Affordable Housing FAR Bonus Program are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the current inclusionary requirements combined with the Affordable Housing FAR Bonus Program do not duplicate other City requirements or fees.

Moreover, according to the study undertaken by Seifel Consulting at the direction of the Planning Department, increased development potential in the Van Ness and Market Downtown Residential Special Use district through the increased FAR allowance enables an increased contribution to the Citywide Affordable Housing Fund without discouraging the development of new market rate housing. A copy of said study is on file with the Clerk of the Board of Supervisors in File No. _____.

(ii) Neighborhood Infrastructure. The Van Ness & Market Residential SUD enables the creation of a very dense residential neighborhood in an area built for back-office and industrial uses. Projects that seek the FAR bonus above the maximum cap would introduce a very high localized density in an area generally devoid of necessary public infrastructure and amenities, as described in the Market & Octavia Area Plan. While envisioned in the Plan, such projects would create localized levels of demand for open space, streetscape improvements, community facilities and public transit above and beyond the levels both existing in the area today and funded by the Market & Octavia Community Improvements Fee. Such projects also entail construction of relatively taller or bulkier structures in a concentrated area, increasing the need for offsetting open space for relief from the physical presence of larger buildings. Additionally, the FAR bonus provisions herein are intended to provide an economic incentive for project sponsors to provide public infrastructure and amenities that improve the quality of life in the area. The bonus allowance is calibrated based on the cost of responding to the intensified demand for public infrastructure generated by increased densities available through the FAR density bonus program.

(iii) Public Improvements. The public improvements acceptable in exchange for granting the FAR bonus, and that would be necessary to serve the additional population created by the increased density, are listed below. All public improvements shall be consistent with the Market & Octavia Area Plan.

(a) Open Space Acquisition and Improvement: Brady Park (as described in the Market & Octavia Area Plan), or other open space of comparable size and performance. Open space shall be dedicated for public ownership or permanent easement for unfettered public access and improved for public use, including landscaping, seating, lighting, and other amenities.

(b) Streetscape and Pedestrian Improvements: Streetscape improvements within the Special Use District as described in the

Market & Octavia Area Plan, including Van Ness and South Van Ness Avenues, Gough, Mission, McCoppin, Otis, Oak, Fell, 11th and 12th Streets, along with adjacent alleys. Improvements include sidewalk widening, landscaping and trees, lighting, seating and other street furniture (e.g. newsracks, kiosks, bicycle racks), signage, transit stop and subway station enhancements (e.g. shelters, signage, boarding platforms), roadway and sidewalk paving, and public art.

(c) Affordable Housing. The type of affordable housing needed in San Francisco is documented in the City's Consolidated Plan and the Residence Element of the General Plan. New affordable rental housing and ownership housing affordable to households earning less than the median income is greatly needed in San Francisco.

(B) The Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program ("Program") is hereby established and shall be implemented through In-Kind public improvements, participation in Community Facilities (Mello-Roos) District, or in-lieu payment into the Van Ness and Market Neighborhood Infrastructure Fund ("Fund") or in lieu payments to the Citywide Affordable Housing Fund.

(i) The Program shall be administered by the Board of Supervisors, except for the in lieu fee payments to the Citywide Affordable Housing Fund which shall be administered as provided for in Section 315 et seq.

(C) Value, Form, and Timing of Contribution to the Program.

(i) The total value of the contribution ("contribution") to the Program shall be equal to \$15.00 per additional gross square foot above a site FAR of 9:1. The contribution must be made or the fee paid prior to issuance by the Department of Building Inspection of the first site or building permit for the subject project. Except as provided in Section 7(C)(vii), \$0.00 must be paid as a fee to the Citywide Affordable Housing Fund as described below in Subsection (7)(C)(v); and \$15.00 or its equivalent must be paid or contributed to the Van Ness and Market Neighborhood Infrastructure Program in one of the ways described below in Subsections (ii) through (iii) including any form of any combination, either in whole or in part, of an In-Kind Agreement to provide neighborhood improvements, In-Lieu Payment to the City Treasurer, or a Community Facilities District Agreement to participate in a Mello-Roos Community Facilities District. The fee may be adjusted in accordance with the procedures described in Section 326.3(d) or 315.6(b)3.

(ii) In-Kind Improvements. The Planning Commission may allow the provision of In-Kind Improvements, through the approval of an In-Kind Agreement in accordance with the procedures outlined in Section 326.3 (e).

(iii) In-Lieu Payment. Because the total cost of the individual public improvements (e.g. a public park or a streetscape project) may be greater than the proportional contribution to the Program or the need created by any one project, and because it may be infeasible or impractical to make a fractional public improvement (e.g. acquisition of a fraction of a park) it is necessary to allow direct payments, at the rate described in Subsection (7)(C)(i) above, in-lieu of providing In-Kind Improvements, as a form of contribution, either in whole or in part, to the Program. Such payment shall be made to the City Treasurer for deposit in the Van Ness and

Market Neighborhood Infrastructure Fund. Upon payment of the In-Lieu Payment in full to the Treasurer, the Treasurer shall issue a certification that the credit has been paid.

(iv) Community Facilities District. The Planning Commission may allow the participation in a Community Facilities (Mello-Roos) District through the procedures described in Section 326.3(f) and (g).

(v) Zero dollars per square foot (\$0.00) except as provided in 7(C)(vii) shall be deposited in the special fund maintained by the Controller called the Citywide Affordable Housing Fund as established by Section 313.12. Except as specifically provided in this Section, collection, management, enforcement, and expenditure of funds shall conform to the requirements related to in lieu fees in Planning Code Sections 315 et seq., specifically including, but not limited to, the provisions of Section 315.6.

(vi) The sponsor shall present Treasurer certification of In-Lieu Payment, a signed In-Kind Agreement and/or Community Facilities District Agreement totaling the full value of the contribution to the Planning Department and Department of Building Inspection prior to the issuance by DBI of the first site or building permit for the project. A failure of the Treasurer, DBI or the Planning Department to give any notice under this Section shall not relieve a sponsor from compliance with this Section.

(vii) At the close of the fiscal year in which the Market and Octavia Community Improvements Program has generated funding for no less than \$211 million for expenditure in the plan area, including revenue generated through Planning Code Section 249.33 and Section 326 fee payment, In-Kind and community facility district contributions; public grants; San Francisco general funds; assessment districts; and other sources which contribute to the overall programming; all future funds generated through this Section, 249.33 of the Planning Code shall be redirected one hundred (100) percent to the Citywide Affordable Housing Fund.

(D) There is hereby established a separate fund set aside for a special purpose entitled the Van Ness and Market Neighborhood Infrastructure Fund ("Fund"). All monies collected by the Treasurer pursuant to Subsection (7)(C)(i) above shall be deposited in this fund to be maintained by the Controller. The receipts of the Fund are hereby appropriated in accordance with law to be used solely to fund public infrastructure subject to the following conditions:

(i) All monies deposited in the Fund, plus accrued interest, shall be used solely to design, engineer, acquire and develop neighborhood open spaces and streetscape improvements that result in new publicly-accessible facilities within the Van Ness and Market Special Use District or the area bounded by 10th Street, Howard Street, South Van Ness Avenue, the northeastern line of the Central Freeway, Market Street, Franklin Street, Hayes Street, and Polk Street. These improvements shall be consistent with the Market and Octavia Area Plan of the General Plan and any Plan that is approved by the Board of Supervisors in the future for the area covered by this SUD, except that monies from the Fund may be used by the Planning Commission to commission studies to revise the fee pursuant to Subsection (7)(C)(i) above, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvements.

(ii) No portion of the Fund may be used, by way of loan or otherwise, to

pay any administrative, general overhead, or similar expense of any public entity.

(iii) The Controller's Office shall file an annual report with the Board of Supervisors beginning one year after the effective date of this ordinance, which report shall set forth the amount of money collected in the Fund. Monies in the Fund shall be appropriated by the Board of Supervisors and administered by the Director of Planning.

(iv) Expenditure of funds shall be coordinated with appropriate City agencies as detailed in Section 326.6 (d) and (e).

(v) The Director of Planning shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with this ordinance. The Director of Planning shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008)

EXPENDITURE PLAN AND SALES TAX REAUTHORIZATION

DRAFT ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2003052035



Prepared for

San Francisco County Transportation Authority

by

DYETT & BHATIA
Urban and Regional Planners

In association with

Environmental Science Associates • Environmental Consultants
DKS Associates • Transportation Consultants

June 2003

EXHIBIT G

005502

Methodology and Assumptions

The transportation impact analysis is based on modeling and numerous assumptions about future conditions. In order to assess the impacts of the proposed Expenditure Plan on the existing transportation network, it is necessary to develop a future transportation scenario that is based on projected growth in the city and future employment trends. In addition, it is important to look at the future 2025 baseline conditions, without the proposed Expenditure Plan, as a means to determine the significance of the various transportation improvements and programs in the Plan in either improving or exacerbating current traffic flow conditions.

To examine future year conditions, the most reasonable horizon year available is 2025. This is the horizon year for the RTP, as well as for the Countywide Plan analysis. While the Expenditure Plan horizon is 2034, the year 2025 is the most reliable year that incorporates adopted regional plans and growth forecasts, and is thus the appropriate horizon for quantitative evaluation for all future scenarios. For years beyond 2025, a qualitative analysis is used to estimate future conditions.

Future Growth Patterns

As San Francisco grows, transportation problems will continue to develop. Not only will the City need to accommodate new residents and workers, but the existing system will still need extensive upkeep, including the need to acquire new transit vehicles and repave and rehabilitate streets.

Significant growth in employment in the City between 2000 and 2025 is expected. MTC predicts over 110,000 new jobs will be created in San Francisco, growing from approximately 630,000 to 740,000. Figure 3.2-2 shows the growth in employment in 26 neighborhoods across the city. This figure demonstrates that, while all neighborhoods experience some growth in employment, the vast majority and intensity in employment growth is expected in the existing Downtown and South of Market core, around Mission Bay, in Bayview/Hunters Point, and in the Mission District.

To assess and compare the No Project Alternative, it is necessary to determine future conditions without the proposed Expenditure Plan. As the MTC RTP horizon year is 2025, it is not possible to model specific projects/programs beyond that year. Since this EIR analyzes an Expenditure Plan with a horizon year of 2034, a qualitative assessment of the years 2025 to 2035 is made, based on some general assumptions as to what would likely occur under the No Project scenario during those years. Since the base year for the EIR modeling effort is 2000, some projects that were constructed since 2000 were added to the RTP network in order to construct the 2025 No Project Alternative. Similar to the assumption for the proposed Expenditure Plan, the analysis assumes that all major physical transportation improvements associated with the No Project Alternative would be completed by the year 2025. Continued maintenance and programmatic improvements would occur during 2025 – 2034, but at lower levels than the proposed project.

Expenditure Plan Alternative: Although the Expenditure Plan contains numerous projects and programs (detailed in Chapter 2), only a few can adequately be represented in the San Francisco Travel Model. Even in these cases, an approximation of the project particulars is often required. Until a project has been adequately studied and funded, a final design cannot be determined.

For this EIR, project assumptions were established that were the most likely to result in notable impacts to transit or vehicle performance, or a reasonable worst case scenario. For example, in some cases the model assumed that a traffic lane would be removed in the proposed project condition for transit corridor projects, although this may not be required upon final design.

Projects and improvements assumed in the 2025 No Project Alternative and Proposed Project Alternative are shown in Appendix B: Comparison of Expenditure Plan and Alternatives.

Impacts and Mitigation Measures

Impact 3.2-a: The Expenditure Plan would result in increase in average travel times for auto travel and decrease in average travel time for transit travel. (Less than significant.)

Travel time is a central measure of mobility since transportation improvements are generally intended to reduce travel times, particularly in highly congested corridors. Travel time for individuals are reported as average travel time per trip by mode. In addition, an aggregate measure, total vehicle hours traveled, also reflects travel time. This measure is also related to air pollution and energy consumption.

The SFCTA develops average travel time for San Francisco residents as a standard reporting item in the San Francisco Travel Demand Model. Travel time measurements are provided for aggregated vehicle (auto) and transit categories.

With the proposed Expenditure Plan, transit riders will experience a 24 second reduction when compared to the estimated 2000 conditions, while auto drivers are expected to need an additional 26 seconds in additional travel.

When compared to the 2025 Baseline (No Project), implementation of the proposed Expenditure Plan would result in a decrease of average travel time for internal San Francisco trips. The decrease is about 0.8 percent, or 8 seconds. The average travel time for auto drivers is anticipated to increase by about 0.2 percent or 2 seconds. This is offset by a reduction for an average transit rider by 4.9% or 98 seconds.

No significant impact is thus expected with the adoption and implementation of the proposed Expenditure Plan, because it will improve transit travel times compared with the No Project Alternative.

Table 3.2-4: Average Travel Time Comparison - Internal SF Trips Only

Avg Travel Time	2000	2025		Percent Difference		
	Base	No Project	Exp Plan	No Project to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to No Project
Transit	33.43	33.67	32.03	0.7%	-4.2%	-4.9%
Auto	10.86	11.27	11.30	3.8%	4.0%	0.2%

Source: SF-TDM, SFTA, May 2003.

Mitigation Measures

No mitigation is required as this impact is less than significant.

Impact 3.2-b: The Expenditure Plan would result in reduction in vehicle hours traveled. (Beneficial)

Because San Francisco population and employment are projected to increase, the total number of vehicle trips generated within San Francisco is anticipated to grow by 6.0 percent between 2000 and 2025, with the Expenditure Plan. However, this increase in trips is not attributable to the Expenditure Plan itself. As shown in Table 3.2-4, implementation of the Expenditure Plan is anticipated to reduce vehicle trips by 1.4 percent, relative to the future baseline (2025 No Project) scenario.

As a result of the increase in vehicle trips, the amount of vehicle miles and vehicle hours traveled on San Francisco roadways will also increase. It is estimated that there will be an increase of 28.1 percent of vehicles hours traveled in 2025, assuming that the proposed Expenditure Plan is approved and implemented (see Table 3.2-5).

However, when compared to the future 2025 Baseline, adoption and implementation of the proposed Expenditure Plan will result in a slight reduction of vehicle hours traveled, largely because vehicle trips are projected to decrease 1.4 percent under the Expenditure Plan Alternative. The reduction is forecasted to be a drop of 0.7 percent or over 4,000 hours a day for San Francisco roadways. Thus, implementation of the Expenditure Plan will have a beneficial impact.

San Francisco County Transportation Authority
Expenditure Plan: Draft EIR

Table 3.2-5: Daily Vehicle Miles and Vehicle Hours Comparison - San Francisco Links

Attribute	2000	2025		Percent Difference		
	Base	No Project	Exp Plan	No Project to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to No Project
Total Daily Vehicle Trips	1,323,400	1,423,600	1,403,000	7.6%	6.0%	-1.4%
Daily Vehicle Miles of Travel	9,342,200	10,638,000	10,556,000	13.9%	13.0%	-0.8%
Daily Vehicle Hours of Travel	482,100	621,600	617,400	28.9%	28.1%	-0.7%

Source: SF-TDM, SFCTA, May 2003

Impact 3.2-c: Implementation of the Expenditure Plan will result in decrease in vehicle miles traveled (VMT) at level of service (LOS) F. (beneficial)

By 2025, a substantial increase is expected for vehicles miles traveled at LOS F, without the proposed Expenditure Plan (see Table 3.2-6). Although the aggregate VMT is only projected to grow by 13 percent with the Expenditure Plan, the VMT on roadways with congestion (defined as Level of Service F) are anticipated to grow by 117 percent with the Expenditure Plan.

As much of this traffic is a result of forecast population and employment growth in San Francisco and throughout the Bay Area, the increase in VMT cannot be attributed to the proposed Expenditure Plan. In fact, implementation of the Expenditure Plan Project is expected to reduce overall VMT in San Francisco by 0.8 percent, and VMT at LOS F by about 2 percent, compared to the future baseline (2025 No Project). Thus, implementation of the Expenditure Plan will have a beneficial impact.

Table 3.2-6: VMT and VMT LOS Comparisons - San Francisco Links

Measure	2000	2025		Percent Difference		
	Base	No Project	Exp Plan	2025 Base to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to 2025 Base
VMT	9,342,200	10,638,000	10,556,000	13.9%	13.0%	-0.8%
VMT LOS F	920,900	2,039,400	2,002,500	121.4%	117.4%	-1.8%
% of VMT	9.9%	19.2%	19.0%	93.9%	91.9%	-1.0%

Source: SF-TDM, SFCTA, May 2003

Impact 3.2-d: Implementation of the Expenditure Plan would increase number of work opportunities within 30 minutes by auto and transit. (beneficial)

Accessibility measures describe the effect of transportation improvements on general accessibility of San Francisco residents. Changes in accessibility measure how easy it is to get to different types of activities or opportunities around the region. Accessibility can be defined for personal travel as the ability to reach desired destinations such as jobs, shopping, or recreational opportunities.

Vehicle hours traveled

Because San Francisco population and employment are projected to increase, the total number of vehicle trips increases by the year 2025, compared to year 2000. As a result, the amount of vehicle miles and vehicle hours traveled on San Francisco roadways will also increase. The results for all alternatives are summarized in Table 4-2.

The Expenditure Plan Alternative results in a significant reduction in vehicle trips and the fewest vehicle hours of travel, though the amount of vehicle hours of travel is only slightly higher in the One Cent Alternative. However, as vehicle miles of travel are higher in the Expenditure Plan Alternative than in the One Cent Alternative, this implies higher average speeds in the Expenditure Plan.

Table 4-2: Daily Vehicle Miles and Vehicle Hours Comparison - San Francisco Links

Attribute	2000	2025		
	Base	No Project Alternative	Expenditure Plan Alternative	One Cent Alternative
Total Daily Vehicle Trips	1,323,400	1,423,600	1,403,000	1,400,700
Daily Vehicle Miles of Travel	9,342,200	10,638,100	10,556,000	10,545,800
Daily Vehicle Hours of Travel	482,100	621,600	617,400	617,600

Source: SF-TDM, SFCTA, May 2003.

Vehicle miles traveled (VMT) at level of service (LOS) F

By 2025, a substantial increase is expected in vehicles miles traveled at LOS F as a result of population and employment growth. Table 4-3 describes the anticipated measures for all alternatives. Although the aggregate VMT is only projected to grow a small amount, the VMT on roadways with congestion (defined as Level of Service F) are anticipated to grow significantly by 2025.

The Expenditure Plan Alternative results in almost two percent less VMT at level of service "F" compared with the No Project Alternative. The One Cent Alternative results in a slight improvement over the Expenditure Plan.

Table 4-3: VMT and VMT LOS F Comparisons - San Francisco Links

Measure	2000	2025		
	Base	No Project Alternative	Exp Plan Alternative	One Cent Alternative
VMT	9,342,200	10,638,100	10,556,000	10,545,800
VMT LOS F	920,900	2,039,400	2,002,500	1,993,000
% of VMT	9.9%	19.2%	19.0%	18.9%

Source: SF-TDM, SFCTA, May 2003. Percentages may not be exact due to rounding.

5.1.2 GROWTH-INDUCING ANALYSIS

With respect to population growth, San Francisco is likely to continue experiencing population changes with or without major transportation improvements. The factors most affecting potential growth include housing cost and availability, as well as in-migration, birth and death rates, and job opportunities, etc. The quality of the local transportation system has a lesser impact on overall growth compared to these other factors.

All factors considered, it is unlikely that the transportation improvements proposed in the Expenditure Plan will be of sufficient magnitude to stimulate growth beyond the projected population and employment increases. There are three main reasons for this:

First, it is evident that transportation investment in general – and increased capacity in particular – currently lag behind the growth that has already occurred in San Francisco and in the Bay Area. This situation exists because of the general constraint on transportation funding available for system capacity expansion given other priorities for maintaining and sustaining the vast transportation network, as well as physical constraints to expanding roadway capacity in San Francisco. At an aggregate level, while improvements identified in the Expenditure Plan will have slightly beneficial transportation impacts compared to baseline, these impacts are small compared to changes in population and employment – for example, population and employment in the City are projected to grow 2.8 percent and 16.4 percent respectively between 2000 and 2025, while difference between the 2025 Expenditure Plan and 2025 Baseline for average travel time (see Table 3.2-4) and total vehicle hours of travel (see Table 3.2-5) are less than one percent. Thus, improvements featured in the Expenditure Plan will help support the projected population and employment growth, rather than induce it.

Second, increased congestion may actually discourage an increase in employment in San Francisco beyond current projections. For example, the percent of vehicle miles traveled at LOS F (see Table 3.2-8) are projected to increase over the next 25 years, with or without the Expenditure Plan.

Finally, the transportation improvements identified are consistent with the projected and planned growth in the Bay Area as identified by ABAG through consultation with the City and County of San Francisco, which determines the land available for new development. The Project would not alter the amount of land identified by the city for future development; rather, it is designed to compliment and support the city's proposals to concentrate future development along transit routes and transfer points (see Figure 5.1. Proposed Citywide Land Use Action Plan and Figure 5.2 Proposed Rapid Transit Network).

In general, enhanced transportation capacity does not per se create more growth, but rather can affect the timing and distribution of growth. Furthermore, land use distribution effects of transit changes (as opposed to roadway improvements) are likely to be somewhat limited. Thus, there may be some localized effect relating to the timing and location of development in areas of the city that need more direct, convenient routes and expanded transit service. However, this situation

does not imply that such improvements would induce additional growth beyond what is already planned. Thus, the Project is responsive to travel demands resulting from existing land use while also supportive of future plans. The Project will not direct future growth to new unplanned and undeveloped areas.

5.2 SIGNIFICANT UNAVOIDABLE IMPACTS

According to CEQA Guidelines, an EIR must discuss any significant environmental impacts that cannot be avoided under full implementation of the proposed project. Each issue area analysis in Chapter 3 categorizes the significance of identified impacts. According to these analyses, no significant unavoidable impacts are identified for the proposed sales tax reauthorization and associated Expenditure Plan.

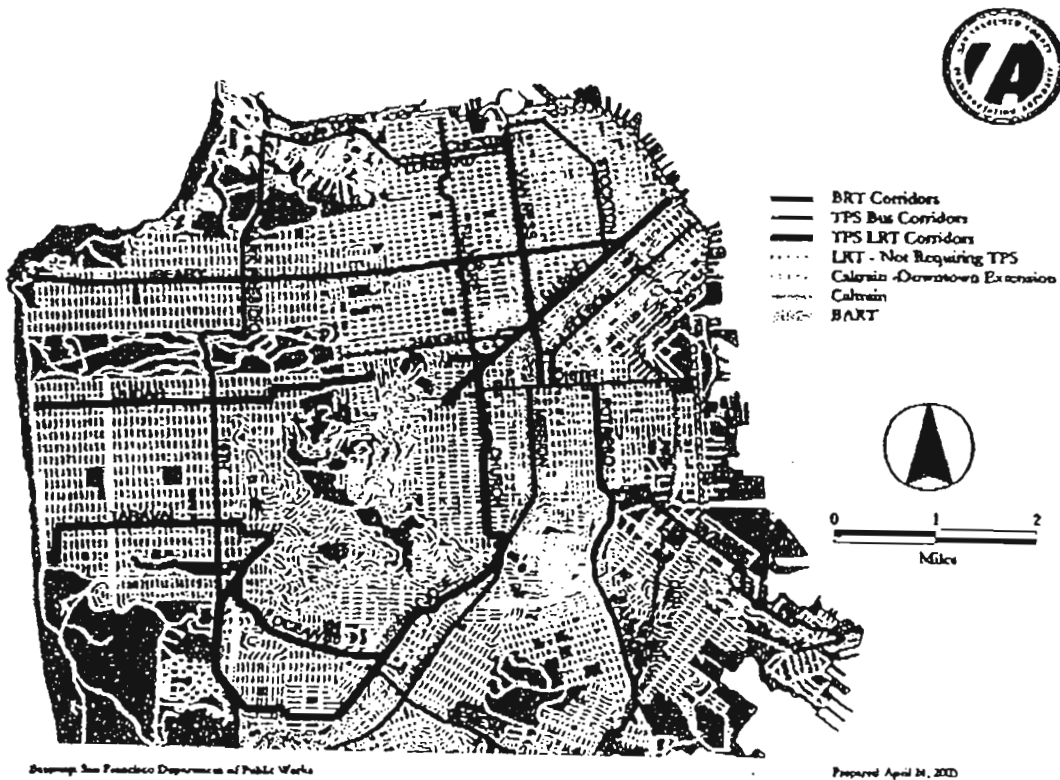
5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The EIR must also examine irreversible changes to the environment. More specifically, CEQA Guidelines require the EIR to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely" (CEQA Guidelines 15126.2(c)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, air, waterways, etc.

5.3.1 ENERGY SOURCES

New transportation facilities under the proposed Expenditure Plan would result in the commitment of existing and planned sources of energy, which would be necessary for the construction and daily use of the transit system. Energy use is fully analyzed in Section 3.6 of this EIR. As described in Section 3.6 and compared in Section 4.2, energy use under the proposed project would be less than for other alternatives considered in this analysis. Since the proposed project would be improving the transit system, fewer private vehicle trips would occur (compared to the No Project Alternative) and less overall energy would be consumed for operation of the transportation system.

Figure 5.2: Proposed Transit Priority Network Action Plan



Source: Transportation Authority, 2003.

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EXPENDITURE PLAN AND SALES TAX REAUTHORIZATION

DRAFT ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2003052035



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DYETT & BHATIA
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June 2003

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Methodology and Assumptions

The transportation impact analysis is based on modeling and numerous assumptions about future conditions. In order to assess the impacts of the proposed Expenditure Plan on the existing transportation network, it is necessary to develop a future transportation scenario that is based on projected growth in the city and future employment trends. In addition, it is important to look at the future 2025 baseline conditions, without the proposed Expenditure Plan, as a means to determine the significance of the various transportation improvements and programs in the Plan in either improving or exacerbating current traffic flow conditions.

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To assess and compare the No Project Alternative, it is necessary to determine future conditions without the proposed Expenditure Plan. As the MTC RTP horizon year is 2025, it is not possible to model specific projects/programs beyond that year. Since this EIR analyzes an Expenditure Plan with a horizon year of 2034, a qualitative assessment of the years 2025 to 2035 is made, based on some general assumptions as to what would likely occur under the No Project scenario during those years. Since the base year for the EIR modeling effort is 2000, some projects that were constructed since 2000 were added to the RTP network in order to construct the 2025 No Project Alternative. Similar to the assumption for the proposed Expenditure Plan, the analysis assumes that all major physical transportation improvements associated with the No Project Alternative would be completed by the year 2025. Continued maintenance and programmatic improvements would occur during 2025 - 2034, but at lower levels than the proposed project.

Expenditure Plan Alternative: Although the Expenditure Plan contains numerous projects and programs (detailed in Chapter 2), only a few can adequately be represented in the San Francisco Travel Model. Even in these cases, an approximation of the project particulars is often required. Until a project has been adequately studied and funded, a final design cannot be determined.

For this EIR, project assumptions were established that were the most likely to result in notable impacts to transit or vehicle performance, or a reasonable worst case scenario. For example, in some cases the model assumed that a traffic lane would be removed in the proposed project condition for transit corridor projects, although this may not be required upon final design.

Projects and improvements assumed in the 2025 No Project Alternative and Proposed Project Alternative are shown in Appendix B: Comparison of Expenditure Plan and Alternatives.

Impacts and Mitigation Measures

Impact 3.2-a: The Expenditure Plan would result in increase in average travel times for auto travel and decrease in average travel time for transit travel. (Less than significant.)

Travel time is a central measure of mobility since transportation improvements are generally intended to reduce travel times, particularly in highly congested corridors. Travel time for individuals are reported as average travel time per trip by mode. In addition, an aggregate measure, total vehicle hours traveled, also reflects travel time. This measure is also related to air pollution and energy consumption.

The SFCTA develops average travel time for San Francisco residents as a standard reporting item in the San Francisco Travel Demand Model. Travel time measurements are provided for aggregated vehicle (auto) and transit categories.

With the proposed Expenditure Plan, transit riders will experience a 24 second reduction when compared to the estimated 2000 conditions, while auto drivers are expected to need an additional 26 seconds in additional travel.

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When compared to the 2025 Baseline (No Project), implementation of the proposed Expenditure Plan would result in a decrease of average travel time for internal San Francisco trips. The decrease is about 0.8 percent, or 8 seconds. The average travel time for auto drivers is anticipated to increase by about 0.2 percent or 2 seconds. This is offset by a reduction for an average transit rider by 4.9% or 98 seconds.

No significant impact is thus expected with the adoption and implementation of the proposed Expenditure Plan, because it will improve transit travel times compared with the No Project Alternative.

Table 3.2-4: Average Travel Time Comparison – Internal SF Trips Only

	2000	2025		Percent Difference		
	Base	No Project	Exp Plan	No Project to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to No Project
<i>Avg Travel Time</i>						
Transit	33.43	33.67	32.03	0.7%	-4.2%	-4.9%
Auto	10.86	11.27	11.30	3.8%	4.0%	0.2%

Source: SF-TDM, SFCTA, May 2003.

Mitigation Measures

No mitigation is required as this impact is less than significant.

Impact 3.2-b: The Expenditure Plan would result in reduction in vehicle hours traveled. (Beneficial)

Because San Francisco population and employment are projected to increase, the total number of vehicle trips generated within San Francisco is anticipated to grow by 6.0 percent between 2000 and 2025, with the Expenditure Plan. However, this increase in trips is not attributable to the Expenditure Plan itself. As shown in Table 3.2-4, implementation of the Expenditure Plan is anticipated to reduce vehicle trips by 1.4 percent, relative to the future baseline (2025 No Project) scenario.

As a result of the increase in vehicle trips, the amount of vehicle miles and vehicle hours traveled on San Francisco roadways will also increase. It is estimated that there will be an increase of 28.1 percent of vehicles hours traveled in 2025, assuming that the proposed Expenditure Plan is approved and implemented (see Table 3.2-5).

However, when compared to the future 2025 Baseline, adoption and implementation of the proposed Expenditure Plan will result in a slight reduction of vehicle hours traveled, largely because vehicle trips are projected to decrease 1.4 percent under the Expenditure Plan Alternative. The reduction is forecasted to be a drop of 0.7 percent or over 4,000 hours a day for San Francisco roadways. Thus, implementation of the Expenditure Plan will have a beneficial impact.

San Francisco County Transportation Authority
Expenditure Plan: Draft EIR

Table 3.2-5: Daily Vehicle Miles and Vehicle Hours Comparison - San Francisco Links

Attribute	2000		2025		Percent Difference	
	Base	No Project	Exp Plan	No Project to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to No Project
Total Daily Vehicle Trips	1,323,400	1,423,600	1,403,000	7.6%	6.0%	-1.4%
Daily Vehicle Miles of Travel	9,342,200	10,638,000	10,556,000	13.9%	13.0%	-0.8%
Daily Vehicle Hours of Travel	482,100	621,600	617,400	28.9%	28.1%	-0.7%

Source: SF-TDM, SFCTA, May 2003

Impact 3.2-c: Implementation of the Expenditure Plan will result in decrease in vehicle miles traveled (VMT) at level of service (LOS) F. (beneficial)

By 2025, a substantial increase is expected for vehicles miles traveled at LOS F, without the proposed Expenditure Plan (see Table 3.2-6). Although the aggregate VMT is only projected to grow by 13 percent with the Expenditure Plan, the VMT on roadways with congestion (defined as Level of Service F) are anticipated to grow by 117 percent with the Expenditure Plan.

As much of this traffic is a result of forecast population and employment growth in San Francisco and throughout the Bay Area, the increase in VMT cannot be attributed to the proposed Expenditure Plan. In fact, implementation of the Expenditure Plan Project is expected to reduce overall VMT in San Francisco by 0.8 percent, and VMT at LOS F by about 2 percent, compared to the future baseline (2025 No Project). Thus, implementation of the Expenditure Plan will have a beneficial impact.

Table 3.2-6: VMT and VMT LOS Comparisons - San Francisco Links

Measure	2000		2025		Percent Difference	
	Base	No Project	Exp Plan	2025 Base to 2000 Base	2025 Exp Plan to 2000 Base	2025 Exp Plan to 2025 Base
VMT	9,342,200	10,638,000	10,556,000	13.9%	13.0%	-0.8%
VMT LOS F	920,900	2,039,400	2,002,500	121.4%	117.4%	-1.8%
% of VMT	9.9%	19.2%	19.0%	93.9%	91.9%	-1.0%

Source: SF-TDM, SFCTA, May 2003

Impact 3.2-d: Implementation of the Expenditure Plan would increase number of work opportunities within 30 minutes by auto and transit. (beneficial)

Accessibility measures describe the effect of transportation improvements on general accessibility of San Francisco residents. Changes in accessibility measure how easy it is to get to different types of activities or opportunities around the region. Accessibility can be defined for personal travel as the ability to reach desired destinations such as jobs, shopping, or recreational opportunities.

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Vehicle hours traveled

Because San Francisco population and employment are projected to increase, the total number of vehicle trips increases by the year 2025, compared to year 2000. As a result, the amount of vehicle miles and vehicle hours traveled on San Francisco roadways will also increase. The results for all alternatives are summarized in Table 4-2.

The Expenditure Plan Alternative results in a significant reduction in vehicle trips and the fewest vehicle hours of travel, though the amount of vehicle hours of travel is only slightly higher in the One Cent Alternative. However, as vehicle miles of travel are higher in the Expenditure Plan Alternative than in the One Cent Alternative, this implies higher average speeds in the Expenditure Plan.

Table 4-2: Daily Vehicle Miles and Vehicle Hours Comparison - San Francisco Links

Attribute	2000	2025		
	Base	No Project Alternative	Expenditure Plan Alternative	One Cent Alternative
Total Daily Vehicle Trips	1,323,400	1,423,600	1,403,000	1,400,700
Daily Vehicle Miles of Travel	9,342,200	10,638,100	10,556,000	10,545,800
Daily Vehicle Hours of Travel	482,100	621,600	617,400	617,600

Source: SF-TDM, SFCTA, May 2003

Vehicle miles traveled (VMT) at level of service (LOS) F

By 2025, a substantial increase is expected in vehicles miles traveled at LOS F as a result of population and employment growth. Table 4-3 describes the anticipated measures for all alternatives. Although the aggregate VMT is only projected to grow a small amount, the VMT on roadways with congestion (defined as Level of Service F) are anticipated to grow significantly by 2025.

The Expenditure Plan Alternative results in almost two percent less VMT at level of service "F" compared with the No Project Alternative. The One Cent Alternative results in a slight improvement over the Expenditure Plan.

Table 4-3: VMT and VMT LOS F Comparisons - San Francisco Links

Measure	2000	2025		
	Base	No Project Alternative	Exp Plan Alternative	One Cent Alternative
VMT	9,342,200	10,638,100	10,556,000	10,545,800
VMT LOS F	920,900	2,039,400	2,002,500	1,993,000
% of VMT	9.9%	19.2%	19.0%	18.9%

Source: SF-TDM, SFCTA, May 2003. Percentages may not be exact due to rounding.

5.1.2 GROWTH-INDUCING ANALYSIS

With respect to population growth, San Francisco is likely to continue experiencing population changes with or without major transportation improvements. The factors most affecting potential growth include housing cost and availability, as well as in-migration, birth and death rates, and job opportunities, etc. The quality of the local transportation system has a lesser impact on overall growth compared to these other factors.

All factors considered, it is unlikely that the transportation improvements proposed in the Expenditure Plan will be of sufficient magnitude to stimulate growth beyond the projected population and employment increases. There are three main reasons for this:

First, it is evident that transportation investment in general – and increased capacity in particular – currently lag behind the growth that has already occurred in San Francisco and in the Bay Area. This situation exists because of the general constraint on transportation funding available for system capacity expansion given other priorities for maintaining and sustaining the vast transportation network, as well as physical constraints to expanding roadway capacity in San Francisco. At an aggregate level, while improvements identified in the Expenditure Plan will have slightly beneficial transportation impacts compared to baseline, these impacts are small compared to changes in population and employment – for example, population and employment in the City are projected to grow 2.8 percent and 16.4 percent respectively between 2000 and 2025, while difference between the 2025 Expenditure Plan and 2025 Baseline for average travel time (see Table 3.2-4) and total vehicle hours of travel (see Table 3.2-5) are less than one percent. Thus, improvements featured in the Expenditure Plan will help support the projected population and employment growth, rather than induce it.

Second, increased congestion may actually discourage an increase in employment in San Francisco beyond current projections. For example, the percent of vehicle miles traveled at LOS F (see Table 3.2-8) are projected to increase over the next 25 years, with or without the Expenditure Plan.

Finally, the transportation improvements identified are consistent with the projected and planned growth in the Bay Area as identified by ABAG through consultation with the City and County of San Francisco, which determines the land available for new development. The Project would not alter the amount of land identified by the city for future development; rather, it is designed to compliment and support the city's proposals to concentrate future development along transit routes and transfer points (see Figure 5.1. Proposed Citywide Land Use Action Plan and Figure 5.2 Proposed Rapid Transit Network).

In general, enhanced transportation capacity does not per se create more growth, but rather can affect the timing and distribution of growth. Furthermore, land use distribution effects of transit changes (as opposed to roadway improvements) are likely to be somewhat limited. Thus, there may be some localized effect relating to the timing and location of development in areas of the city that need more direct, convenient routes and expanded transit service. However, this situation

does not imply that such improvements would induce additional growth beyond what is already planned. Thus, the Project is responsive to travel demands resulting from existing land use while also supportive of future plans. The Project will not direct future growth to new unplanned and undeveloped areas.

5.2 SIGNIFICANT UNAVOIDABLE IMPACTS

According to CEQA Guidelines, an EIR must discuss any significant environmental impacts that cannot be avoided under full implementation of the proposed project. Each issue area analysis in Chapter 3 categorizes the significance of identified impacts. According to these analyses, no significant unavoidable impacts are identified for the proposed sales tax reauthorization and associated Expenditure Plan.

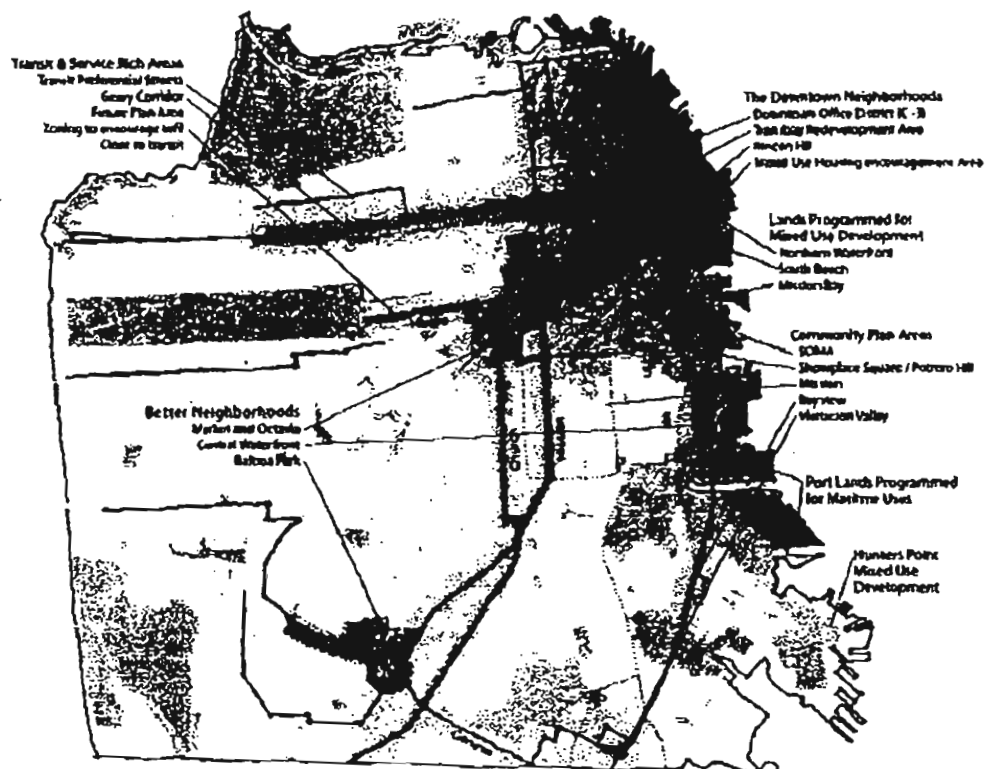
5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The EIR must also examine irreversible changes to the environment. More specifically, CEQA Guidelines require the EIR to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely" (CEQA Guidelines 15126.2(c)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, air, waterways, etc.

5.3.1 ENERGY SOURCES

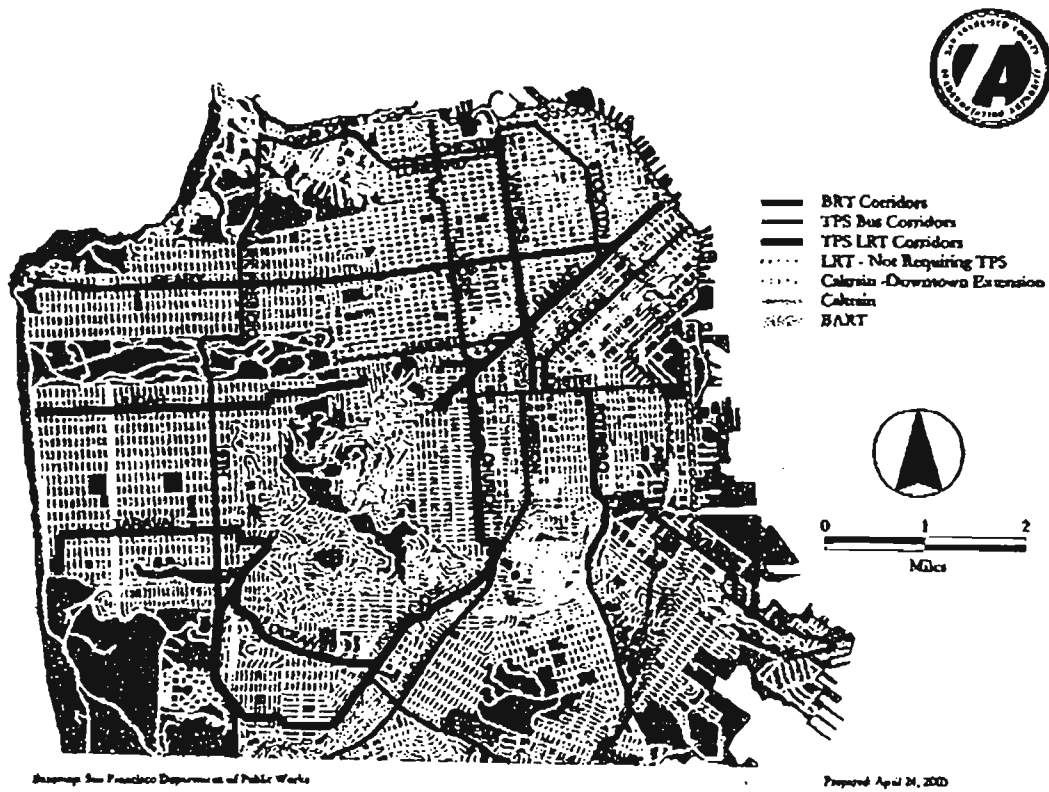
New transportation facilities under the proposed Expenditure Plan would result in the commitment of existing and planned sources of energy, which would be necessary for the construction and daily use of the transit system. Energy use is fully analyzed in Section 3.6 of this EIR. As described in Section 3.6 and compared in Section 4.2, energy use under the proposed project would be less than for other alternatives considered in this analysis. Since the proposed project would be improving the transit system, fewer private vehicle trips would occur (compared to the No Project Alternative) and less overall energy would be consumed for operation of the transportation system.

Figure 5.1: Proposed Citywide Land Use Action Plan



Source: "Overview of the Citywide Action Plan, San Francisco Planning Department, August 2002."

Figure 5.2: Proposed Transit Priority Network Action Plan



Source: Transportation Authority, 2003.

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TO: The Planning Commission

FROM: The Planning Department

REVIEWED BY: Amit K. Ghosh, Chief of Comprehensive Planning

DATE: October 2, 2003

In San Francisco, the Planning Commission is required to maintain and update a comprehensive, long-term General Plan for the physical development of the City and County. The Housing Element is one of the seven elements mandated by the State to be included in the local General Plan. Housing element law, enacted in 1969, further requires that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulations that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in the State rests largely upon the effective implementation of local General Plans and, in particular, local housing elements. Housing element law also requires the State Department of Housing and Community Development (HCD) to review local housing elements for compliance with State law and to report its written findings to the local government.

The current directive from HCD imposed the deadline for compliance—now long past—of December 31, 2001. Without the updated Housing Element, the City is not only out of compliance with state law but has to forego access to needed federal and state affordable housing funds.

In February 2003, the Planning Department released the *Housing Element Final Draft for Public Review*. Since then, the Planning Commission has received written comments and has taken hours of testimony in three public hearings all duly noticed and held specifically for the *Housing Element*. The Planning Department Staff also attended numerous community and neighborhood meetings on the update and revision of the *Housing Element*. In addition, in an extraordinary effort, Planning Commission members

EXHIBIT H

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have given Staff their own comments in writing, most of which were publicly circulated in the July draft of the *Housing Element*.

While a considerable amount of public testimony stressed the continuing and urgent need for affordable housing – especially for very low and low-income households, and for larger households – a comparable number of people voiced apprehension and disapproval of specific policies in the City's plan for housing. This memorandum will summarize major concerns from the Commission and the public, offer Staff response to these comments, and provide the Commission the basis for taking the next steps towards the adoption of the draft *Housing Element*, including the environmental review process.

This memorandum is accompanied by three documents:

1. ***Housing Element Final Draft for Public Review dated September 18, 2003***: This document, referred to as the "Green Document" for its green cover, contains updated tables as well as new and deleted text clarifying issues raised as a result of public testimony and Planning Commissioners' comments. Text changes made by Staff to the draft released last February have been underlined, or if deleted, shown as ~~striketrough~~. In Staff's opinion, these alterations do not constitute a substantial change in the policy thrust of the February draft of the *Housing Element*.
2. ***Staff Response to Planning Commissioners' Comments on the February and July Drafts***: Complete text of written comments submitted by members of the Planning Commission before August 25, 2003 and Staff's response and suggested changes in the Green Document are annotated here for easy reference.
3. ***Appendices: Appendix I*** – Provides a description of recent outreach efforts in the development of the *Housing Element* draft. It also outlines the adoption, approval and state certification process of the *Housing Element*.

Appendix II – "Realization of Housing Potential," a section of the draft *Housing Element* Part I (Section IV. E.), which incorporates changes suggested by the State Department of Housing and Community Development (HCD). It replaces the section on pages 95-99 of the Green Document.

Appendix III – Addendum to Staff Response to Planning Commissioners' Comments on the February and July Drafts.

The first two documents were submitted to the Commissioners and made available to the public on September 18, 2003 while the Appendices are attached to this memorandum.

* * * * *

DISCUSSION OF KEY ISSUES:

The main concerns that have been expressed are summarized, and Staff responses to these have been organized, under the following headings:

1. Outreach and public process.
2. Data analysis and the assessment of need for housing.
3. Proposals for density, parking requirements, secondary units and their effect on established neighborhoods.
4. Linking neighborhood amenities and public benefit to increased density of development.
5. Policies for local hiring and their relationship to housing and workforce commute patterns.

1. Outreach and Public Process

An overarching complaint pervading public hearings, meetings and testimony was about the extent of outreach and opportunity for the public to participate. Appeals to postpone the process and extend the review period were brought up at the March 27, 2003 public hearing. On that day, the Planning Commission, based on its review of facts pertaining to outreach and public process, overruled these petitions (see attached Appendix I). Pursuant to the provisions of the Planning Code and State regulations, the Commission initiated its intent to hold duly noticed hearings to consider and adopt the proposed update and revision of the *Housing Element*. The Commission's action officially formalized the public process that is underway towards adoption.

Nevertheless, the Department takes these concerns seriously and has taken the following extra steps:

- a) Attend community and neighborhood meetings regarding the draft *Housing Element*. This is documented in Appendix I.
- b) Respond to issues raised at community and Planning Commission hearings. This is being done in as public a way as is possible. This memorandum, its accompanying documents and the fourth draft of the *Housing Element* since its initial release in August 2002, (the "Green Document") are examples of Staff response.
- c) Even wider outreach conducted since the February 2003 release of the *Housing Element* draft, including an extensive list of ethnic and minority media that have been added to the Planning Department's mailing list (see Appendix I)

The Staff believes that although there can always be more outreach and public process, given the resources that were available, the outreach achieved is reasonable and sufficient

and satisfies the requirement of the law requiring adequate public participation in the development of the *Housing Element*.

2. Data Analysis and the Assessment of Need for Housing

Another recurring criticism of the proposed *Housing Element* focuses on data and the housing needs analysis, which is based on the 2000 Census and the Association of Bay Area Governments (ABAG) *Projections 2000*. The critics further contended that because of the dot-com bust and the consequent job losses, there is reduced demand for new units and that the housing crisis is over. Current vacancy rates are cited as evidence of this diminished need for additional housing. Thus, there is no rush to adopt the *Housing Element*.

The validity and currency of the data used in the housing needs analysis, in particular that of ABAG figures, were frequently questioned. But if past performance can be a measure for the validity of ABAG numbers, its projections in 1990, and the basis for the 1990 *Residence Element*, were just a little under the 2000 Census counts. There were 1% more people and about 0.5% more households than forecast by ABAG. In absolute numbers, this meant San Francisco grew by some 8,900 more people and about 1,400 more households than ABAG predicted in 1990, even though there were many years in between when jobs were lost and populations fell. (See Appendix A of the "Green Document.")

The Regional Housing Need Determination (RHND) numbers are also being challenged. The RHND process is a State mandate devised to establish the total housing need of a region. It sets the housing production targets for which to plan across a range of affordability criteria. These numbers are equitably applied throughout the State and within each region. The San Francisco Bay Area's regional housing need is specified by the State HCD and finalized through negotiations with ABAG to ensure that no jurisdiction is given an unfair housing burden. Each jurisdiction in the San Francisco Bay Area (101 cities and nine counties) is given its fair share of the anticipated **regional housing need**. Housing elements are multi-year plans predicated on long-term, 20-year forecasts. The timeframe for this current RHND process is January 1, 1999 through June 30, 2006 for all San Francisco Bay Area communities. We are now in the fifth year of the 7½-year plan period without an approved *Housing Element* and no one can be reasonably accused of rushing the adoption of the Element.

In order to be certified, housing elements must meet the terms and regulations set by the State, including the RHND housing production targets. More importantly, the ABAG and RHND figures are the housing numbers recognized and accepted by state and federal government funding schemes. In light of the concerns raised, Staff has reviewed the needs analysis section of the draft *Housing Element* and are of the opinion that it constitutes a sound and complete basis for the formulation of policy.

3. Policies Regarding Density, Transit Corridors, Secondary Units, and Parking Requirements and their Effects on Established Neighborhoods

The contention that San Francisco no longer needs additional housing leads to the contested policies in the *Housing Element* draft: Policies 1.1 and 1.8 under Objective 1 which support increasing housing production. The concerns raised relate primarily to densification of transit corridors, secondary units, and parking requirements. Although the proposed revision and update of the *Housing Element* contains 12 objectives and 72 policies, only eight policies are new. The remainder are slightly modified or brought forward unchanged from the 1990 *Residence Element*. Modifications were made to simplify language and organization. Objective 1 and Policies 1.1 and 1.8 were, in large part, taken from the existing 1990 *Residence Element*.

While these contested policies favor increasing housing production, that does not mean neighborhood building, amenities and livable communities are no longer a concern of the *Housing Element*. The objectives and policies of the *Housing Element* are not prioritized but equally applied. Each policy takes on different significance depending on the particular circumstances of the decisions to which they pertain. That is why the Staff organized the proposed draft differently than it was in the previous element. In particular, instead of repeating the language with each policy that spoke to neighborhood input and acceptance, Objective 11 was greatly expanded to address more holistically the issues of neighborhood conservation, livability, amenities and acceptance of proposed change.

Policy 1.1, which addresses the intensification of housing densities along transit corridors, has been redrafted with clarifying language added in both Part I and Part II of the Green Document. Policy 1.8, addressing secondary units, remains unchanged because Staff determined that the concerns raised did not relate to the content of this policy. Rather, these comments are related to pending legislation at the Board of Supervisors.

Density: San Francisco neighborhoods' scale – the height and sizes of structures, and the number of housing units within its set boundaries – contributes to neighborhood livability. San Francisco's boundaries prevent it from growing outward; it can, however, grow upward. Building units to accommodate the population and household growth forecast for the City will necessarily involve raising height and density limits in certain neighborhoods.

Existing standards in most neighborhoods surrounding downtown, especially those districts where additional housing make sense, can easily support taller buildings and higher residential densities. Studies are already being conducted to look into appropriate controls for these neighborhoods. As with other planning efforts, rezoning of these districts will have to undergo public scrutiny and involvement. Similarly, recently launched studies in neighborhood commercial districts and transit-rich areas will identify neighborhoods with comparable potential to accommodate growth at scales appropriate to these areas.

Increased housing production through increased heights and densities will be directed at those neighborhoods that have room for growth, especially those that border transit and service rich districts. Building up these neighborhoods will have to be enhanced by supporting place-making elements detailed in Objective 11 that could be provided through public benefits requirements, as will be discussed later in this memorandum.

Transit Corridors: The *Housing Element* draft's definition of "transit corridors" is patently general, as are most citywide objectives and policies. The current *Residence Element* refers to similar areas as "transportation corridors" and "commercial districts along transportation corridors," and refers to the areas near Van Ness, Market, Mission and Geary as transit corridors.

The policies and supporting text in question have been amended to emphasize the distinction that "appropriate areas near downtown and near certain transit corridors" and "proximity and access to sufficient and reliable transit" will be identified in due time, following specific area community planning processes. In the interim, the Better Neighborhoods programs and the Eastern Neighborhoods Community Planning efforts have identified transit and service rich corridors in their respective districts.

Preliminary studies of other potential transit and service rich areas are currently being conducted by the Department as a prelude to the soon-to-be launched specific area transit corridors programs. These programs will initiate community planning efforts to refine the general references to transit corridors in the *Housing Element* draft. Until these studies are completed and defined in plans for these areas, all mention of transit corridors in the *Housing Element* draft objectives and policies will remain general, geographically undefined areas.

A related secondary clarification of "transit corridors" involves Map I-5 in the draft *Housing Element*. This map is a schematic representation of the preliminary land use survey initiated by the Planning Department in 2000. This study identified areas of generic land use types, including "industrial lands," "downtown," "northeast," following more or less customary boundaries; the remaining unspecified areas surrounding transit spines were designated "transit corridors." The individual areas shown are not related to any planning programs. Map I-5 does not represent the transit corridors referred to in Part II of the *Housing Element* draft.

Secondary Units: The subject of secondary units also drew objection. This practical modification of existing *Residence Element* Policy 1.5 recognizes that the addition of secondary units, also known as in-law or granny units, can be easily accommodated in transit and service rich areas and with little or no impact on existing neighborhood character. Such proximity allows for the reduced need for motor vehicles, hence the possibility of waiving parking requirements for these additional housing units. While just a policy guideline, Policy 1.8 it has been confused with pending legislation from Supervisor Aaron Peskin's office and has been taken to be an automatic and blanket rezoning of residential neighborhoods.

More importantly, draft Policy 1.8 complies with recent State mandate – Assembly Bill 1866 that went into effect July 2003 – requiring all California jurisdictions to have in

place provisions allowing for secondary units. The State HCD also decrees that housing elements address the merits of secondary units in the provision of new, affordable housing. The Staff therefore, endorses retaining Policy 1.8 as proposed.

Parking Requirements: The draft *Housing Element* is not recommending an end to parking as many fear. But revisiting residential parking requirement is critical to meeting the City's projected housing need. The draft Element is simply putting forth that parking should be made available in the places where it makes sense and not required where it may not be necessary.

The Planning Code currently takes a "one size fits all" approach to parking, requiring one parking space per dwelling unit citywide, except in the downtown C-3 office districts, where the requirement is one parking space for every four units. Parking requirements are also reduced for senior and group housing arrangements. This "one size fits all" requirement poses a major obstacle to increasing housing production. Given that San Francisco has scarce land available for housing, space devoted to parking substantially reduces space available for housing. Simply put, if we build just one parking space for every new dwelling unit needed by 2020, we will need 130 acres of land just for parking.

Providing for parking also makes housing less affordable. A parking space adds \$20,000 to \$30,000 to the cost of building a unit of housing—upwards of \$50,000 in some parts of the City. These costs are passed directly on to residents, even in areas well served by transit and services, and where existing vehicle ownership rates are far below one car per household. Building one parking space per unit of housing also elevates the importance of cars as a way of moving about, encouraging increased traffic and congestion.

The draft *Housing Element* advocates expanding the place-based approach to parking established for the downtown office districts. This stance would consider relaxing parking requirements in selected districts – especially those well served by transit and services, where people can realistically rely less on private automobiles. By enabling more housing without parking to be built within the prevailing character and scale of these areas, this approach will allow us to meet our citywide housing needs more efficiently.

If new residential parking standards are set, developers will have the option of building more housing for people and offer residents the choice to live without a car in areas well served by transit and services. Those who must drive will still have parking, while those who choose not to drive will have a dignified and real alternative means of getting around.

4. Linking the Provision of Neighborhood Amenities and Public Benefits to Increased Development Densities

A number of the Planning Commissioners and numerous members of the public have cited the need to link the provision of neighborhood amenities and other residential

infrastructure to proposals that increase development densities. The Staff agrees that additional benefits afforded to private developers also calls for reciprocal benefits devoted to the public realm. Such physical improvements could include community facilities (schools, community centers, libraries, etc.), open space (neighborhood and pocket parks, sidewalk open spaces, shared streets), improved streetscaping, and affordable housing.

New development, especially residential expansion, impacts city services and infrastructure. Investment in new parks, community facilities and street improvements – far beyond what the City can provide through property tax revenue – will be essential to meeting the needs of new residents. These needs would be most acute when new housing is brought into neighborhoods with little or no residential presence and would therefore lack essential place-making elements. Putting together a public benefits package, as part of greater development capacities, could be a highly effective alternative financing strategy in the provision of needed neighborhood amenities.

In areas where residential development capacity is increased, private development should be required to contribute its fair share toward mitigating these impacts and creating neighborhoods that meet the needs of new residents. The public benefits package must be made part of the cost of development. In a city like San Francisco, which is geographically compact and nearly fully built-out, land is a scarce resource and must be allocated in ways that offer the greatest return on social capital.

Language supporting *Housing Element* policies that propose increased development capacity have been amended to stress mandatory provision of public amenities in return for increased benefits obtained by private development.

5. Policies for Local Hiring and Their Relationship to Housing and Workforce Commute Patterns.

A significant charge in the update and revision of the *Housing Element* concerns the jobs-housing balance, specifically to reduce the number of workers commuting into the City. San Francisco must provide housing to support its growing workforce. It is a regional job center and that means far more jobs will be created here than in other jurisdictions of comparable area. A greater share of these new jobs must be taken on by current San Francisco residents or by those who can afford to move here in order to improve commute patterns. By producing and providing appropriate and affordable new housing to meet the demand created by the forecast increase in new jobs, it is assumed that there would be a matching decrease in the amount of commuters.

This additional workforce will be comprised primarily of office workers, followed by retail/service and industrial workers. The typical new San Francisco worker will not be able to afford the average apartment rental, much less buy a home here. For example, with the average asking rent for a two-bedroom apartment at \$2,057, the renting household would have to be earning at least \$98,400 a year. Service work – which include hotel workers, waiters, cashiers, and cooks – pay from \$15,000 to \$70,000 a year.

All these additional details on forecast jobs and wages have been added in the Data and Needs Analysis section of the draft *Housing Element*.

San Francisco residents, through the First Source Hiring Program, can absorb a small portion of the new job growth. This local hiring program is limited to jobs associated with new construction and other employment opportunities created by city contracts and city property contracts. Apprenticeship programs can also provide training and employment opportunities to unemployed San Franciscans, and such ventures must be encouraged and supported. These programs, however, tend to be limited to the construction trades, which will grow just some 3% of the forecast new jobs in the next 20 years. Addressing the need for housing affordable to future San Francisco workers would come about largely with effective jobs-housing linkage programs and appropriate enforcement of inclusionary affordable housing programs.

* * * * *

THE NEXT STEPS

The Staff trusts that the Planning Commission will carefully consider our responses and the proposed text updates and changes resulting from the Planning Commissioners' and the public comments received in the last eight months. We hope the Commission will give directions on our proposed modifications to the draft and instruct the Staff to proceed with environmental review on October 9, 2003. Commencing environmental review, however, does not mean further modifications cannot be made to the *Housing Element*. Under the Commissioners' direction, the Staff will improve and amend the proposed update and revision of the *Housing Element* of the *General Plan*, and draw up a *Housing Element Draft for Final Adoption*. The Planning Commission's adoption of the *Housing Element* draft can only come after their certification of the associated environmental review discussed in Appendix I. Following its adoption by the Commissioners, the *Housing Element* can then be forwarded to the Board of Supervisors for their consideration and approval. After the City's adoption and approval of the proposed *Housing Element* update, the State HCD will certify the document for compliance within 60-days.

Environmental Review Process and Schedule:

On October 9, 2003, the Planning Department's Major Environmental Analysis Staff will inform the Planning Commission about the options for environmental review of the draft *Housing Element*. If a negative declaration of environmental impact is the appropriate determination, this would result in the publication of a Preliminary Negative Declaration by the end of November 2003. Following a 30-day review period, the Commission may certify this document. However, if the negative declaration is appealed, additional hearings could extend into March 2004.

However, if a full environmental impact report (EIR) is required, then its preparation will take from 18 months to two years, including the time for any anticipated appeal of the EIR before the Board of Supervisors. However, there are no funds allocated for the necessary consultant contracts for such a document. This would mean that the final Environmental Impact Report could be completed and certified by October 2005.

APPENDIX I: PUBLIC OUTREACH EFFORTS AND SCHEDULE FOR NEXT STEPS

This Appendix contains two sections. The first describes the outreach efforts made to involve the community in the planning process for the proposed update and revision of the *Housing Element*. The second section outlines the process, schedule of hearings at which the *Housing Element* has been presented, and next steps towards adoption, approval and certification of this document.

I. OUTREACH EFFORTS

The Planning Department has engaged in a variety of public outreach initiatives as part of the process of developing the Housing Element. Appendix B of the *Housing Element Final Draft* describes public outreach and participation up to the February 2003 Final Draft, which included revisions based on the August 2002 *Draft Housing Element*. Between the publication of the February 2003 Final Draft For Public Review and the July 2003 Final Draft For Public Review, a couple of public hearings were conducted and the Staff participated in several community and neighborhood meetings (see list below). Neighborhood presentations were announced with postcards and flyers. Commission hearings were announced more widely, similar to the efforts made since the publication of the July 2003 Final Draft.

The eight months since the February 2003 release of the Housing Element draft can be considered more than sufficient time for public review and comment. This is especially valid as the process of adopting, approving and certifying the proposed update to the *Housing Element* started almost three years ago with the initiation of the regional housing needs determination process, wherein various jurisdictions in California were mandated by the state to provide housing for projected growth.

The *Housing Element Draft for Public Review* was first issued over a year ago in August 2002. This release was announced with a message solicitation for input/feedback in brightly-colored notices sent to the various neighborhood and community groups. The new publication was also duly noted in the weekly Planning Commission Calendar. Over a year earlier, in June 2001, the draft's first part – the "Housing Data and Needs Analysis" – was published. Appendix B of the *Housing Element* draft notes the public hearings before the Planning Commission and the Board of Supervisors that introduced the process of updating the City's housing plan. Local media coverage also noted the publication of a *Draft Housing Element*.

The parallel grievance of insufficient public noticing, with frequent references to Sections 311 and 312 of the Planning Code and the need to notify each citizen of San Francisco,

stems from a misunderstanding of the Housing Element adoption process and noticing requirements for amending the General Plan. Sections 311 and 312 refer to noticing procedures for re-zoning.

An added concern about the proposed update of the *Housing Element* involves the perceived lack of full participation in the development of housing objectives and policies. Appendix B also details the development and preparation of the proposed changes to the existing *Residence Element*. Crafting the new policies could only have occurred in an organized setting that would then lead to wider, citywide input. Our limited resources forced a situation wherein responding to the City's housing need was gauged from the various settings of eight San Francisco neighborhoods. These neighborhood meetings, as noted in Appendix B, were called in conjunction with then newly launched Better Neighborhoods program and the Eastern Neighborhoods community planning. These neighborhoods are the focus of concerted planning efforts and would be the immediate beneficiaries of the effects of proposed changes in the *Housing Element*.

Meetings and Planning Commission hearings held between February 2003 and July 2003 are listed below:

- Planning Commission Hearing
March 27, 2003 / City Hall
- Coalition of San Francisco Neighborhoods
April 15, 2003, 7.30 pm / Northern District Police Station
- Planning Commission Hearing
May 1, 2003 / City Hall
- Coalition of San Francisco Neighborhoods Land Use Committee Meeting
May 6, 2003, 7 pm / Northern District Police Station
- Board of Supervisors District 1: Jake McGoldrick Town Hall Meeting
May 7, 2003, 6.30 pm
- Lakeshore neighborhood group
May 8, 2003, 8 pm /
- Coalition of San Francisco Neighborhoods
May 20, 2003, 7.30 pm / Northern District Police Station
- Council of District Merchants
May 19, 2003, 7 pm / Northern District Police Station
- Board of Supervisors District 7: Tony Hall
June 9, 2003, 7 pm / St. Brendan's
- Coalition of San Francisco Neighborhoods
July 14, 2003, 7 – 9 pm / St. John's Church

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MOST RECENT EFFORTS

The following is a summary of what has been done or is in the process of being implemented since the publication of the July 2003 *Final Draft Housing Element*:

Public Service Announcements:

The Department has requested public service announcements (PSAs) for the October 9, 2003 Planning Commission hearing to be aired or published by the following:

- Citywatch Public Service Announcement/Community Calendar (cable television),
- KRON and KQED TV
- KQED and KNBR radio
- 153 local and neighborhood newspapers

Paid Advertisements have been taken out in the following:

- *San Francisco Chronicle*
- *San Francisco Examiner*
- *The Independent*

Postcards and Flyers:

The Department has created flyers and postcards that are being distributed to the following:

- City Hall, Board of Supervisors – flyer
- All 30 branches of the Public Library – postcards and flyers
- Community groups – postcards, flyers, and telephone reminders
- General mailing

Website:

Announcements of all public hearings have been posted on the Department's website. Current and up-to-date drafts of the *Housing Element* have been made available for download.

II. HOUSING ELEMENT PROCESS SCHEDULE

Production of *Housing Element* Draft and Public Outreach:

May 24, 2001	Planning Commission Hearing
June 2001	Release of <i>Housing Element Draft Part I: Data and Needs Analysis</i>
June 2001	Board of Supervisors Hearing
August 2002	Release of <i>Housing Element Draft for Public Review</i> This is the first complete draft and it incorporates comments on Part I: Data and Needs Analysis.
December 10, 2002	Planning Commission Hearing
January 23, 2003	Board of Supervisors Hearing
February 2003	Release of <i>Housing Element Final Draft for Public Review</i> We received input from the public and agencies and have incorporated their comments into this draft.
March 27, 2003	Planning Commission Hearing
May 1, 2003	Planning Commission Hearing
July 14, 2003	Release of <i>Housing Element Final Draft for Public Review</i> (July 2003). This draft included some commissioners' comments on the <i>Housing Element</i> .
July 21, 2003	Planning Commission Hearing
September 2-18, 2003	Public Outreach Announcement of hearing (posters and postcards) sent to libraries, community organizations, government agencies, and public included in <i>Housing Element</i> mailing list.
September 18, 2003	Revised <i>Housing Element Final Draft</i> ("Green Document") release Distribution of document to Planning Commission, Board of Supervisors, Mayor's Office of Housing, Redevelopment Agency, and public libraries. Publication will be available at Planning Department and mailed upon request. Publication is also be available on-line.
October 9, 2003	Public Hearing <ul style="list-style-type: none">Planning Department Staff summarizes Planning Commission and public comments, offers Staff response to these comments, and provides the

Commission information on the next steps toward the adoption of the Housing Element.

- Environmental Review Officer reports on options for environmental review.
- Planning Commission directs Staff to proceed with revisions and endorses *Housing Element Final Draft* for environmental review.

After October 9, 2003

Prepare Final Housing Element and Environmental Review

Incorporate final public and Planning Commission comments and release final document for adoption

- If minor comments, final document could be released by November 2003.

Environmental Review Officer decides to proceed with Negative Declaration or Full Environmental Impact Report

- IF Negative Declaration: 30 day review period before Commission action. Commission can set date for action within a month. Negative Declaration might be adopted by March 2004.
- IF full Environmental Impact Report: Final report might be completed and certified by October 2005

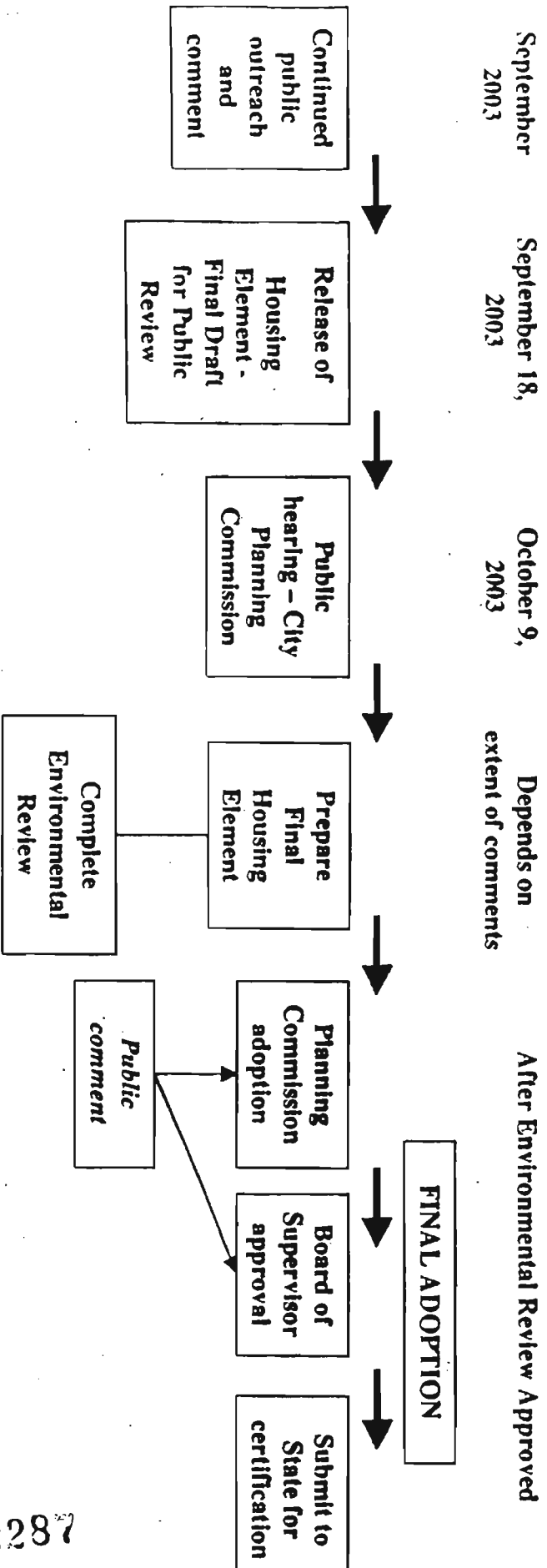
ACTIONS AFTER ENVIRONMENTAL REVIEW APPROVALS

Planning Commission adoption of the *Housing Element*

Board of Supervisors' approval of the *Housing Element*

Submittal to the State Department of Housing and Community Development (HCD), for certification

Housing Element – Adoption Process



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**APPENDIX II:
REVISION OF PART I: DATA AND NEEDS ANALYSIS SECTION
SUBMITTED IN RESPONSE TO HCD RECOMMENDED CHANGES**

The State Department of Housing and Community Development (HCD) recommended specific changes to Section E of Part I of the draft *Housing Element*. The following replaces pages 95-99 of the Green Document.

E. REALIZATION OF HOUSING POTENTIAL

1. Projects in the Pipeline

Housing projects move through a multi-tiered approval process. A development proposal is first reviewed by the Planning Department for compliance with the Planning Code and consistency with the General Plan. The project then goes through review by the Department of Building Inspection (DBI) for approval and issuance of a building permit. Once construction is finished and the project passes inspection by DBI, it is issued a certificate of final completion. Only when a project receives a certificate of final completion can the housing units be officially counted as part of San Francisco's housing stock.

As of March 1, 2001, the City Planning Department was reviewing 88 projects, comprising of 4,801 residential units. At that time, 153 projects, consisting of 1,792 units, had been approved by the Planning Commission but had yet to apply for building permits. Additionally, the Department of Building Inspection was reviewing 192 applications for 1,300 units. A total of 2,747 units in 279 projects had received Planning Department approval and had building permits issued or approved. A number of these projects have already started construction, and several are nearly complete, but are yet to receive DBI's certificate of final completion. It is also possible that some of these projects have not gone forward due to shifts in economic and legislative conditions.

For the purposes of this report, the new housing construction pipeline consists of projects that have been approved by the Planning Department and have been approved or filed permit applications with DBI. As of March 1, 2001, the new housing construction pipeline totaled 4,047 units. It should be noted that project applications and permitting activities in the near future could increase the number of new housing production in the next five years.

TABLE I-50
New Housing Construction Pipeline

NEW HOUSING CONSTRUCTION PIPELINE		
	No. of Projects	No. of Units
Building Permit Applications Filed	192	1,300
Building Permits Issued or Approved	279	2,747
Total Pipeline	471	4,047

2. Housing in Residential Areas

Housing development on remaining vacant, residentially zoned sites will continue as market pressure intensifies to build on available residential sites throughout the City. These sites generally have low or moderately low density residential-house zoning designations (RH-1, RH-2 or RH-3), which permit only one, two or three units per lot in most cases. Most housing – especially family housing – is already located in these residential districts. It is estimated that there is an infill housing potential of approximately 2,700 units on vacant and underutilized RH-1 and RH-2 parcels, which allow for single-family and duplexes, respectively. Typical densities range from a

maximum of 14 units per acre for RH-1 districts and 39 units per acre for RH-2. An additional 1,440 can also be accommodated in RH-3 parcels that allow for development of triplexes at about 43 units per acre density.

Residential mixed districts (RM) and residential commercial combined districts (RC) permit non-residential uses but remain predominantly residential in character. These areas are generally adjacent to commercial zones and can have intense, compact development. Medium density residential districts typically contain a mixture of dwelling types found in RH districts but have a significant number of apartment buildings. Over 2,100 new units can be developed in low-density residential mixed districts (RM-1). This zoning category allows for a maximum of 54 units per acre. About 520 and 220 additional new units can be in the RM-2 and RM-3 districts respectively. Over 1,500 new units can be in-fill development in RC districts ringing the City's downtown core, where higher densities – 108 units per acre in RC-3 and 217 units per acre in RC-4 – are permitted. All told, there is the potential for 6,500 new units on vacant or underutilized parcels in these medium- and high-density residential zones.

3. Housing in Neighborhood Commercial Districts

Both Planning Code regulations and General Plan policies encourage housing over commercial spaces in districts throughout the City. More recently, regional and national interest in transit-oriented development has grown considerably. The close proximity of neighborhood commercial districts to transit preferential streets make in-fill sites in these districts particularly suitable for development. There is also a proven strong market for mixed-use development. Mixed-use projects, with commercial and residential components, accounted for a significant amount of the new building construction between 1990 and 2000. Opportunity sites in neighborhood commercial districts cover over 90 acres of land in the City. This represents the potential for roughly 4,800 new housing units over ground floor commercial spaces.

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4. Better Neighborhoods Program

The Better Neighborhoods 2002 Program was initiated by the Planning Department to address the City's related housing and transportation challenges. It seeks to do so by strengthening the linkages between land use and transportation planning, so that each one effectively supports the other. Market and Octavia, Balboa Park, and the Central Waterfront were chosen as three pilot neighborhoods and selected to serve as a model for other areas in the City. These neighborhoods' proximity to transit and essential services, are ideal for additional housing, including units in upper storeys above commercial uses. Combined, these three areas could represent between an additional 6,200 to 14,400 units in potential housing opportunity sites.

- a. *Market and Octavia:* The proposed Market and Octavia Neighborhood Plan envisions new housing as a driving force in the strengthening and overall improvement of the area. There is enormous potential for new housing here especially with the removal of the Central Freeway and construction of Octavia Boulevard. The freeway demolition will release about seven acres of land on 22 publicly owned parcels and an estimated potential housing development capacity of some 900 units. Approximately one-half of these public lands have been earmarked for affordable housing, including a substantial amount of senior housing.

The land inventory survey and potential housing estimates described on pages 70-81 included about 2,045 units in the Market and Octavia Neighborhood Plan area. This tally included a number of the Central Freeway parcels. The Market and Octavia Neighborhood is estimated to have the physical capacity for new housing development ranging from 7,500 to 13,000 under proposed new zoning standards.

- b. *Balboa Park:* New housing development under the Balboa Park Neighborhood Plan's proposed zoning could mean some 800 to 3,150 units. This includes as much as 1,000 new units with the development of the surplus reservoir land; and another 1,050 units on MUNI and BART parcels as well as in-fill development on

Ocean Avenue. The land inventory of this area, using current zoning thresholds, resulted in an estimated housing potential of about 485 units.

- c. *Central Waterfront:* The Central Waterfront Neighborhood Plan allows for the potential development of about 1,100 to 1,500 new housing units. While the land inventory survey estimated the potential capacity of the area's vacant and underdeveloped parcels to be about 760 units, the Central Waterfront – including much of its “vacant” or underdeveloped parcels – hosts a variety of viable production, distribution and repair activities. Furthermore, environmental and urban design concerns also discourage development of new housing near freeways or power plants. For example, perceptions of environmental hazards cause apprehension about siting housing near the Potrero Power plant located in an eastern spur of this neighborhood. However, if the power plant is eventually phased out over time and toxic matters alleviated, its site could accommodate a new neighborhood of as much as 1,500 to 2,000 units of housing. Should Muni consolidate or relocate its Wood facility, about eight acres of public lands could be released for development. This site, adjacent to the 22nd Street CalTrain Station and at the end of the Dogpatch's main neighborhood commercial street, makes it ideal and appropriate for high-density, mixed-use residential development and can accommodate about 1,000 new units.

5. Housing in Industrial Areas and the Eastern Neighborhoods

A significant portion of new housing construction (25%) over the last 11 years occurred in the areas south of Market Street. These industrially zoned parts of the City provided a ready supply of flexible and inexpensive industrial space well suited for conversion to office space required by dot-com start-ups. At the same time, these same areas became highly desirable residential locations, especially for live/work or loft-style housing. Many traditional occupants of industrial space – notably production, distribution and repair businesses (PDR) – were displaced by rising rents brought on by new office and

residential uses. Conflicts between new residents and remaining businesses, especially over noise and smells associated with many PDR activities made it difficult for businesses to operate. Some businesses found space elsewhere in San Francisco, many others left the City altogether, and a number went out of business.

Interim zoning controls and Planning Commission policies underscored the importance of retaining PDR activities and encouraging these uses on certain industrially zoned parcels while permitting housing and mixed-use activities on other industrially zoned parcels. Current community planning in the Eastern Neighborhoods, where most industrially zoned lands are located, will result in new zoning controls that define uses permitted on these parcels. Vacant and underutilized parcels in the interim mixed-use housing zones total 70 acres and have the potential for about 2,700 new housing units. Proposed re-zoning scenarios estimate an additional potential of 12,100 to 24,400 new housing units in industrial lands.

The table below details the estimated additional potential capacity with re-zoning to be introduced in the Better Neighborhoods Program and Eastern Neighborhoods Community Planning Area processes. Completion of these two initiatives could increase these neighborhoods' capacity by some 18,300 to 38,800 more housing units.

Table I-50b
Estimated Housing Potential With Proposed Re-Zoning of Select Neighborhoods

Area	Under Current Zoning			With Proposed Re-Zoning*	
	Undeveloped	Soft Sites	Total Estimate	Total New Estimate	Additional Potential Units with Re-zoning
Better Neighborhoods Program					
Balboa Park	278	210	488	800 to 3,150	314 to 2,664
Central Waterfront	317	367	684	1,100 to 1,500	416 to 816
Market & Octavia	1,470	575	2,045	7,500 to 13,000	5,455 to 10,955
Sub-Total	4,515	1,152	3,215	9,400 to 17,650	6,185 to 14,435
Eastern Neighborhoods Community Planning Area					
South of Market	1,112	268	1,378	6,000 to 11,400	4,622 to 10,022
Mission	981	128	1,089	4,600 to 6,600	3,511 to 5,511
Potrero / Showplace Square	321	25	346	3,800 to 6,900	3,454 to 6,554
South Bayshore	1,731	298	2,027	1,800 to 3,600	227 to 1,573
Visitation Valley	390	183	573	1,313	740**
Sub-Total	4,515	898	5,413	17,513 to 29,813	12,100 to 24,400
TOTALS	9,030	2,050	8,628	28,913 to 47,463	18,285 to 38,835

* Re-zoning proposals include a range of scenarios.

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6. Housing on Public Land

Most San Francisco city agencies do not own large tracts of land that do not serve as part of their stated mission. There are occasional exceptions, for example when new technology results in operational changes or when departmental objectives change over time. A few city agencies, notably MUNI and the San Francisco Unified School District, have found over time that some of their parcels can be disposed of or can be utilized for a mixture of other uses.

a. San Francisco Municipal Railways: MUNI, in particular, has been exploring new uses for its surplus sites where future housing development might be possible.

1. Phelan Loop – Alternative use options are being explored for MUNI property near Balboa Park as part of the Better Neighborhoods 2002 program. The 1.4-acre Phelan Loop (Ocean and Phelan Avenues) is currently used to park buses from the 49-Van Ness and 15-Third Street lines. This site has the capacity to accommodate ground floor commercial uses and some 80 dwelling units.

In addition, MUNI and Bay Area Rapid Transit (BART) properties collectively called Upper Yard and BART Station area, with some in-fill development along San Jose Avenue can together have capacity for some 400 new units.

2. Presidio Trolley Division (at Geary and Masonic) – covers 5.4 acres and services about 170 trolley coaches. It is an attractive location for retail, office and housing development. This site may be vacated if plans for a new city office building around the Civic Center turn out.

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3. Woods Facility (adjacent to the 22nd Street CalTrain Station) – at the end of the Dogpatch's main neighborhood commercial street, this x.x acre site is ideal for high-density, mixed use residential development. It lies within the Central Waterfront Better Neighborhoods program area and is estimated to have a housing potential capacity of about 1,000 new units.

4. Potrero Yard (Mariposa and Bryant) – currently housing about 180 trolley buses on 4.4 acres. MUNI is looking at a multi-story parking garage above the yard, or market-rate and affordable housing.

b. San Francisco Unified School District (SFUSD) / San Francisco Community College District (SFCCD): The SFUSD is currently preparing a Facilities Master Plan that will identify possible surplus land that could become available for housing development. Also, both the San Francisco Community College District and the Public Utilities' Water Department have interests in the Balboa reservoir site. The reservoir is also within the Planning Department's Better Neighborhood study area. Estimates put 575 to 1,000 new housing units in this 25-acre site.

c. Central Freeway Parcels: As noted above, demolition of the Central Freeway will free up some seven acres of public lands for residential development. The freeway parcels have an estimated housing development potential capacity of 900 units. About half of these public lands will be dedicated to affordable housing.

**APPENDIX III
ADDENDUM TO
"STAFF'S RESPONSE TO PLANNING COMMISSIONERS' COMMENTS
ON THE FEBRUARY AND JULY DRAFTS"**

A. Commissioner Kevin Hughes, at the September 25, 2003 hearing, noted that the second of two comments cited as Comment No. 20 ("Staff Response to Planning Commissioners' Comments," page 23) should rightfully be attributed to Commissioner Michael Antonini.

Commissioner Hughes also noted that another comment he submitted had not been addressed. This comment, repeated below, has been addressed as part of the Staff's Response No. 5 ("Staff Response to Planning Commissioners' Comments," page 10).

CONTEXT: Page 34, III/A: HOUSING NEEDS, Overall Housing Need

What was the date that these determinations were made? Have adjustments been made to reflect the significant changes to the state's economy?

The Staff apologizes for these errors.

B. A few days after the September 2003 *Housing Element* draft (the "Green Document") was sent to the printers, the Planning Department Staff received additional comments from Planning Commissioner Lisa Feldstein. A number of Commissioner Feldstein's comments relate to comments submitted by other Commissioners and the public and have therefore been addressed in the Green Document and the "Staff's Response." The other comments will be addressed in a subsequent Final Draft *Housing Element*.

The following summarizes Commissioner Feldstein's comments on Part II of the *Housing Element* draft.

1. Concerned with definition of "family" in:
 - Census because we may be undercounting self-defined or non-traditional families
 - Affordable housing definitions – i.e. family units should only mean 3+ bedrooms and not include 2 bedrooms.

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2. In areas where we maintain a maximum density cap, "restrictions based on unit count will be replaced by bedroom counts, thus encouraging larger units". She suggests developing a "number of bedroom" based credit system for new housing projects.
3. Insert "affordable housing" and "permanently affordable housing" in language throughout the document.
4. Support the construction of new SROs.
5. Limited equity cooperatives with resale restrictions should be exempt from the policy discouraging conversion of existing rental housing to other forms of tenure/occupancy.
6. Explore the idea of legalizing (bringing up to Code) existing illegal units.
7. Planning should work with DPH on health and safety issues in housing.
8. Designate Planning Department staff person to expedite affordable housing projects.
9. City should encourage lenders to support community land trusts and other alternative ownership models for housing.
10. Department should be more accommodating of supportive housing; review the current Code in such a light.
11. The City should expand the Rental Assistance Fund.
12. Add policy and implementation language addressing the shelter needs for two specific homeless subpopulations: elderly and families with children.
13. Discussion and support of location efficient mortgages should be in document.
14. Language encouraging the State of California to review the allocation of its housing dollars to populations in the state least-served by existing housing markets.
15. Thinks the document could benefit from a "Monitoring and Reporting" section. Features to such a program could include:
 - A senior staff person designated as HE implementation officer
 - Better data tracking on all affordable housing development
 - Produce annual housing inventory, summarizing newly collected data
15. Truly implement a transit first policy in the approval process.
16. Support the pursuit of an effective public benefits program.
17. City should examine ways of expanding the inclusionary housing program.



City and County of San Francisco

Board of Supervisors

San Francisco Housing Development

(OLA #: 005-03)

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors

From: Willow Schragar, Melissa Sills, and Greg Wagner with Adam Van de Water, Office of the Legislative Analyst

Date: June 11, 2003

RE: San Francisco Housing Development

Summary and Scope of Work

Supervisor McGoldrick requested that the Office of the Legislative Analyst (OLA), working with graduate students at UC Berkeley's Goldman of Public Policy, research barriers to residential housing development in San Francisco and provide possible courses of action the Board of Supervisors could take to overcome them. As part of this analysis, the OLA is requested to compare San Francisco to other comparable cities and to consult with appropriate stakeholders in the development of any recommendations or conclusions.

Executive Summary

San Francisco consistently falls short of its housing production goals. Over the past decade, housing production has not kept pace with employment and population growth. As a result, housing has become unaffordable for many of the city's residents, commuting to jobs in the city has increased, and many of the city's households are becoming overcrowded. These trends threaten the health of the City's economy, citizens, and natural environment. If the City does not take new steps to stimulate housing production, these trends are expected to continue.

There are several strategies the City can pursue to meet housing production goals. These strategies involve reducing the direct costs of construction and the uncertainty costs of the development process. By reducing these costs, the City can encourage housing production and create more competition in the development market. This report details the following strategies for stimulating housing production:

- ✓ Rezone land use;
- Relax floor-to-area restrictions for housing development downtown;
- ✓ Increase height and density allowances along major transit corridors;
- ✓ Provide direct subsidies to affordable housing developers;
- ✓ Alter parking requirements;
- Maintain consistency of development fees;
- Pursue program environmental impact reports;
- Revise conditional use requirements; and
- Minimize time delays associated with discretionary review.

Many of these policy changes will create significant cost savings to housing developers. The City benefits from these costs savings because more profitable development opportunities draw new developers into the market and increase the overall housing supply. The City can also benefit by making regulatory changes designed to increase affordable housing production or increases in developer fees that can be used to fund City services.

Many of these strategies can be packaged to create comprehensive approaches to neighborhood development. Comprehensive approaches involve one community-wide planning process that allows for substantial community input and requires significant upfront investments from the planning department. Developers are willing to fund such programs, however, in exchange for the cost-savings they create in the long-run. The City also benefits in the long-run from increased housing development, well-planned communities, and happy residents.

and moderate income levels will continue to outpace growth.

Table 3. Projected Occupational Growth by Income Category

Income Category	Job Growth	Percent New Jobs
Very Low	11,770	48%
Low	2,070	9%
Moderate	7,120	29%
Above Moderate	3,310	14%
TOTAL	24,270	100%

*Source: California Employment Development Department. Available: <http://www.cednet.net>

As shown in Table 3, San Francisco's workforce will continue to need housing growth at all income levels and especially for very low income workers. City efforts to increase housing affordability and growth should begin with an understanding of how City regulations impact housing prices and supply.

Effects of Regulation on Housing Prices and Supply

Growth controls and regulations drive up the price of housing. Because regulations can reduce the ability of housing suppliers to respond to the demand for housing, vacancy rates decline as demanders compete for existing units, and housing prices rise accordingly. There is a substantial body of economic research showing that, when controlling for other factors, higher levels of regulation prevent housing construction from responding to increases in demand, and consequently drive up housing prices. In the late 1980's Lawrence Katz and Kenneth Rosen found that the presence of strong growth controls increased housing prices between 17 percent and 38 percent. In a more recent analysis of 56 U.S. cities, Stephen Malpezzi found San Francisco to have the highest level of housing regulations of any city and, consequently, the highest rent and purchase prices for housing. Based on this study, Malpezzi concluded that a high-regulation city would have rent prices 17 percent higher and purchase prices 51 percent higher than a city with low levels of regulation.

In addition to housing prices, high levels of regulation also affect the quantity of housing supplied. In the same study discussed above, Malpezzi estimates that high-regulation environments reduce development permits by 42 percent relative to low-regulation environments. Thus, fewer projects will go forward into development where regulation is high and housing supply will be restricted. The Malpezzi study also showed that high regulatory levels have the indirect effect of reducing home ownership rates by about 10 percentage points.²

Although regulation has been shown to increase housing prices and reduce housing supply, regulation may also create substantial benefits for the City. Housing development regulation allows the City to control traffic and congestion and protect the environment. Regulation also allows the City to prepare for the new infrastructure and public services costs associated with new residential development. If the City cannot provide the infrastructure and services new residents will need, for example, it may be beneficial to slow growth through regulation. Finally, many of San Francisco's regulations on housing development benefit current residents by granting them the power to maintain their neighborhood character through development reviews.

Restricting housing growth, however, can also impose a number of costs on the City. The current disparity between housing supply and need threatens to weaken the economy by giving other cities a comparative advantage in the labor market. High housing prices lead to commuting and overcrowding which reduce the productivity and health of employees and citizens. In addition, the transportation system and natural environment of the Bay Area continues to be heavily burdened by high levels of commuting. The diversity of the City is also threatened as housing prices escalate and economically less-advantaged groups are pushed out of the San Francisco housing market. These groups may include low-income workers, racial and ethnic minorities, large families, seniors, and young adults. Lastly, homeownership, which may create numerous social benefits including improved maintenance of the housing stock, greater political stability, and less gentrification, is very low in San Francisco.

When the City chooses to create or maintain regulations on the housing market, it should do so because the benefits of these regulations outweigh the costs. Successful regulation, however, requires government to have extensive information about markets, costs, and benefits. This report provides information about the costs and benefits of the current regulatory environment in San Francisco. Ultimately, the recommended strategies are those that will reduce costs while maintaining or increasing benefits to the City.

Direct and Uncertainty Costs of Housing Development

Housing supply will increase in San Francisco as barriers to development are lifted or altered. Barriers to development include high direct costs of construction and high uncertainty costs associated with the development process. Direct costs are the explicit financial costs of creating housing, and include things such as land, labor, construction materials and fees. In San Francisco, the direct costs to housing development are among the highest in the nation. San Francisco is a mature city and much of the land available for residential development has been built out. In addition, the city is surrounded on three sides by water, which limits expansion. Construction costs are also relatively expensive due to higher labor wages and low-density construction. These factors drive up the price of development and, as a result, reduce the supply of housing overall because fewer projects are profitable. Many of these direct costs cannot feasibly be reduced through local policy, at least in the short term. For example, the costs of construction materials are determined in the national market, and labor costs are determined through negotiations largely outside of the City's control. Land costs are one of the few direct costs that can vary substantially over time. Unlike construction costs, which are relatively fixed over time, the cost of acquiring a given piece of land is determined by the value of the housing that can be built on it, making land much more expensive in a city like San Francisco where housing prices are high. To the extent that new housing supply can lower housing prices, land values will decline over time, further lowering costs and allowing even more new housing to be built.

cost of parking, they may be more likely to make the decision to forgo paying for it, which in turn would lead developers to favor housing construction with lower parking ratios. One study of San Francisco real estate data finds that demand for units without parking is strong: on average, single family units without parking sold 5 days faster than units with parking, and condominium units without parking sold 40 days faster than units with parking.²⁵ Although developers are currently allowed to unbundle parking, many are hesitant to do so. Some developers may fear lower return on parking spaces if their price is determined explicitly on the market, rather than being folded into housing prices. In addition, both lenders and developers may be wary of unbundling because there is little precedent to provide highly-predictable estimates of the price an unbundled parking space will fetch on the market. In other words, many developers are simply hesitant to experiment with non-traditional methods of parking provision. Explicit encouragement of unbundling in City policy may help to legitimize the practice.

6. Maintain Development Fees

The City charges developers a variety of fees for permitting and to offset development impacts. It is within the City's power to reduce or waive those fees in order to lower costs and stimulate housing development. However, fee reductions would have substantial negative impacts on the City's planning and approval functions, and are unlikely to lead to a significant increase in housing production.

Currently, fees account for approximately 3 percent of development costs on average. While this can be a meaningful amount, it is small relative to other costs such as land (19 percent) and building construction (50 percent). Fees in San Francisco are roughly in line with those of other central cities, and are much lower than those in suburban areas, where infrastructure does not exist and must be built along with new housing.²⁶

Economic theory holds that if fees are clearly defined and consistently applied, they will be absorbed in lower land costs and will not be a barrier to development. Fees are an expected cost of development, and will not unduly discourage housing development if they are predictable and can be planned for at the early stages of the development process.

Development fees are an important source of funding for City planning functions, and since they can be applied in ways that do not discourage development, the cost to the City of waiving or reducing fees would outweigh the benefits. In many cases, developers would be happy to accept increased fees in exchange for greater certainty in other aspects of the development process. The City can, however, encourage housing development by taking steps to ensure that fees are predictable, transparent, and evenly applied. Any increase in fees should be phased in so as not to impact housing already making its way through the development process.

Strategies to Reduce the Uncertainty Costs of Development

San Francisco can pursue a number of strategies to reduce the uncertainty costs of development, including:

- (1) Pursuing program environmental impact reports;
- (2) Revising conditional use requirements; and
- (3) Reducing the costs of discretionary review.

Uncertainty in the permitting process, both in terms of likelihood of approval and the estimated length of the process, is one of the greatest challenges for developers in San Francisco. Because of the complicated and politicized nature of the approval process in San Francisco, developers can neither predict the length of the process nor the final outcome. The result is to make the costs associated with this process highly uncertain, which means more risk for developers, lenders, and investors. As with any economic venture, higher risk must be balanced by the potential for higher profits. This uncertainty is a significant barrier to housing production, and partially accounts for the high prices consumers face: it forces developers and lenders to raise their required profit margins on all projects to cover their losses on projects that are unpredictably delayed. These increases in profit margins are ultimately passed on to renters and homebuyers.

The cost of delays to developers can range from \$1000 to \$2500 per day.

Prior to initiating the permit approval process, developers must secure land and pay for engineering and architectural design. These up-front "soft costs" often cannot be financed, and are lost entirely if development does not go forward. But even more costly than losing these investments due to a decisive rejection by the City are the costs associated with ongoing delays during the approval process. Every time that permitting or review is delayed, developers must continue to pay interest on financing, legal fees, and must continue to pay the landowner to hold the land ("land carrying costs"). These costs are highly variable, but reasonable estimates place them near \$1000 to \$2500 per day, depending on the specifics of the development.²⁷

San Francisco is known, and in some cases feared by developers, for its complex and politicized permitting process. Outside developers trying to enter the San Francisco housing market face tremendous barriers due to their lack of parochial understanding. In order to improve their chance of approval and minimize delays and associated monetary costs, developers must be well versed in the intricacies of the City's approval process, making local development experience crucial to success. Developers potentially face hearings before three different elected and politically appointed review boards, regardless of their compliance with all written zoning regulations. As a result, political connections are often another necessary condition for approval. Through these two avenues—the necessity of local experience and political connections—uncertainty in the permitting process works to limit competition in the housing development market in San Francisco.

If the City can increase certainty, reduce delays, and depoliticize the permit approval process, lower costs to developers and increased competition within the housing development market will result. Reducing uncertainty and depoliticizing the development process will draw new developers into the market, creating competition that lowers profit margins, while at the same time minimizing loss of profit due to unpredictable outcomes. These changes will translate into lower costs to renters and buyers, and will stimulate housing production.

1. Pursue Program Environmental Impact Reports

Floor-to-area restrictions (FAR), designed to protect airspace and limit office development downtown, could be relaxed for housing development. Currently, the City places limits on the total amount of square footage of building space that can be built on a given block. In some cases developers can exceed this limit, but they must purchase the air space from historical buildings in the area. Because office space is more profitable than housing, it is often not profitable to acquire land and airspace for housing downtown. Relaxing the FAR for housing, but not for commercial space, would give housing a comparative advantage. This area of the city is a desirable location for new housing because it is a transit-intensive and an employment center. The downtown area is also one of the few locations in the city that could accommodate very high-density projects in close proximity to transit without altering the character of the neighborhood.

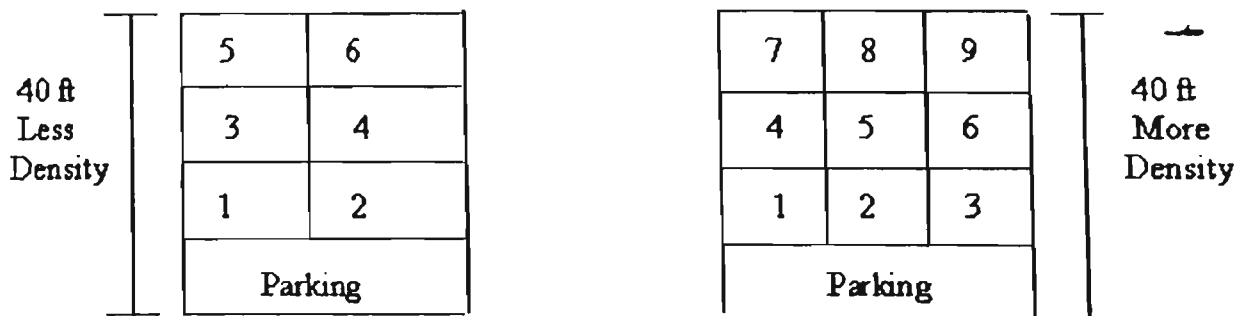
Housing developers assert that lifting the FAR for housing would have a significant impact on housing development. When interviewed, developers estimated that new housing production could be as high as 10,000 and 25,000 units over time.¹⁰ These are only estimates, and the true increase in housing production that would result from a change in the FAR would depend on several economic factors including how the demand for residential uses of land in downtown would change relative to commercial uses and what additional requirements the City would place on developers. At a minimum, we can conclude that if the lifting of FAR leads to an annual increase of even one high-density development, then this policy change would substantially increase housing production for the City. For example, one new very large development in downtown could produce three hundred or more additional housing units, which represents about 20 percent of the City's annual housing shortfall.

Relaxing the FAR would make housing development more profitable downtown and allow developers to reap substantial gains. The City can share these gains with developers by requiring more affordable housing units or increasing fees that could be targeted toward affordable housing development in exchange for relaxing the FAR. If the City does not place such requirements on developers, some of the gains will accrue to landowners in downtown because they may now be able to charge higher prices for their land. Any additional requirements on developers in downtown, however, would require an economic study to ensure the new burdens will not be set at a level so high as to outweigh the benefits of the change, making development unfeasible. Alternatively, the City could start by asking developers to include more affordable units in exchange for relaxing of FAR and observe the response of developers. Based on this response, the City could alter the original request.

1. Increase Height and Density Allowances

Many San Francisco neighborhoods have strong restrictions on the density of new housing developments. These restrictions are often designed to maintain the character of the neighborhoods and reasonable levels of congestion and traffic. Along high-transit corridors, however, the city is better able to accommodate more residents and higher-density housing. Higher density housing should be also be targeted at high-transit neighborhoods and areas where substantial public services are already in place to sustain new residents. If implemented well, altering density allowances for some areas of the city would reduce the direct costs associated with development and, therefore, lead to more housing production. Figure 2 shows how increasing density allowances could increase housing production:

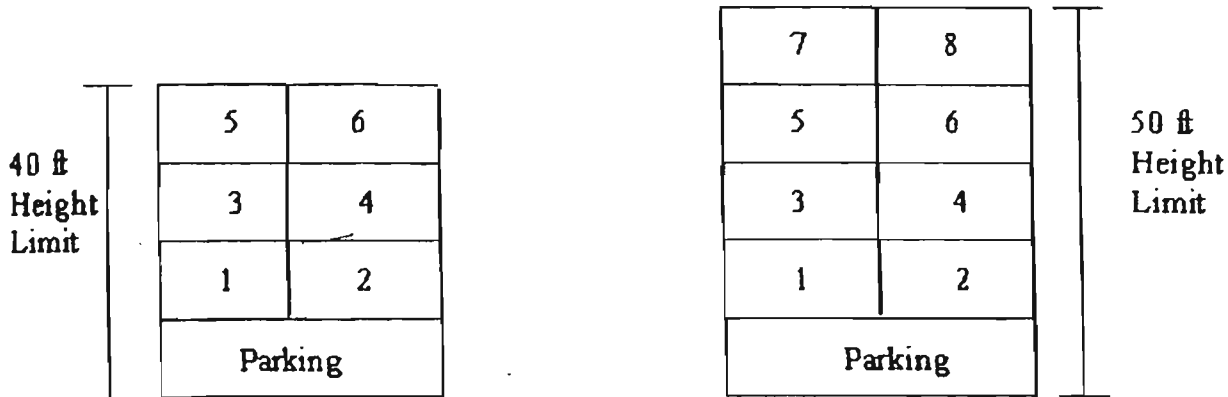
Figure 2. Increased Density Allowances Produce More Housing at Lower Costs



Increased density allowances allow for more units to be built and make more projects profitable by spreading some of the costs across more units. The City could link these increased density allowances with higher levels of affordable housing. Furthermore, lower costs per unit mean that developers will not have to compensate as much for the production of an affordable unit as the value of the unit will be closer to the cost of producing that unit.

Raising the current height limitations along transit corridors and in residential-commercial neighborhoods would also encourage increases in housing production generally and could allow for the construction of more affordable units. As Figure 3 shows, the City could raise height limitation from 40 feet to 50 feet, which would allow developers to build an extra floor of housing.

Figure 3. Increased Height Allowances Produce More Housing at Lower Costs



Changes to current height restrictions would allow developers to take on some projects that are not currently profitable. For many developments, the cost of adding an additional story or a small number of additional units is small in proportion to the cost of the development as a whole. Because additional units are built at lower cost, the average cost per unit in the development is usually lowered as developers are able to build upward.¹¹ In exchange for the additional profits higher height limits may bring, developers could be required to provide more affordable housing units or increased fees to fund affordable housing. For example, a developer could be allowed to build an extra story, provided that some of the units on that additional story are designated as affordable.¹² Density and height changes along transit corridors will have positive impacts on general and affordable housing production and allow for the introduction of new housing units where infrastructure and services are already in place to serve new residents.

4. Provide Direct Subsidies to Affordable Housing Developers

Construction of affordable housing is often directly subsidized by government. High land and construction costs in San Francisco make direct subsidies particularly important to housing production for low income residents. Although other policy changes could stimulate both affordable and market rate housing development, one of the primary barriers to affordable housing construction is the limited pool of money available for direct subsidies.

Affordable housing developers in San Francisco face many of the same barriers as developers of market rate housing. They may encounter high competition for available land, uncertainty in the approval process, and opposition from nearby residents. But affordable housing developers are constrained even further by the fact that they cannot recover high development costs through charging higher sale prices or rents.

New affordable housing, particularly housing reserved for residents at very low income levels, will not be provided by the market without significant public intervention. It can cost well over \$200,000 per unit to develop affordable housing. However, housing that serves a family making 25 percent of the Area Median Income (AMI) (or \$19,375 for a family of three) can be rented for only \$533 per month, which amounts to only \$6,396 per year. Given this wide disparity between development costs and the amount of money that can be recovered through the rental price of these units, it is impossible for developers to provide them at a profit. In fact, a subsidy of well over \$100,000 per unit would be required to make such a development feasible. A development with housing units priced for income levels somewhere near 70 percent of AMI would be required for a developer to break even and recover basic development costs.¹³ Even at that income level, it would be impossible to obtain financing on the market for such a development, since financiers will not make loans for developments without a substantial projected profit margin.

Some affordable housing production has been achieved through inclusionary housing policies, which require developers to provide a certain percentage of affordable units in market rate housing developments. However, only about 5 percent of affordable housing has been produced through inclusionary requirements in the last few years, and although the new inclusionary housing policy adopted in 2002 is expected to increase that amount, it will not be enough to meet the city's large affordable housing deficit.¹⁴

Historically, the federal government has provided significant funding for affordable housing construction. Over the last few decades, however, annual federal funding for housing construction has declined by nearly \$15 billion, leaving local governments responsible for a significant amount of new construction.¹⁵ In 2000-2001, local funding sources were responsible for 86 percent of publicly subsidized affordable housing construction. In recent years San Francisco has provided funding for affordable housing construction primarily through tax-increment financing from Redevelopment Areas and the 1996 Proposition A affordable housing bond, with additional support from other sources such as the hotel tax and job-housing linkage program.¹⁶

The number of units produced using local funding sources depends on a number of factors. One such factor is the income level that the new housing serves. Housing for very low income residents (below 50 percent of AMI) requires larger subsidies per unit than housing for higher income categories. Thus the City can choose to provide deeper subsidies, which will produce fewer units but serve the neediest people, or more modest subsidies, which will produce more total housing units serving low to moderate income groups. The question of whether to produce fewer highly subsidized units for the lowest income categories or a larger number of units for slightly higher income categories is a policy decision that must be made by City leaders.

So-called "demand-side" strategies, which aim to make housing affordable by increasing the purchasing power of lower-income individuals, have been studied in great detail. For example, subsidies could be used to help moderate income individuals purchase new homes. While such approaches do not directly increase housing production, they can have an impact on the share of new units that are consumed by low- and moderate income individuals.

Although such programs are outside the scope of this paper, there is a large body of literature on such incentives, and the City may wish to consider them as a complement to policies emphasizing housing production. It should be noted, however, that using subsidies to ensure permanent affordability of rental units can in many cases distribute the benefits of the subsidies over a larger number of individuals and over a greater length of time. For example, depending on how they are structured, down-payment assistance programs may help an individual to purchase a home at an affordable price, but then allow that individual to later sell the housing unit at market rate. While such programs help to build wealth among lower-income residents, they confer the benefits of the subsidy to one person at one time, without maintaining the affordability of the housing unit over the long-term.

The Proposition A housing has been a primary source of affordable housing subsidies since the first bonds were issued in 1998, and will continue to be until the remaining funds are expended over the next few years. That bond was used to subsidize construction of over 1,300 units of affordable housing, or roughly four full years' worth of affordable housing production at the city's average rate of 320 units per year over the last 10 years. A large portion of the units funded by Proposition A have been dedicated to very low income levels. Bond funds can also be an effective means of investing in housing production because they can be used to leverage other funding sources. This is particularly true in light of State-imposed restrictions on the ability of local governments to access other funding sources.

All of the funds from the Proposition A bond are now either spent or committed. As a result, the City will face a dramatic reduction in the pool of subsidies available for affordable housing construction in the coming years. Proposition B, which would have authorized a second affordable housing general obligation bond issue in 2002, did not receive the two-thirds of votes required for approval under State law. However, some State legislators are currently considering a proposal that would allow local governments to determine for themselves the threshold for voter approval of new expenditures. If such a proposal were adopted, San Francisco could potentially lower the threshold for voter approval of housing investment funds from the current 67 percent level, increasing the likelihood that new funding sources will be approved.

In any case, San Francisco will face extraordinary barriers to meeting the projected need for affordable housing without identifying significant new funding sources in the near future, even if other regulatory changes are made to stimulate affordable housing production.

5. Alter Parking Requirements

Current parking requirement regulations are a major barrier to new housing development in San Francisco because they increase direct costs to developers and reduce flexibility to maximize housing production on a given piece of land.

Currently, the City requires one parking space for every new housing unit in many zoning classifications (this requirement is also known as the one-to-one parking ratio). This requirement is much higher than in many dense urban areas. In general terms, strict parking requirements reduce a developer's ability to adapt physical design of a new building (and thus the financial viability of a new development) to match the particular characteristics of a given parcel of land. There are two ways that parking requirements can inhibit developers from maximizing the housing potential of a given site. First, parking spaces are relatively costly to construct, especially in a dense urban area such as San Francisco, where a parking lot can be easily constructed on an adjacent piece of land. Estimates of the cost of constructing parking range from \$17,000 to \$50,000 per space. This expense adds to the average development cost per unit, and therefore increases the amount of money that must be recovered in sale prices or rental rates. For affordable units, the increased costs mean greater subsidies must be provided to make development financially viable. Second, parking occupies physical space that could otherwise be used for additional housing units. In addition, the requirements can reduce the height or density of developments because only a limited number of parking spaces can be economically constructed given the geometry of the land parcel, thus limiting the units accompanying them.

The Cost of Providing Parking

At a cost of \$17,000 to \$50,000 per space, parking construction can be a significant component of development costs. These costs must be recovered by developers either through increased sale value of the new housing, or through increased development subsidies in the case of affordable or rent-restricted units.

In market rate developments, especially those serving higher income levels, a parking space often adds substantial value to the sale price per housing unit. A 1996 statistical analysis of home sale prices estimates that a parking space can increase the sale value per unit by \$38,000 to \$46,000, although some developers anecdotally estimate this figure at a higher amount.¹⁷ Thus, in some cases, parking costs can be recovered through higher sale value, and may even be desirable to developers when they can be sold at a profit. However, in some market rate projects, developers would be able to increase profits by reducing parking and adding additional housing units. The extent to which this will occur will depend on the specific characteristics of sites and developments, and is very difficult to estimate. However, some portion of market rate developments would surely take advantage of increased flexibility in parking requirements.

In more modestly priced developments the cost of parking provision can be a liability to developers. This is especially true in developments serving lower-income groups. In such developments, the cost of parking provision is difficult to recover through higher sale prices, and therefore higher subsidies or lower levels of affordability are required to offset the costs of construction. For example, an affordable housing developer who would otherwise have constructed units to serve very low-income groups (less than 50 percent of AMI) may be forced to make a higher portion of units in a development serve moderate income groups (40 percent of AMI) in order to recover the higher construction costs associated with parking through higher rents. The Planning Department estimates that a \$52,200 capital subsidy is required for development of a low income housing unit (50 percent to 79 percent of AMI).¹⁸ If parking is not provided for such a unit, the cost savings could eliminate the need for half of the subsidy required for development.

Table 4 below calculates the cost savings for reduced parking under three scenarios, and compares those savings to the estimated amount of subsidies needed to produce the units. While imperfect, this comparison gives a rough estimate of the possible reduction in affordable housing costs that could result from lowering parking requirements. Lower subsidies could save local government money, or the savings could be used to fund additional affordable housing projects. The three scenarios assume reductions of 25 percent, 50 percent and 75 percent in the amount of parking spaces constructed for affordable housing units after eliminating the one-to-one parking requirement.

Table 4. Cost Savings from Parking Reductions in Affordable Housing Developments as a Percentage of Annual Subsidies

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	Annual Average Production, 1989-1998		Total Capital Subsidies per Year (Millions of \$)		Cost Savings of Parking Reduction (Millions of \$)		Cost Savings as a Percent of Annual Subsidies	
	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income
Scenario 1: 25% reduction in parking spaces	220	152	37.29	7.9	1.375	.950	3.7%	12%
Scenario 2: 50% reduction	220	152	37.29	7.9	2.75	1.9	7.4%	24.1%
Scenario 3: 75% reduction	220	152	37.29	7.9	4.125	2.85	11.1%	36.1%

Sources: Annual average production and capital subsidy needs estimates are from SF Planning Department Housing Element Draft for Public Review, 2001, p. 100 and 101, respectively. These figures assume a \$25,000 cost per parking spaces, which is based on estimates from several sources including the Housing Element, SPUR, Reducing Housing Costs by Rethinking Parking Requirements and Nonprofit Housing Association of Northern California, Rethinking Residential Parking.

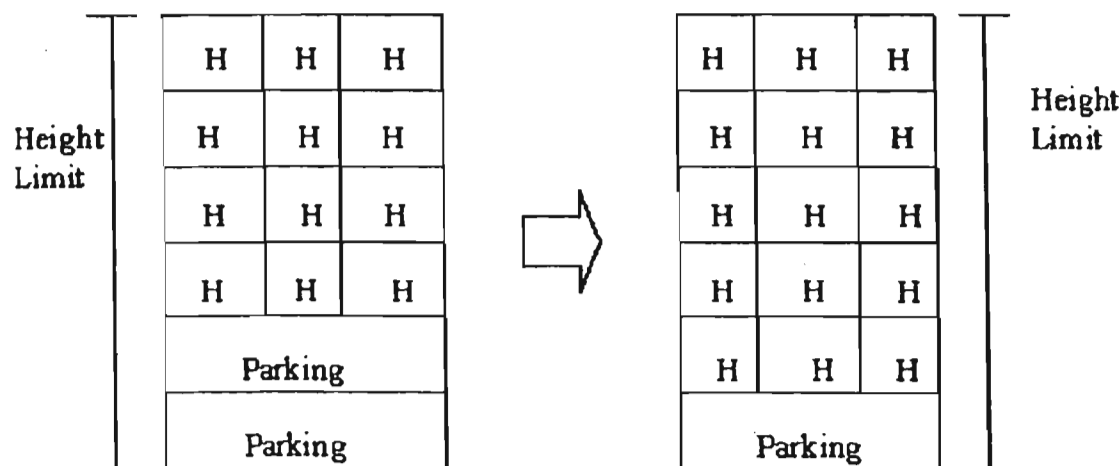
Table 4 shows that direct cost savings to affordable housing developers resulting from increased flexibility in parking requirements could have a major effect in offsetting the need for capital subsidies from the public sector. With materials, construction and land costs somewhat fixed over the medium term, parking is one of the few direct costs to developers that could be reduced by a relatively costless policy change.

Furthermore, the lower cost associated with parking ratio reductions can reduce the price of housing, making it more accessible to people with lower incomes. For example, one economic study found that 20 percent more San Franciscan households would qualify for mortgages for units without parking than for units with parking.¹²

Use of Floor Area for Parking

A parking space can occupy 400 square feet of floor space or more, including circulation space and the area used for ramps and driveways in parking structures.²⁰ Given housing units of 800 square feet or less, these parking spots can take up a large proportion of space that could be dedicated housing. Figure 4 shows how reduced parking requirements can be used to allow for a greater number of housing units in a development on a land parcel with a set height limit:

Figure 4. Reduced Parking Requirements Can Allow for More Housing



In some developments, parking requirements may also restrict housing by impeding a developer's ability to build up to the height limit on a given land parcel. It can be very expensive to build multi-level parking facilities, and even more expensive to build parking underground. As a result, the total number of housing units can be limited by the number of parking spaces that fit on the first level. For example, Figure 5 models a development on a piece of land that is large enough to accommodate 10 parking spaces on the first level, but with a height limit that would allow more than 10 units of housing. In this case, the developer will have to determine whether it is economical to build additional parking facilities that will allow construction of additional units. For the additional units to be built, the revenue they create would have to outweigh the costs of constructing additional parking.

High direct costs dramatically reduce the supply of low- and moderate-income housing because developers rarely take on projects benefiting low- and moderate-income residents because these projects result in the lowest rate of return.

Uncertainty costs include the level of risk developers take on when they choose to build. All developers experience uncertainty in the building process because real estate markets can change in short periods of time and, therefore, developers build margins into their profit estimates to protect against these fluctuations. The development process in San Francisco, however, introduces added risk surrounding the permit and approval process. When the development process is highly uncertain, developers will build high margins (20 percent or more) into their estimates to protect against possible loss and only take on projects that allow them margins at this level. Reducing the uncertainty in the process will allow developers to reduce their margins and take on more projects, including projects that include more affordable units.

Taken together, high direct and uncertainty costs reduce competition in San Francisco's housing market. Competition is reduced by high direct costs because new developers have greater difficulty gaining financial backing even for small (but costly) start-up developments. The inaccessibility of capital represents a high fixed cost to entering the market. Competition is also reduced by high uncertainty costs because new developers face the costs of acquiring political capital necessary to increase certainty surrounding the development process. New developers must also acquire information about a complicated set of regulations in San Francisco. These investments in political capital and information also represent fixed costs of entering the market and, therefore, act as barriers. Strategically reducing barriers to development and increasing competition will improve the long-term health of the local housing market.

Strategies to Reduce the Direct Costs of Development

San Francisco can pursue a number of strategies to reduce the direct costs of development, including:

- (1) Rezoning land use to increase the supply of land available for housing development;
- (2) Relaxing Floor-to-Area restrictions for housing development downtown;
- (3) Increasing height and density allowances along major transit corridors;
- (4) Providing direct subsidies to affordable housing developers;
- (5) Altering parking requirements; and
- (6) Maintaining consistency of development fees.

The current development conditions often create a lose-lose scenario for both developers and the City. Reducing the direct costs will result in an overall gain which can be shared. Gains to developers will lead to increases in housing supply and more competition in the market. In some cases, if direct costs are reduced for developers, the City will benefit from these gains through higher fees, and the increased provision of affordable and reasonably priced units associated with a healthier housing market. The City will also benefit because lower direct costs mean that a greater number of affordable housing units can be built with current subsidy levels.

1. Rezone land use

Land use regulations designate land that can be used for commercial, industrial, or residential purposes. Although zoning can benefit the City, economic analyses have revealed that land use regulations also drive up the price of land. In the early 1990's, Krisandra Guidry, James Shilling, and C.F. Simans showed that the average lot price in unrestrictive cities was \$23,842, compared to \$50,659 in restrictive cities.⁴ While land use regulations have a direct effect on land prices, they also have an indirect effect on housing prices because they increase the direct costs of building housing. Along with Philip Srinivasan, Shilling also found that cities with land use regulations have housing prices 3 percent higher than cities without these regulations.²

In San Francisco, about 65 percent of land available for development is zoned for commercial/industrial uses, and less than 3 percent of the City's land is currently undeveloped and available for residential development.⁵ One way to address the direct costs of land in San Francisco is to rezone some land for residential purposes. Much of the land in the Eastern areas of San Francisco is currently zoned only for industrial or commercial purposes. These land use regulations were created decades ago to protect industrial space in the city. However, the manufacturing industry has declined over time and adjustments could be made to ensure the best use of available land.

The Planning Department's City-Wide Action Plan includes numerous options to rezone some of the Eastern areas of the city to accommodate residential housing and mixed use buildings. This study outlines three options for rezoning the Eastern neighborhoods to provide more land for residential purposes. All of the options maintain industrial spaces, but some offer more housing than others. The plans under consideration show that rezoning in these areas could have a large effect on potential housing construction. For example, if the City pursued a moderate option (Option B, see Figure 1), the housing capacity of the city would increase by about 22,600 units. Moderate land use rezoning of Eastern neighborhoods could result in 8,000 new units produced over the next two decades, which would make up almost 25 percent of the annual shortfall in new housing production.² Other options under consideration would allow even higher amounts of new construction.

Benefits to the City will be maximized if efforts to change land use target areas that have sufficient infrastructure to accommodate residents without tremendous public costs and/or allow for appropriate time horizons to create the necessary infrastructure. Also, changes in land use should focus on land that is underutilized for industrial purposes so that displacement of current land users is minimized. These rezoning efforts will be most effective if they take a neighborhood approach that focuses on producing jobs and commercial centers in addition to residential space. Although the planning of these areas would be costly for the City, the new neighborhoods could generate significant revenue for the City in the long-run.

Each Program EIR would

The City could recover the

costs after the City for use of the Program EIR could be increased significantly for increased costs developers while simultaneous

2. Review Conditional Use

In most cities, including San Francisco, a Conditional Use (CU) permit is issued when there are projects that are seeking a hearing that accompanies the General Plan.

In San Francisco districts, residential developments (Conditional Uses).³¹ This is because the purpose of developments should be in developments, which is a trigger exists for the purpose because these CU require intent. For example, many review if necessary.

Because many developers policy objectives, which in developments seeking exemption

Revising Conditional Use

In order to receive a CU permit and General Plan policies Commission. In addition, all actions taken by the Planning Commission regarding a development with a CU permit are subject to appeal to the Board of Supervisors within 30 days. This compels yet another review of a development that has passed environmental review, been approved by the Planning Commission, and seeks no exemptions to City regulations. These arbitrary review requirements add another degree of political uncertainty and risk into the approval process. Removing the 40-foot CU requirement in areas that are already zoned for high-density residential would remove this risk and shorten the review timeline, while simultaneously working to depoliticize the approval process and encourage developers to conform to existing standards.

It is difficult to project the effectiveness of such a policy change in terms of increase in number of units developed, but this policy change will save time and reduce uncertainty, which will translate into dollar savings. These factors working together will encourage high-density residential developments.

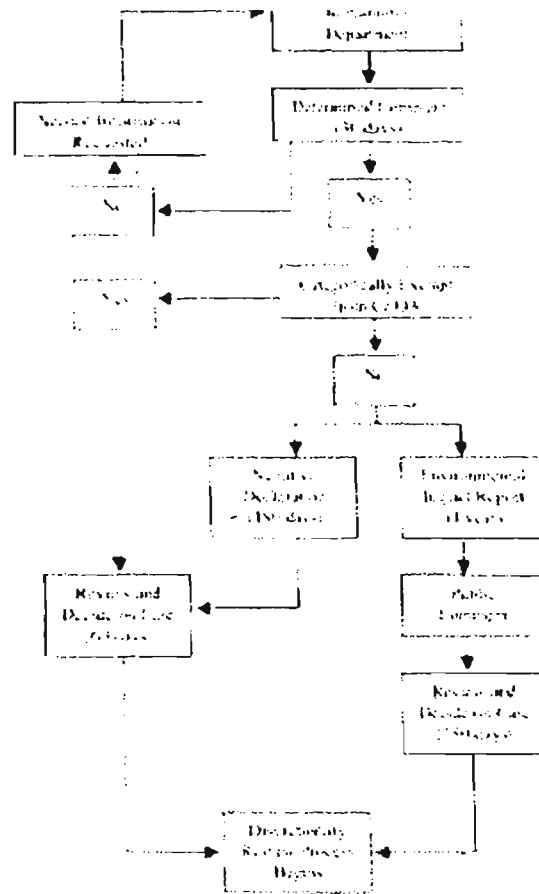
Issuing Principle Permits instead of Conditional Use Permits in cases where developments already meet zoning requirements and General Plan priorities also has the potential to save the City a lot of money. Time required for Planning Commissioners to review and decide on the large number of CU cases, and the Supervisors' time for the Board to hear appeals, is expensive.

3. Minimize Time Delays Associated with Discretionary Review

Discretionary Review (DR) introduces another source of uncertainty into the permitting process. DR allows an individual to appeal a development project for a minor fee of \$125, and bring the appeal before a City commission (see Figure 7). Discretionary Review comes near the end of the building permit application process, after a developer has already paid for building design and completed an EIR, with significant land carrying costs. At this point, when a development is considered "approvable" by the City, the applicant is required to mail a notice to community members describing the project and sharing with them copies of the plans. There is a 30-

Discretionary Review comes near the end of the application process, after a developer has significant sunk costs.

day public review period in which anyone in the City may decide to file a DR request with the Planning Commission. The Zoning Administrator then sets a hearing date "as soon as feasible."³² The permit is either approved by the Planning Commission, approved subject to modifications, denied, or the case is continued at a future date. Any of these decisions may then be appealed to the Board of Appeals. The total time for this process before appeal to the Board of Appeals may be up to 5 months, which means additional carrying costs to developers of \$145,000 to \$362,500. If no DR request is filed, a project may still be appealed to the Board of Appeals once the permit is issued. Such an appeal must be filed within 15 days of the date of permit issuance; however, official issuance of a permit by the Central Permit Bureau may be well after Planning approval.



neighborhood could pay a fee to the City for use of the Program EIR. The City would be willing to pay additional fees in direct costs and uncertainty for standards.

Principle Use is typically the standard used to provide stricter scrutiny to a development, and the public interests and priorities set forth in the

Permits are currently required for all developments. In districts that are permitted only as a matter of right, as described in the General Plan, a review of relatively large developments is proposed. Similarly, the 40-foot height requirement of a neighborhood. However, this is outside the scope of the regulation's and referred to a Commission for

For projects to meet Planning codes and standards, a large number of projects

project design fits all Planning Codes (5,000) for a decision by the

Figure 7. City of San Francisco's Discretionary Review Process

development and improve community participation in the planning process and community acceptance of new housing, as described below.

Comprehensive Approaches to Housing Development

Specific area plans are a concept officially adopted under the California Environmental Quality Act (CEQA) in 1979, although they have been used infrequently in San Francisco. Specific area planning allows local governments to formulate plans for neighborhood-wide development, and to conduct an EIR for the changes to the neighborhood as a whole, rather than on a project-by-project basis. This approach can also be used to build consensus through public involvement prior to development, allowing development to take place smoothly once developers commit to specific projects.

There are several advantages to the comprehensive approach of increasing residential development. First, it helps achieve consensus around a vision for change, identifying appropriate amounts of new housing development in appropriate locations. Second, if done correctly, it allows for extensive community involvement during the planning process, not only in debates over specific projects. Third, it reduces uncertainty for developers and therefore encourages housing development.

Specific area planning has been used with mixed outcomes in San Francisco along the Van Ness corridor, Rincon Hill, and more recently through the Better Neighborhoods pilot program in Hayes Valley, Balboa Park, and the Central Waterfront. Expanded use of specific area planning could provide a major boost to housing production in a way that is acceptable to nearby residents.

The recent planning process for the Octavia Boulevard area illustrates the potential for area planning to maximize community input and achieve neighborhood support for new housing. The Planning Department has devoted significant time and resources to community outreach, and in general residents have responded with support for moderate-density housing development. There will be potential for 7,500 to 13,000 new housing units under the plan, 4,500 to 5,300 of which are expected to be developed over the next 20 years.²² Many people involved have noted that the process has helped to establish a very positive relationship between the Planning Department and neighborhood residents.

If a neighborhood-level EIR is funded, developers will have the advantage of greater certainty about development costs. Developers will save a significant amount of time and money by knowing that an EIR has been completed. Furthermore, they will know that extensive community outreach has already taken place, and that the community is generally supportive of the neighborhood plan. This will reduce the probability of a project being held up through appeals and permit approval problems.

Although the community input and consensus-building process minimizes the risk of a long DR process, a neighborhood-level EIR alone will not reduce all uncertainty associated with Conditional Use requirements and Discretionary Review. In order to remove uncertainty and streamline housing development, the City may wish to alter CU and DR requirements in areas where an extensive community planning process has taken place. For example, the City could waive the automatic CU trigger for buildings over 40 feet and limit DR for projects that meet criteria explicitly set forth in the neighborhood plan. A highly public planning process will serve the same goals the CU and DR regulations, namely to allow public input and review of projects that could have negative impacts on existing residents. Thus some limitation on CU requirements and DR would be justified. If such limitations are put in place, however, it is crucial that the City conduct aggressive outreach and allow ample opportunity for community input during the planning phase.

Facilitate Infill Development

Specific area planning and the associated community outreach process will be more costly to the City than the current project-by-project planning that is dominant in San Francisco. These costs result from increased expenditure for community outreach and staffing. If the program is to be expanded or enhanced, new funding sources will be necessary. In exchange for the benefits developers in these neighborhoods will derive from the increased certainty and community outreach associated with planning process, the City could charge substantially higher permitting fees. The fees could be channeled into a fund that would be used to pay for future neighborhood planning efforts. As long as the higher fees are exacted in a consistent and transparent manner, and as long as they are set at a reasonable level, they will do little to inhibit housing production if they are accompanied by increased certainty. As discussed above, predictable fees are not a major barrier to housing production because they can be planned for in the early stages of development, and over time the added cost will be partially absorbed in lower land prices. Of course, if fees are raised but policy changes are ineffective in increasing certainty, the higher fees will serve to discourage housing production.

Conclusion

This study suggests that the Board of Supervisors may use its legislative powers to increase housing development in San Francisco by taking any of the following actions: rezoning land use for residential purposes, relaxing the floor-to-area restrictions for housing downtown, increasing density allowances along transit corridors, providing direct subsidies for affordable housing development, allowing flexibility in parking requirements, pursuing program environmental impact reports, revising conditional use requirements, and minimizing time delays caused by discretionary review. Each of these recommendations may stand alone, or any number of them may be combined into a package to effectively promote housing development. Some of these changes have already been proposed in various forms at the Board of Supervisors.

An expanded neighborhood planning program such as the one described above allows planning to be tailored to individual neighborhoods, and thus has the potential to successfully combine many of the enumerated alternatives, as appropriate. Implementation of area planning could simultaneously add certainty to the development process, increase community participation, and create additional revenue for city government.

Different packages of policy changes will have different magnitudes of effect on housing production, and will do so over different lengths of time. For example, zoning changes have the potential to greatly increase housing construction, but the majority of this increase will occur over the long term. Other changes, such as relaxing parking requirements, may have smaller total impacts, but do more to increase affordable housing production. Any of these changes must be evaluated against the City's short term and long term housing goals.

Whether or not the City should take measures to spur housing development is a policy matter for the Board of Supervisors.

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Cruising for Parking

BY DONALD SHOUP

My father didn't pay for parking, my mother, my brother, nobody. It's like going to a prostitute. Why should I pay when, if I apply myself, maybe I can get it for free?

—George Costanza

A surprising amount of traffic isn't caused by people who are on their way somewhere. Rather it is caused by people who have already arrived. Our streets are congested, in part, by people who have gotten where they want to be but are cruising around looking for a place to park.

Donald Shoup is professor of urban planning at the University of California, Los Angeles (shoup@ucla.edu).



CHOOSING TO CRUISE

Suppose curb parking is free but all the spaces are occupied, so you have to cruise until you find a space being vacated by a departing car. Off-street parking is available but you have to pay the market price for it. How do you decide whether to cruise or to pay?

If off-street parking is expensive, many drivers will hunt for curb parking, an entirely rational response to prices. Thus, by underpricing their curb parking, cities create an economic incentive to cruise. To study this incentive, I collected data on the price of curb and off-street parking for an hour at noon at the same location—City Hall—in twenty cities throughout the United States. The average price of curb parking was only twenty percent of the price of parking in a garage. Cruising saved drivers the most money in New York, where the price of off-street parking was \$14.38 for the first hour, but curb parking was only \$1.50.

Consider the high price of off-street parking in downtown Boston (\$11 for the first hour), which stems in part from the city's cap on the number of off-street parking spaces. This supply cap drives up the market price of off-street parking and produces an unintended outcome: the combination of low prices for curb parking and high prices for off-street parking increases the incentive to cruise. Boston limits the private off-street parking supply, but fails to charge the market price for its own public curb parking. A survey in 2006 found the average price for off-street parking in the Boston central business district was \$31 a day. In contrast, Boston charges a flat rate (\$1 an hour) for all metered parking spaces in the city.

Boston's off-street parking cap makes sense as a way to reduce congestion on routes to the city, but the failure to follow through with market prices for curb parking increases congestion in the city. Everyone would criticize off-street parking operators if long lines of cars regularly spilled into the streets and snarled traffic because the lots and garages were always full. Cities create the same result with underpriced curb parking, but the cruising cars are hidden in the general traffic flow.

To learn more about cruising, my students and I made 240 observations of how long it takes to find a curb parking space at four sites in Westwood Village, a commercial district next to the UCLA campus. Curb parking in metered spaces was only fifty cents an hour during the day and free in the evening, while the cheapest off-street parking was \$1 an hour. For each observation we drove to the site and then circled the block until we found a curb space. Because the curb spaces were occupied almost all the time, we rarely found a vacant space when we arrived. Instead, we usually searched until we found a parked car about to vacate a space, and then waited for it to leave.

Most drivers who are cruising for parking try to avoid following directly behind another car that appears to be cruising, so as to maximize the chance of being the first to see a vacant spot. Driving a car to measure cruising times may therefore influence the behavior being studied. To avoid this potential pitfall and to get some exercise, we decided to make most of the observations by bicycle. The average cruising speed by car in Westwood is only eight to ten miles an hour because every intersection has a stop sign or traffic light, so a cyclist can easily keep up with vehicle traffic. For the tests, we equipped each bicycle with a cyclometer to measure elapsed travel time, distance traveled, and average speed.

The average cruising time to find a curb space was 3.3 minutes, and the average cruising distance was half a mile (about 2.5 times around the block). The small distances cruised by individual drivers add up quickly, because the turnover rate for curb parking was seventeen cars per space per day. With 470 metered parking spaces in the Village, almost 8,000 cars park at the curb each day (17×470). Because so many cars park at the curb, a short cruising time for each driver creates an astonishing amount of traffic. Although the average driver cruises only half a mile before parking, cruising around the fifteen blocks in the Village creates almost 4,000 VMT every weekday ($8,000 \times 0.5$).

Over a year, cruising in Westwood Village creates 950,000 excess VMT—equivalent to 38 trips around the earth, or four trips to the moon. The obvious waste of time and fuel is even more appalling when we consider the low speed and fuel efficiency of cruising cars. Because drivers average about ten miles an hour in the Village, cruising 950,000 miles a year wastes about 95,000 hours (eleven *years*) of drivers' time every year. And here's another inconvenient truth about underpriced curb parking: cruising 950,000 miles wastes 47,000 gallons of gasoline and produces 730 tons of CO₂ emissions in a small business district.

THE RIGHT PRICE FOR CURB PARKING

When drivers compare the prices of parking at the curb or in a garage, they usually decide the price of garage parking is too high, but instead the reverse is true. The price of curb parking is too *low*. Underpriced curb spaces are like rent-controlled apartments: they are hard to find, and once you find a space you'd be crazy to give it up. This makes curb spaces even harder to find, and increases the time cost (and therefore the congestion and pollution costs) of searching for them. Like rent-controlled apartments, curb spaces go to the lucky more than to the deserving. One person might find a curb space and park there for days, while others are left to circle the block.

The left panel of Figure 2 shows a typical commercial block in Westwood where curb parking is underpriced and all the curb spaces are occupied. The block has >



eight curb spaces on each side, the average cruising time to find a curb space is 3.3 minutes, and two cruisers are circling the block. In contrast, the right panel shows what happens if a city charges the lowest price that will produce a few vacant spaces. Drivers have no reason to cruise because they can always find a vacant curb space near their destination, search time is zero, and cruising cars do not add to traffic congestion.

Only trial and error will reveal the right price for curb parking. Initially, if all the curb spaces are always occupied, a city might periodically raise the meter rate by 25-cent increments until occupancy at some hours is about 85 percent. If spaces are still full during other hours, the city could continue to nudge meter rates upward during those times until the occupancy is about 85 percent all day. We can call this balance between the varying demand for parking and the fixed supply of curb spaces the Goldilocks Principle of parking prices: the price is too high if too many spaces are vacant, and too low if no spaces are vacant. When only a few spaces are vacant, the price is just right, and everyone will see that curb parking is both well used and readily available.

Pricing curb parking to ensure a few vacancies does not mean that travel will become unaffordable. Drivers can use several strategies to economize on curb parking without reducing their travel. They can (1) drive at off-peak hours when curb parking is cheaper, (2) park where prices are lower and walk farther to their destinations, (3) park for a shorter time, (4) park off-street, (5) carpool and split the cost of parking, or (6) take public transit, ride a bike, or walk all the way to their destinations. Diverting some trips to carpools, public transit, cycling, and walking will reduce *vehicle* travel without reducing *human* travel, and all real travel is by people, not cars.

FIGURE 2

Curb parking prices and cruising



CRUISING IN NEW YORK

In 2006, surveyors interviewed drivers stopped at a traffic signal in the SoHo district of Manhattan, and 28 percent reported they were cruising for curb parking. A similar study in Brooklyn found that 45 percent of drivers were cruising. The same results might be found on many other streets in New York because off-street parking is generally far more expensive than on-street parking. In midtown Manhattan, for example, the price for the first hour of off-street parking is often about \$20, while curb parking is only \$1. Parking for an hour at the curb saves \$19, but drivers first have to cruise to find a space on the street.

The high price of off-street parking in midtown Manhattan doesn't mean the right price for curb parking is also \$20 an hour. Private operators can charge a disproportionately high price for short-term parking only because the curb spaces are always full. If the city charges the lowest price for curb parking that will yield a few vacant spaces everywhere, the price of short-term parking off-street will fall to compete with the curb rate.

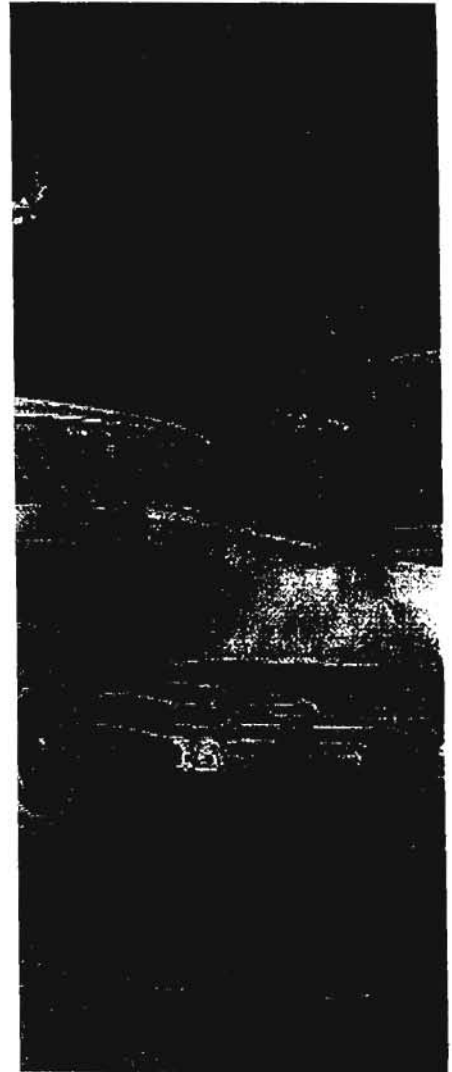
LOCAL REVENUE RETURN

In addition to its transportation and environmental benefits, right-priced curb parking can yield ample revenue. If a city returns some of this revenue to pay for added public services on the metered streets, residents and local merchants will be more likely to support charging the right price for curb parking. The added funds can pay to clean and maintain the sidewalks, plant trees, improve lighting, remove graffiti, bury overhead utility wires, and provide other public improvements.

Consider the case of a Business Improvement District (BID) in an older area where curb parking is free and customers complain about a parking shortage. Suppose the city installs meters and charges the lowest prices that will produce a few vacancies. Everyone who wants to shop in the district can park quickly, and the meter money pays to clean the sidewalks and provide security. These added public services make the business district a place where people want to be, rather than merely a place where anyone can park free after they cruise long enough to find a space. No one can say this policy will drive customers away if almost all the curb spaces are always occupied.

When meter revenue goes into a city's general fund rather than going back to the BID or neighborhood that generated it, the city can be careless about collecting it. In downtown San Francisco where the curb spaces always seem full, an audit in 2006 found that drivers paid for less than an hour a day per meter. A similar audit in Los Angeles in 2002 found that 96 percent of the vehicles parked at expired meters did not receive citations. If every BID received a share of the meter revenue it generated, business leaders would pay closer attention to enforcement. Consistent parking enforcement will create a culture of compliance with parking regulations.

Some cities have begun to charge performance-based prices for curb parking and return the meter revenue to its source. In Redwood City, California, for example, the city sets meter rates to achieve an 85 percent occupancy rate for curb parking downtown; the rates differ by location and time of day, depending on demand. The city returns the >





FURTHER READING

Richard Arnott and Eren Incl. "An Integrated Model of Downtown Parking and Traffic Congestion," *Journal of Urban Economics*, vol. 60, no. 3, 2006.

Douglas Kolozsvari and Donald Shoup, "Turning Small Change into Big Changes," *Access*, no. 23, Fall 2003.
<http://shoup.bol.ucla.edu/SmallChange.pdf>

Schaller Consulting, "Curbing Cars: Shopping, Parking and Pedestrian Space in SoHo." Report prepared for Transportation Alternatives, New York City, 2006.
http://transalt.org/campaigns/reclaiming/soho_curbing_cars.pdf

Donald Shoup. *The High Cost of Free Parking* (Chicago: Planners Press, 2005).

Donald Shoup, "Cruising for Parking," *Transport Policy*, vol. 13, no. 3, 2006.
<http://shoup.bol.ucla.edu/Cruising.pdf>

revenue for added public services in the metered district, and downtown Redwood City will receive an extra \$1 million a year to pay for increased police protection and clean sidewalks. The merchants and property owners all supported the new policy when they learned the meter revenue would pay for added public services in the downtown business district, and the city council adopted it unanimously. Performance-based prices create a few curb vacancies so visitors can easily find a space, the added meter revenue pays to improve public services, and these public services create political support for the performance-based prices.

Most cities keep their meter rates constant throughout the day and let occupancy rates vary in response to demand. Instead, cities can charge different prices at different times of day to keep occupancy at about 85 percent. In Redwood City, the meter rates are higher in the central spaces because demand is higher there. The goal is to balance supply and demand everywhere, all the time.

Most cities also limit the length of stay at meters so long-term parkers won't monopolize the underpriced curb spaces. But after Redwood City adjusted meter rates to guarantee the availability of curb spaces, it removed the time limits at meters. This unlimited-time policy has turned out to be popular with some drivers, who can now park for as long as they are willing to pay. The demand-determined meter rates create turnover at convenient curb spaces, and most long-term parkers tend to choose cheaper spaces in off-street lots.

PARKING INCREMENT FINANCE

Most cities now put parking meter revenue into the city's general fund. How can a city return meter revenue to business districts without shortchanging the general fund? The city can keep all the *existing* meter revenue and return a share of the subsequent *increment* in meter revenue—above and beyond the current meter revenue—that arises from right-priced curb parking. We can call this arrangement *parking increment finance*. More meters, higher rates, longer hours of operation, and better enforcement will increase the parking revenue in business districts. The added public services paid for by increased parking revenue will promote business activity, and the increased demand for parking will further increase meter revenue.

GET THE PRICES RIGHT

Where curb parking is underpriced, drivers cruise for a curb space rather than pay to park off-street. Charging the right price for curb parking can eliminate this cruising and all its harmful side effects. Because city governments set the prices for curb parking, they choose whether drivers will cruise.

Because its curb parking is underpriced, Westwood Village generates almost a million miles of cruising every year. And because its curb parking is value-priced, Redwood City will generate \$1 million a year for added public services. Which is the better policy? If cities want to reduce congestion, clean the air, save energy, reduce greenhouse gas emissions, improve neighborhoods, and do all this quickly, they should charge the right price for curb parking and spend the resulting revenue to improve local public services. Getting the price of curb parking right will do a world of good. ♦

from EMFAC2007 v2.3
2010 Emission Rates - San Francisco Bay Area

Pollutant Name: Reactive Organic Gases Temp 45deg

Speed MPH	Composite of All Vehicles																								
	Light Duty Autos		Light Duty Trucks		Delivery Trucks		Small Heavy		Medium Heavy		Large Heavy		Bus		Motorcycle		Motor Home		Vehicles						
	LDA	ALL	LDT1	ALL	LOT2	ALL	MDV	ALL	LHD1	ALL	LHD2	ALL	MHD	ALL	HHD	ALL	OBUS	ALL	UBUS	ALL	MCY	ALL	SBUS	ALL	MH
0	0	0	0	0	0	0	0	19.449	15.272	6.855	13.69	11.936	0	0	0	5.98	0	0.732							
5	0.53	0.906	0.526	0.56	0.528	1.286	1.144	6.823	12.071	1.571	3.546	6.315	1.674	3.336	0.678										
10	0.362	0.628	0.358	0.376	0.427	0.881	0.823	0.615	3.398	1.082	2.471	4.918	1.178	2.192	0.578										
15	0.258	0.459	0.256	0.266	0.303	0.629	0.615	0.476	1.88	0.777	1.792	4.018	0.863	1.502	0.392										
20	0.185	0.35	0.192	0.168	0.224	0.468	0.476	0.581	1.352	3.441	3.441	3.08	0.658	1.073	0.228										
25	0.154	0.28	0.151	0.155	0.173	0.362	0.382	1.488	0.799	1.06	3.08	0.518	0.799	0.228											
30	0.128	0.234	0.125	0.127	0.138	0.291	0.316	1.208	0.364	0.864	2.907	0.424	0.62	0.192											
35	0.111	0.205	0.105	0.109	0.114	0.242	0.253	1.024	0.305	0.732	2.855	0.359	0.502	0.159											
40	0.101	0.187	0.088	0.088	0.088	0.209	0.237	0.856	0.263	0.643	2.958	0.313	0.423	0.154											
45	0.086	0.179	0.083	0.088	0.088	0.187	0.214	0.788	0.236	0.587	3.2	0.281	0.371	0.148											
50	0.066	0.178	0.082	0.082	0.081	0.172	0.199	0.788	0.218	0.556	3.626	0.261	0.339	0.152											
55	0.101	0.188	0.096	0.096	0.077	0.165	0.19	0.858	0.208	0.547	4.304	0.249	0.323	0.163											
60	0.111	0.206	0.105	0.105	0.076	0.162	0.187	0.984	0.205	0.556	5.352	0.245	0.32	0.184											
65	0.128	0.237	0.12	0.12	0.078	0.165	0.189	1.196	0.209	0.591	6.971	0.248	0.331	0.218											

Pollutant Name: Carbon Monoxide

Speed MPH	LDA		LDT1		LDT2		MDV		LHD1		LHD2		MHD		HHD		OBUS		UBUS		MCY		SBUS		MH		ALL
	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL		
0	0	0	0	0	0	0	0	0	112.457	90.644	44.168	48.454	72.712	0	0	0	39.395	0	3.763								
5	5.515	10.64	6.017	5.683	6.071	12.196	13.718	25.311	18.348	24.137	41.58	22.712	65.433	7.38													
10	4.646	8.699	5.141	4.891	4.058	8.15	9.275	17.905	12.307	15.807	34.405	15.272	43.543	6.021													
15	4.022	7.344	4.486	4.285	2.862	5.748	6.598	12.829	8.705	10.697	28.877	10.821	30.613	5.078													
20	3.552	6.371	3.986	3.633	2.13	4.278	4.938	9.539	6.491	7.77	27.208	8.078	22.738	4.409													
25	3.193	5.66	3.584	3.466	1.673	3.36	3.888	7.962	5.102	5.98	25.964	6.352	17.843	3.931													

EXHIBIT K

30	2.815	5.139	3.283	3.172	1.387	2.785	3.22	6.704	4.227	4.876	26.029	5.263	14.792	3.578
35	2.702	4.765	3.037	2.936	1.213	2.435	2.805	5.774	3.692	4.211	27.376	4.593	12.955	3.325
40	2.544	4.516	2.847	2.75	1.118	2.248	2.571	5.121	3.4	3.852	30.267	4.223	11.987	3.158
45	2.436	4.381	2.708	2.609	1.09	2.189	2.479	4.72	3.3	3.732	35.222	4.091	11.718	3.075
50	2.381	4.368	2.62	2.514	1.12	2.251	2.515	4.565	3.378	3.828	43.19	4.177	12.102	3.083
55	2.387	4.498	2.588	2.47	1.215	2.442	2.886	4.665	3.647	4.18	56.854	4.485	13.205	3.207
60	2.472	4.819	2.627	2.469	1.392	2.788	3.022	5.049	4.154	4.786	76.214	5.1	15.222	3.482
65	2.669	5.414	2.762	2.585	1.683	3.385	3.58	5.774	4.991	5.829	109.739	6.104	18.538	4.021

Pollutant Name: Oxides of Nitrogen

Speed MPH	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCV	SBUS	MH	ALL
ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL

0	0	0	0	0	20.783	33.546	63.551	104.133	44.611	0	0	68.571	0	3.616
5	0.511	0.963	0.876	0.978	2.06	4.213	11.653	38.782	9.34	36.024	1.332	15.453	3.124	1.797
10	0.447	0.829	0.754	0.841	1.772	3.61	8.752	26.892	8.011	27.685	1.338	12.864	2.927	1.414
15	0.399	0.734	0.664	0.739	1.581	3.206	8.459	19.587	7.121	22.379	1.355	11.152	2.617	1.355
20	0.363	0.666	0.598	0.665	1.457	2.945	7.6	16.857	6.545	19.019	1.379	9.964	2.768	1.035
25	0.338	0.619	0.55	0.61	1.385	2.78	7.067	16.172	6.208	16.983	1.41	9.236	2.766	0.97
30	0.32	0.588	0.516	0.571	1.354	2.722	6.797	15.636	6.056	15.826	1.447	8.861	2.802	0.927
35	0.308	0.57	0.493	0.545	1.359	2.728	6.758	15.246	6.074	15.675	1.49	8.797	2.87	0.904
40	0.302	0.564	0.481	0.531	1.4	2.81	6.944	15.005	6.265	16.189	1.537	8.036	2.971	0.899
45	0.301	0.57	0.478	0.528	1.479	2.87	7.373	14.811	6.611	17.542	1.59	8.801	3.106	0.912
50	0.305	0.586	0.484	0.535	1.603	3.225	8.09	14.985	7.176	19.95	1.647	10.555	3.283	0.947
55	0.315	0.616	0.501	0.553	1.786	3.602	9.179	15.166	8.01	23.824	1.71	12.009	3.512	1.005
60	0.33	0.661	0.528	0.583	2.048	4.145	10.775	15.515	9.211	29.888	1.779	14.145	3.814	1.095
65	0.352	0.725	0.569	0.629	2.425	4.926	13.096	16.012	10.936	39.418	1.855	17.255	4.219	1.227

Pollutant Name: Carbon Dioxide

Speed MPH	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCV	SBUS	MH	ALL
ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL

0	0	0	0	0	4599.308	4481.15	4204.168	6223.066	4378.872	0	0	4176.273	0	282.99
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5	857.5	1161.684	1188.576	1616.611	1882.28	1651.234	1662.717	3780.482	1822.237	2654.583	242.441	1621.276	2403.583	1168.274
10	723.757	880.374	886.82	1221.865	1371.107	1176.462	1531.168	3082.72	1574.201	2550.658	204.829	1624.285	1854.035	893.276
15	567.831	682.73	703.528	958.702	1004.277	896.093	1453.468	2526.773	1386.674	2489.268	176.991	1467.009	1211.401	708.344
20	462.381	565.843	572.821	780.98	780.92	725.38	1406.184	2119.348	1243.531	2451.921	156.377	1432.134	941.888	583.436
25	380.799	479.688	484.073	658.806	642.107	619.285	1376.765	1976.558	1165.758	2428.698	141.282	1410.46	774.39	501.428
30	342.798	421.924	424.57	578.763	555.628	553.188	1358.45	1858.173	1171.305	2414.229	130.572	1398.957	670.038	446.183
35	312.07	384.945	386.478	526.882	503.588	513.415	1347.428	1763.011	1088.148	2405.523	123.528	1388.832	607.246	410.539
40	284.837	364.207	366.115	487.787	476.187	482.48	1341.628	1680.427	1072.802	2400.941	119.751	1384.555	574.185	380.239
45	288.083	357.282	357.982	488.071	468.634	488.7	1340.026	1640.102	1088.685	2398.878	118.126	1383.374	565.07	383.02
50	294.15	363.38	364.263	488.626	478.613	485.091	1342.351	1611.953	1074.718	2401.512	121.826	1385.088	578.317	388.155
55	310.616	383.195	384.675	524.427	511.008	519.086	1349	1606.102	1092.306	2406.765	128.363	1389.99	616.189	406.309
60	340.404	419.043	421.602	574.721	588.397	562.849	1361.155	1622.818	1124.48	2416.366	139.717	1398.951	685.448	439.672
65	387.163	476.313	479.586	653.688	662.75	635.063	1381.137	1663.124	1177.323	2432.151	157.558	1413.683	795.289	482.405

Pollutant Name: Sulfur Dioxide

Speed	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH	ALL
MPH	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL	ALL
0	0	0	0	0	0.046	0.045	0.041	0.058	0.043	0	0	0.04	0	0.003
5	0.009	0.011	0.011	0.016	0.019	0.016	0.016	0.036	0.018	0.028	0.003	0.016	0.024	0.011
10	0.007	0.009	0.009	0.012	0.013	0.011	0.015	0.03	0.015	0.025	0.003	0.015	0.017	0.011
15	0.006	0.007	0.007	0.008	0.009	0.009	0.014	0.024	0.013	0.024	0.002	0.014	0.012	0.007
20	0.004	0.006	0.006	0.008	0.008	0.007	0.013	0.02	0.012	0.023	0.002	0.014	0.009	0.006
25	0.004	0.005	0.005	0.008	0.006	0.008	0.013	0.018	0.011	0.023	0.002	0.014	0.008	0.005
30	0.003	0.004	0.004	0.006	0.005	0.005	0.013	0.018	0.011	0.023	0.002	0.013	0.007	0.004
35	0.003	0.004	0.004	0.005	0.005	0.005	0.013	0.017	0.01	0.023	0.002	0.013	0.006	0.004
40	0.003	0.004	0.004	0.005	0.005	0.005	0.013	0.018	0.01	0.023	0.002	0.013	0.006	0.004
45	0.003	0.003	0.003	0.005	0.005	0.005	0.013	0.018	0.01	0.023	0.002	0.013	0.006	0.004
50	0.003	0.004	0.004	0.005	0.005	0.005	0.013	0.015	0.01	0.023	0.002	0.013	0.006	0.004
55	0.003	0.004	0.004	0.005	0.005	0.005	0.013	0.015	0.01	0.023	0.002	0.013	0.006	0.004
60	0.003	0.004	0.004	0.006	0.005	0.005	0.013	0.016	0.011	0.023	0.003	0.013	0.007	0.004
65	0.004	0.005	0.005	0.006	0.006	0.006	0.013	0.016	0.011	0.023	0.003	0.014	0.008	0.005

Pollutant Name: PM10

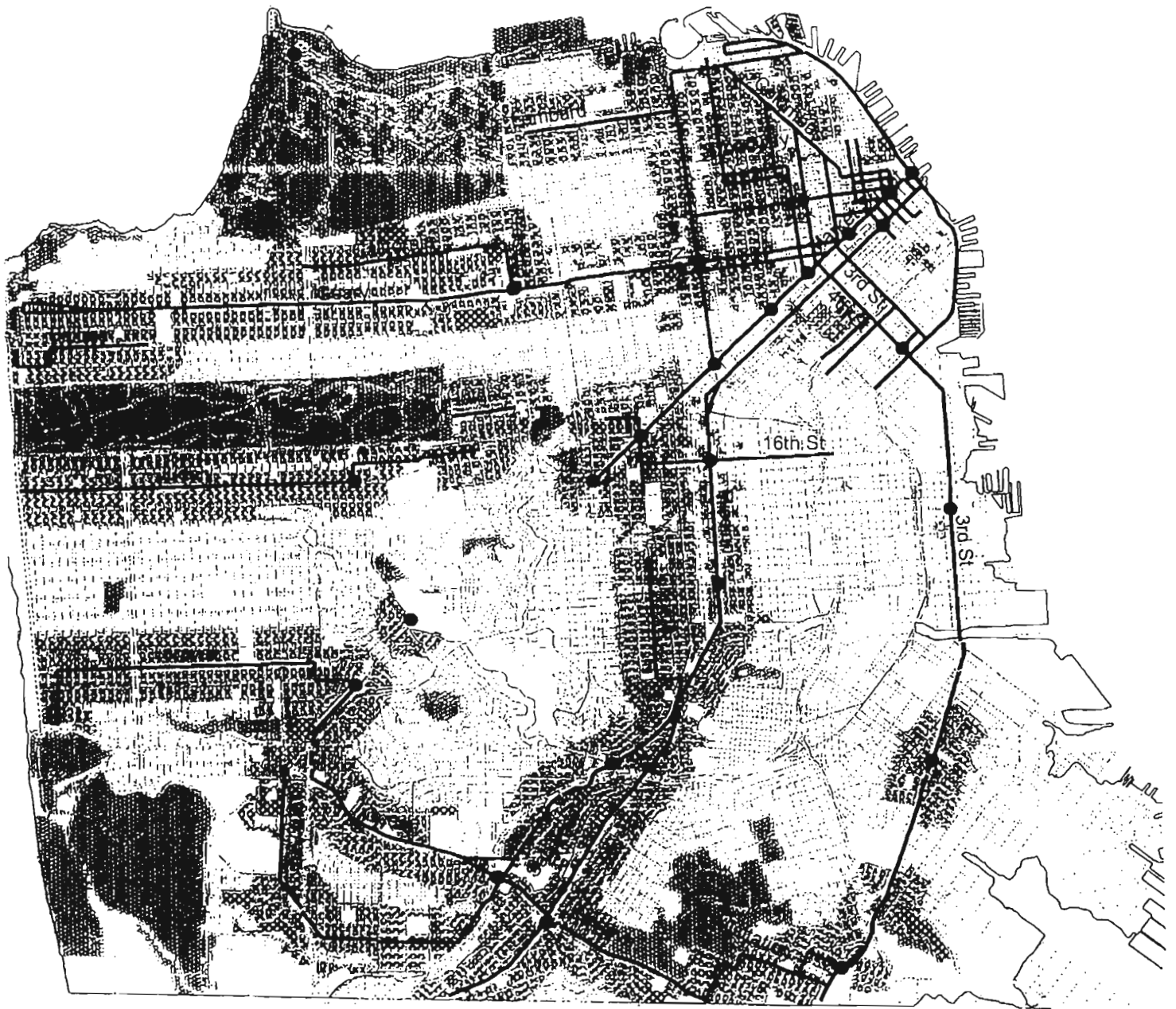
Speed MPH	LDA ALL	LDT1 ALL	LDT2 ALL	MDV ALL	LHD1 ALL	LHD2 ALL	MHD ALL	HHD ALL	OBUS ALL	UBUS ALL	MCY ALL	SBUS ALL	MH ALL	ALL ALL
0	0	0	0	0	0.206	0.441	0.817	1.755	0.581	0	0	0.778	0	0.054
5	0.05	0.086	0.109	0.108	0.05	0.088	0.605	2.241	0.428	0.838	0	0.747	0.076	0.124
10	0.033	0.044	0.071	0.071	0.037	0.066	0.474	1.521	0.334	0.608	0.051	0.586	0.057	0.084
15	0.023	0.031	0.049	0.049	0.028	0.051	0.38	0.986	0.266	0.465	0.041	0.47	0.044	0.058
20	0.017	0.023	0.036	0.035	0.022	0.041	0.311	0.695	0.217	0.353	0.033	0.385	0.036	0.043
25	0.013	0.018	0.027	0.027	0.017	0.033	0.281	0.583	0.181	0.285	0.028	0.323	0.028	0.034
30	0.01	0.015	0.022	0.022	0.015	0.028	0.223	0.5	0.155	0.237	0.025	0.276	0.026	0.029
35	0.009	0.012	0.019	0.018	0.012	0.024	0.188	0.446	0.136	0.205	0.024	0.242	0.021	0.026
40	0.008	0.011	0.017	0.016	0.011	0.021	0.175	0.421	0.121	0.183	0.025	0.217	0.019	0.023
45	0.007	0.01	0.016	0.015	0.01	0.018	0.16	0.424	0.111	0.17	0.027	0.199	0.017	0.022
50	0.007	0.01	0.015	0.015	0.008	0.018	0.15	0.456	0.104	0.163	0.031	0.186	0.016	0.022
55	0.007	0.01	0.016	0.016	0.009	0.017	0.144	0.517	0.099	0.162	0.037	0.178	0.015	0.023
60	0.008	0.011	0.018	0.017	0.009	0.017	0.141	0.606	0.097	0.167	0.048	0.174	0.015	0.026
65	0.009	0.013	0.02	0.02	0.009	0.017	0.141	0.724	0.087	0.178	0.06	0.174	0.015	0.03

Pollutant Name: PM10 - Tire Wear

Speed MPH	LDA ALL	LDT1 ALL	LDT2 ALL	MDV ALL	LHD1 ALL	LHD2 ALL	MHD ALL	HHD ALL	OBUS ALL	UBUS ALL	MCY ALL	SBUS ALL	MH ALL	ALL ALL
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
10	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
15	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
20	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
25	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.008
30	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.008
35	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.008
40	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.008
45	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
50	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
55	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009

Pollutant Name: PM10 - Break Wear

60	0.008	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
85	0.008	0.008	0.008	0.008	0.008	0.012	0.012	0.012	0.012	0.035	0.012	0.008	0.004	0.012	0.012	0.009
Speed MPH	LDA ALL	LDT1 ALL	LDT2 ALL	MDV ALL	LHD1 ALL	LHD2 ALL	MHD ALL	HHD ALL	OBUS ALL	UBUS ALL	MCY ALL	SBUS ALL	MH ALL	ALL ALL		
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
10	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
15	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
20	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
25	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
30	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
35	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
40	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
45	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
50	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
55	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
60	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013
65	0.013	0.013	0.013	0.013	0.013	0.013	0.013	0.028	0.013	0.013	0.006	0.013	0.013	0.013	0.013	0.013



- Transit Nodes
- ▤ Primary Transit Street
- ▨ Residential Lots within 1,250 ft. of transit and commercial
- ▧ Residential Lots
- ▩ Parks



BUSINESS
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 Business Editor
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BUSINESS

EXHIBIT M

21
 SECTION
 Sunday,
 August 24, 2008

Home, small home: 250 square feet in SoMa

New condo development targets young first-time buyers without too much stuff

By James Temple
CHRONICLE STAFF WRITER

It's about the size of seven ping-pong tables — and all yours starting at \$279,000.

A San Francisco design and development firm has begun marketing 98 tiny condominiums — ranging from 250 to 350 square feet — at the Cubix Yerba Buena building in SoMa.

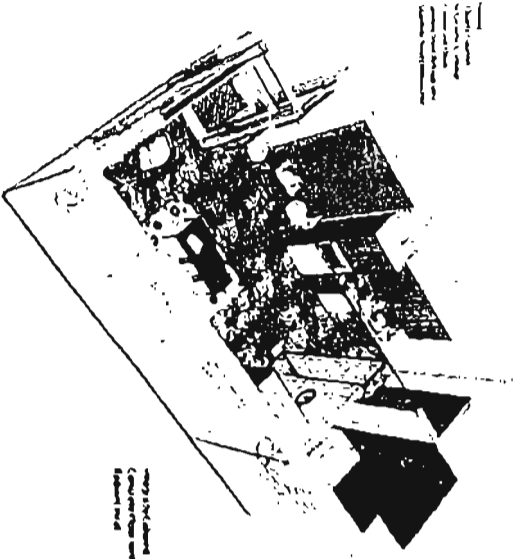
Architect George Hauser is the first to say the studios are too small for many people, families in particular. He and local planning groups, however, believe the so-called micro units represent one means of providing more first-

time home-buying opportunities in a city where most prices outstrip most incomes.

"It's not the last place a person might own, but a great place to spend three to five years as a young single . . . to build equity and move up," said Hauser, principal of Hauser Architects in San Francisco. "You're in a small space with great amenities and the resources of the city."

The asymmetrical modernist facade of the eight-story building at Harrison and Fourth streets, a few steps from Whole Foods, is a Rubik's Cube of muted reds, browns and tans. Metal-framed

► CUBIX: Page H6



TOAN NGUYEN/Hauser Architects

This drawing shows a typical studio's floor plan at Cubix Yerba Buena and highlights a few amenities.



Alex Massa and Marie Eve Primeau visit a model. Units start at \$279,000.

PAUL GRINN/The Chronicle

BACK TO SCHOOL: End-of-summer shopping frenzy takes on sober tone as families hit with falling incomes and rising prices still see some supplies as necessities

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SoMa condos downsize the American dream

► CUBIX

From Page H1

windows of varying shapes and sizes break up the blocks of color.

The units themselves feel, well, small, but stylish and functional.

The kitchen area includes a mini sink, two-burner electric cooktop, half fridge and microwave-convection oven. The appliances are stainless steel; the countertop synthetic brown stone. There isn't room for a bed and a sofa, so each studio is staged with a sofa-bed. They come with a wardrobe but no closets.

The concrete-floored rooms have windows the height of the nearly 9-foot ceilings, and all but two have small balconies, which look out onto Harrison or Fourth, or buildings to the east. The bathroom is fairly large, squared off with translucent glass walls and adorned with slate or quartz tile.

Building amenities include a cafe on the ground floor, with additional retail spaces to be leased, and a community rooftop with glass-enclosed terraces, outdoor tables, drought-resistant plants and a grill.

The units cost \$279,000 to \$330,000. (Monthly homeowners' association dues are around \$270.) By comparison, the median price for all homes in San Francisco was \$749,000 in July, according to MDA DataQuick of San Diego. Given the generally high cost, only 39.3 percent of city residents own their homes, the lowest level among the state's counties, according to a California Budget Project report released in February.

Projects like the Cubix aren't the end-all solution to San Francisco's affordability challenges, but do offer one answer for one part of the market, said Sarah Karlinksy, policy director at the San Francisco Planning and Urban Research Association.

"What it's doing is providing middle-income housing without a subsidy," she said. "It gives them a foothold."

Affordable housing groups, business proponents and city lead-



Illustration by Robert R.

Cubix Yerba Buena, at Harrison and Fourth streets in San Francisco, is a modern, eight-story building of 98 tiny condos.

shrinking middle class in San Francisco, a category that generally encompasses nurses, teachers, cops and firefighters. The number of people making less than \$150,000 in San Francisco fell between 3.9 percent and 7.4 percent between 2002 and 2006, while those making above that amount surged by at least 40.1 percent, according to Census Bureau estimates.

The project in the Yerba Buena Center Redevelopment Project Area was designed as a single residence occupancy building, which gave Hamer Architecture greater flexibility in the number of units it could build on the site, as well as the amount of parking spaces it didn't have to provide. For general residential developments, the city's planning and building codes often mandate a certain number of units, bedrooms and parking spots with courtyards of a specific size, according to a SPUR policy

Such rules have tended to discourage the development of small, affordable units in the city, Karlinksy said. But the sweeping blueprint for the city's eastern neighborhoods recently approved by the Planning Department provides some additional flexibility in this regard, she said.

Hamer completed 766 Harrison St. in July and opened the building's sales office two weeks ago. Three of the first 12 released units are in contract or escrow.

Echoing the development's marketing tagline, Hamer says, "It's your small piece of the big city."

E-mail James Temple at jtemple@calchronicle.com.

For more information about the Cubix Yerba Buena, visit cubixsf.com or call (877) 282-4973.

FROM: Mary Miles (SB#230395)
and
Coalition for Adequate Review
364 Page Street, #36
San Francisco, CA 94102

TO: Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

DATE: November 12, 2008

**Re: Public Comment on Scoping/Notice of Preparation of EIR dated October 8, 2008
Case No. 2007.1275E, San Francisco 2004 Housing Element**

This is public comment on the Notice of Preparation and proposed scope of the EIR on the 2004 Housing Element.

1. The Project Description (NOP, p.8) incorrectly states that “environmental review of an amendment to a General Plan or General Plan element need only analyze *changes* from a previously adopted plan or element. Thus the proposed Housing element EIR will address the changes from the 1990 Residence Element.” The EIR must analyze the entire Project, which is not just “changes” but is the 2004 Housing Element and every part of it. The EIR needs to begin with an accurate Project Description. The Project is the 2004 HE. The NOP and its “Attachment A” do not meet this basic CEQA requirement.
2. Since the NOP says it is using the analysis in the 1990 RE EIR for what it claims is unchanged, is the EIR using the same baseline data that was in the 1990 RE? What are the “existing conditions” for purposes of the EIR on the 2004 HE? This basic information is absent in the NOP.
3. At p. 9, the NOP says the “EIR will analyze the potential environmental effects of changes to the 1990 Residence Element and identify feasible mitigation measures intended to lessen to reduce significant environmental impacts of the proposed project, if any are identified. These mitigation measures will be incorporated into the overall project.” The Project’s *unanalyzed* pro-growth policies have already caused several massive “better neighborhoods” rezoning projects, including Market Octavia and the Eastern Neighborhoods projects that use the new zoning classifications recommended in the 2004 HE. The EIR must identify all of the direct, indirect, and cumulative impacts from the 2004 HE, and must mitigate them and/or provide alternatives that will eliminate or significantly lessen the impacts.
4. The EIR must analyze the direct, indirect and cumulative impacts of the Project (the 2004 Housing element) on traffic, parking, congestion, transit, water, sewers, infrastructure, historic resources, open space, community services, noise, air quality, including greenhouse gas emissions, emergency services (such as fire, police, earthquake, evacuation, etc.), community

facilities (such as schools, parks, libraries, medical facilities, community parking) displacement, crowding, blight, growth and growth inducement in San Francisco. The impacts need to be analyzed in depth, with evidence to back up any conclusions.

5. The cumulative impacts analysis must accurately take into account the Project's (the 2004 Housing Element in its entirety) past, present, and foreseeable future impacts. (*E.g.*, 14 Cal.Code Regs. ("Guidelines") §§15130, 15064(h)(1), 15065(a)(3), 15355(b).) A careful cumulative impacts analysis must include the cumulative impacts on resources listed above and others. The EIR may not rely on past EIR analysis if it is inaccurate or outdated.

6. At the NOP scoping meeting on November 6, 2008, a number of points were made that we agree must be included in the 2004 HE EIR. For example, several speakers noted impacts on parking and transportation from growth-inducing policies and anti-parking policies.

7. Anti-parking policies must be analyzed for their direct, indirect, and cumulative impacts on parking, transportation, traffic, and air quality. One speaker noted that the HE policies conflict with the state mandate to encourage use of electric vehicles, because the HE's anti-parking policies will not permit recharging of those vehicles which requires parking. That is an impact on air quality and transportation that should be analyzed and mitigated by removing the anti-parking policies from the HE.

8. Several speakers at the scoping meeting on November 6, 2008, noted that the policies in the 2004HE encourage development and growth and give density bonuses, but have not resulted in affordable housing development in San Francisco. The impacts of the HE's policies that have resulted in bonuses for developing *market rate* housing must be analyzed and mitigated in view of the HE's (as well as past residence elements') *failure* to meet their goals of providing affordable housing and integration of economic classes in *every neighborhood* of San Francisco. The removal of older, smaller structures containing affordable dwelling units and their replacement with larger, denser, higher, bulkier, generic, hard-edged modern condominium structures must be analyzed for its impacts on human beings from growth, displacement, transportation, parking, jobs/housing imbalance, and impacts on the historic, architectural and aesthetic resources and neighborhood character of San Francisco, and must be mitigated. Economic segregation by rezoning is illegal and must be mitigated. One speaker suggested a moratorium on all market rate housing development until the unmet need for affordable housing has been completely achieved. That and other alternatives to market-rate housing development should be analyzed in the EIR.

9. The direct, indirect, and cumulative impacts of *exclusionary* zoning policies that have resulted in mostly market-rate development must be carefully analyzed and mitigated with respect to impacts on human beings from growth, displacement, transportation (commuting) problems of people who must travel to work from outside San Francisco because the cost of housing is prohibitive. The direct, indirect, and cumulative impacts on growth, displacement, transportation, etc., of removing older structures that may be rental units and replacing them with ownership units must also be analyzed.

For the above-described and other reasons, the NOP and scope of the EIR as described do not meet the requirements of CEQA.

Mary Miles

**San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004 Housing Element
Case # 2007.1275E**

If you wish to submit written comments on the above project, you may do so on this sheet (although use of this form is not required). Please submit written comments in person to Jessica Range at today's public scoping meeting, or by mail to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **All comments must be submitted no later than 5 P.M., November 12, 2008.**

Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary. -

Policy 1.1 advocates higher density in residential areas adjacent to downtown, but does not identify them in particular, indicating that that means all adjacent residential areas. Promoting "higher density" and "prevailing neighborhood scale and character" are inherently incompatible. What constitutes "neighborhood support"? Is the Planning Department intending to promote potential higher density in North Beach, Russian Hill and Telegraph Hill—areas adjacent to downtown--where there is clearly no neighborhood support (if this means support by actual residents). What is the justification for this?

What is the possible environmental impact of totally ignoring the use of some surplus public lands as needed open space—public parks—and only advocating use for affordable housing (as enumerated in POLICY 1.5)?

How does the Planning Department reconcile up-zoning of areas where there is currently affordable housing which is not as high density as area plan up-zoning would allow? Would there not be the temptation to demolish existing affordable housing for new, more lucrative, higher density, mainly market rate housing?

OVER →

Name: Penelope Clark

Organization (if any): CSSN

Address: 2544 Leavenworth SF 94133

According to the ABAG Regional Housing Needs Allocation, from the period 1999 to 2006, San Francisco produced 153.4% of the needed Market Rate housing, while only producing 47.5% of the needed lower and moderate income housing. Using these actual production percentage numbers, what will be the environmental impact of this unbalanced production of housing types as carried into the future?

Given that the voters recently turned down a ballot measure to fund moderate housing, what policies can be made to correct the future production imbalance of moderate income housing.

If Market Rate housing is used as a significant source of funding for lower income housing, how will the extreme over-production of market rate housing impact San Francisco?

If the policy of increasing housing density and reducing parking requirements in neighborhood commercial districts is promoted, how can this not have harmful effects on the quality of life for those living in adjacent residential areas. Studies have shown that people who own their own homes (or condo's) tend to own cars, and private (for profit) development in NCD's is virtually all condo's.

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EIR Public Scoping Meeting Written Comment Form
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Project as proposed would:

Cause substantial increase in traffic in the neighborhood.
Traffic volumes already high. Denser housing would cause additional volumes on neighborhood streets.
Cause parking problems. Elimination of parking requirement will cause people to park cars in our neighborhoods.
Also fails to plan for environmentally-friendly plug-in cars that will not be accommodated by this plan.
Cause environmental damage (pollution, tree and plant damage) due to higher emissions from increased traffic.

Exceed capacity for existing streets with higher density
(over)

Name: Scott McMillen

Organization (if any): _____

Address: 233 Santa Paula Ave., S.F., CA 94127

housing.

~~Caused~~

Delay response time for emergency vehicles due to increased traffic.

Elevate noise levels due to traffic in neighborhoods.

Conflict with City efforts and policies to calm traffic in neighborhoods.

Cause noise, light, and wind problems due to additional high-rise buildings.

Strain capacity of existing recreational areas and parks due to increased density of housing.

Detract from character of existing housing, which will in turn negatively impact property values.

~~Damage character and quality of neighborhoods.~~

Strain current public transport systems which currently operate beyond capacity.

Place dense housing in areas susceptible to earthquake damage.

Damage character and quality of neighborhoods.

Interfere with vistas and views due to higher/denser housing complexes.

Cause substantial population growth.

Strain existing water, sewage, electrical + utility services.

Interfere with existing historical buildings and architecture of historical significance, with increased surrounding development.

SAN FRANCISCO



FIRE DEPARTMENT

DIVISION OF FIRE PREVENTION & INVESTIGATION

Date: November 4, 2008

**To: Jessica Range
1650 Misssion Street, Suite 400
San Francisco, Ca 94103**

Regarding: San Francisco 2004 Housing Element

RECEIVED

NOV 05 2008

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

The SFFD is requiring clearance for the permission to build structures. The applicant must follow the guidelines showing adequate hydrants, fire flow, fire department connections, and access roads. Please see the enclosed documents for guidance.

Capt W J Mitchell


Captain William Mitchell

Ms. Range and Mr. Wycko:

Please consider whether there is sufficient water supply to provide for those who would fill the housing that is proposed. Specifically please consider:

- That today SF uses about 91 million gallons per day, average, water.
- That in ten years SF has promised to use 81 million gallons per day (mgd), plus recycled water (estimated at between 1 mgd (Urban Water Management Plan) and 2 mgd (WSIP documents), and perhaps groundwater, estimated by the Urban Water Man. Plan as 3.5 mgd). This is less water to be used, by a growing, aging population.
- That SF's population will age, and the percentage of residents over 60 will increase dramatically. As people age they are more likely to have health problems, and require more water use.
- That job growth is expected to occur. Businesses will use water.
- That San Francisco counts on "water transfers", that is, buying water, during dry periods (droughts), yet has no contracts for water transfers.
- That San Francisco, through its SFPUC, has promised to use 81 mgd or less in 2018, but it has no plan for how to accomplish this.
- That SFPUC plans to do a great deal of construction (the WSIP program) between now and 2015, but none of its schedules for this construction have held, all have slipped, and its present schedule has greatly compressed the bulk of construction into a shortened time-span, the accomplishment of which as scheduled will surely fail.

Thank you, Steve Lawrence



**San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004 Housing Element
Case # 2007.1275E**

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Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary.

The Cow Hollow Association requests the broadest possible scope of the EIR, to consider impacts of traffic, parking and congestion in our neighborhoods. We do not think it is appropriate to develop transit corridors in neighborhoods such as ours which do not have high density or tall structures.

Name: Meg Ruxton
Organization (if any): Cow Hollow Association
Address: 2717 Greenwich St., SF 94123

San Francisco Planning Department
EIR Public Scoping Meeting Written Comment Form
San Francisco 2004²⁰⁰⁹ Housing Element
Case # 2007.1275E

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Write your comments regarding the environmental review for the project here. Use the back of the sheet or additional pages if necessary.

It is crucial that the land use and zoning issues present—and the 2009 Housing Element—take into account the intense opposition of many neighborhood groups* to changes in RH-1 and RH-2 areas that would change zoning (e.g. height and density) in ways that would adversely impact neighborhood character. These, in addition to keeping one parking space per residential unit and prohibiting in-law ^(secondary) units, are key points in avoiding another round of litigation which could tie up the 2009 Housing Element as it did the 2004 version. Moreover I have increasingly heard that the initial steps toward a citizens' initiative are being taken. This can and should be avoided.

Name: _____

Robert Friese

(OVER)

Organization (if any): _____

San Francisco Beautiful

Address: _____

One Maritime Plaza; #1300; San Francisco, CA 94111

* Ironically a number of developers we contacted would also take this position—largely to avoid more delay and cost blocking projects that otherwise could be built (and losing the City HCD funds).

Concerning commercial areas and (truly)
"major thoroughfares," no setback should be allowed
off the main street, and height limits of 40-50 feet
should be sufficient to neuter most of the
expected opposition.

The above comments are not official positions
of San Francisco Beautiful, but derive primarily
from my individual role responding to the Mayor's
request that I coordinate with Mike Cohen,
John Kahan and Doug Shoemaker (originally
with Matt Franklin) to try to end litigation
over the above issues. The last round lasted
five years. Let's work to see that it doesn't
happen again.

--ooo--

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

1650 Mission Street, Suite 400, Room 431

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2004 AND 2009 HOUSING ELEMENT

ENVIRONMENTAL IMPACT REPORT

PUBLIC SCOPING MEETING

WEDNESDAY, SEPTEMBER 30, 2009

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A T T E N D E E S

EIR SUPERVISOR: SARAH JONES
EIR COORDINATOR: JESSICA RANGE
TRANSPORTATION PLANNER: VIKTORIYA WISE
TRANSPORTATION PLANNER: GREGORY REISSEN
PROJECT SPONSOR: KEARSTIN DISCHINGER
EIR CONSULTANT: ROB CARNACHAN
EIR CONSULTANT: ERIN EFNER
EIR CONSULTANT: JESSICA VIRAMONTE

SPEAKERS

Joan Girardot: CSFN and Marina Civic Improvement
and Property Owners Association
Lupe Arreola: SF Human Rights Commission
Jed Lane: Miraloma Park Improvement Club
George Wooding: West of Twin Peaks Central Council
Hiroshi Fukuda: Richmond Community Association
Don Dutil: West of Twin Peaks Central Council
Judith Berkowitz: CSFN
Bob Friese: San Francisco Beautiful
Bernard Choden

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P R O C E E D I N G S

WEDNESDAY, SEPTEMBER 30, 2009,

MS. JONES: Okay. Welcome,

everybody. Jessica is going to start.

MS. RANGE: Thank you for coming

tonight to the 2004 and 2009 Housing Element

Environmental Impact Report Scoping Meeting.

Before we begin, I just want to let you

know that the restrooms are down the hall to the

left and our receptionist is leaving at 7:00.

So, if you need to go beyond the reception

area, you'll probably get locked out. So I just

wanted to let you know that.

Also, in the back we have a number of

different items if you were able to pick them up,

one of which is a Speaker Card.

So, if you wish to speak tonight, please

fill out the Speaker Card and you can bring them to

Erin over there.

Also, we have a sheet back there for

written comments and we will be accepting written

comments tonight as well as until October 5th.

There is also a copy of the Notice of

1 Preparation and this handy guide is the CEQA
2 process.

3 I will begin now with -- just so you --
4 with instructions. I'm Jessica Range. I work with
5 the Planning Department Major Environmental Analysis
6 Division and I'm the Project Coordinator.

7 Tonight we have Sarah Jones. She is the
8 Project Supervisor also with Major Environmental
9 Analysis, and we have Viktoriya Wise and Greg
10 Reissen who are our Transportation Planners. They
11 are here to listen and we also have Kearstin
12 Dischinger who is the statewide division and they
13 are the ones that are the project sponsors and we
14 also have Rod Carnachan, Erin Efner and Jessica
15 Viramontes here in the back. They are our EIR
16 consultants.

17 So, let me just begin with the purpose of
18 our meeting tonight. The purpose is to take public
19 comments on the scope of the analysis to be
20 connected in the Environmental Impact Report.

21 What we will do, first, is we will present
22 the 2004 and 2009 Housing Element. Kearstin will
23 give you a brief presentation and, at that time, we
24 will take some Q&A.

25 Then, Sarah and I will both present the

1 CEQA process and we will take some Q&A on the CEQA
2 process and, specifically, questions just related to
3 the process at that time and then we will open it up
4 for public comment on the scope of the EIR.

5 So, to begin, if you have Speaker Cards,
6 you can hand it to Erin here. So, to begin,
7 Kearstin?

8 MS. DISCHINGER: Okay.

9 If everybody can hear me? If not, move up.
10 There are a lot of spaces available tonight.

11 I know my key role tonight is to just kind
12 of go over the project description, what is the 2004
13 and what is the 2009 housing element since there are
14 a lot of clear basics, I'm just going to over it
15 real quick. If I'm going too fast, please let me
16 know.

17 Now, our main focus tonight is really the
18 scope. So, our main point tonight is, you know, the
19 environmental analysis of these two projects and
20 really getting comments on the focal points but
21 we're interest in anything on that project.

22 So, I just wanted to point out if you
23 haven't yet, on the back table there is two
24 documents which have descriptions. So you have got
25 the 2004 and 2009 descriptions. I think these are

1 also available on the website in that notation.

2 So, to start, what is the housing element?

3 Why are we doing this? What is the general idea?

4 As we all know, the component of the City's general
5 plan, there are seven elements.

6 The housing element is the -- important in
7 this state and, obviously, the operators' staff and
8 I'm sure that everybody is -- they have had a lot of
9 infrastructure's funding, redevelopment agency
10 funding, affordable housing funding to a
11 municipality compliance with the housing element, as
12 well.

13 So, this is something every municipality in
14 the State of California must do.

15 We completed a draft in 2004 which was
16 adopted and then we also have a working draft for
17 2009 which we plan to develop in the draft that now
18 is within the community to talk about but we will be
19 coming back to the Commission to revise it and
20 there's some work on that and some future public
21 comments.

22 It serves as a tool for -- to tell you
23 today what we are doing, what is the City of San
24 Francisco doing to help meet our housing goals. It
25 serves as a regional tool for planning.

1 We coordinate with the associations, Bay
2 Area governments. We are going to talk a little bit
3 about doing that later.

4 We're the folks that generate that list and
5 we coordinate with the MTC, the Metropolitan
6 Transportation Commission. Thank you. I was like
7 "committee"?

8 It's a tools for us. We work with the
9 City. We work with all the different agencies
10 involved.

11 We work with the Mayor's Office in Housing,
12 the Mayor's Office of Economics and Social
13 Development the Department of Building Inspection,
14 the PUC folks, MTA, the Human Services, all of those
15 -- many of the different agencies to talk about
16 their work for the next five years and how it can
17 help us reach our housing goals.

18 So, it's also that tool and then local
19 development and advocates use the housing element to
20 guide their actions. It helps them understand what
21 the community's vision is for the next five years
22 and things to happen.

23 And again, this is something that you
24 probably have looked at the Draft for 2009 and 2004,
25 so you have seen this but both of them have

1 objectives and below that are our policies and then
2 implementation measures are really action stuff.
3 So, it's the action plan on how do we think that
4 within the City, you should act in order to issue
5 the policies and objectives that we have identified.

6 If you have questions on this, I'm
7 available and we do have in the back also a copy of
8 the 2004 and the 2009. It's a Department copy but
9 if you want to page through it while I'm up here
10 talking, please feel free to do so.

11 So, why do we need to do it? Again, we
12 also think the State wants us to do it as a planning
13 tool but we also -- it's important to how the City
14 bill us on their ads.

15 So, we have a growing population and we
16 have diversity and one thing the housing element in
17 2009 needs to look closely at is how do we address
18 not just the number of housing units we need but
19 very different kinds.

20 We have a growing senior population. We
21 have a lot of concerns about being able to maintain
22 family housing elsewhere in the City and one of the
23 issues raised about housing and diversity and
24 through culture and time.

25 We also have a very old housing stock. If

1 you look at this chart, the numbers on the left tell
2 you when the housing units were built.

3 You can see that fifty percent of our units
4 were built before 1939. That alone raises a lot of
5 issues about maintenance, housing assistance
6 development and a lot of policies in the housing
7 elements and we will address these issues.

8 You can see if you go up to six -- well,
9 no. Seventy-five percent is almost fifty years.
10 So, we have a very old housing stock but we need to
11 be correct at about maintaining its fundamentals in
12 that unit. It's one of largest working with housing
13 happening today.

14 So, that's another reason we need to be
15 constant in thinking about our policies.

16 The affordability question, this is just
17 one chart. If you look at Part 1 about the need for
18 analysis, you will see a lot of ways that we've
19 tried to think about affordability in San Francisco
20 and the entire Bay Area.

21 Affordability is a critical issue and in
22 San Francisco, it is very heightened for middle
23 income, low income, very low income. It's a tight
24 housing market.

25 So, we have a lot of policies that really

1 work with that. Hold your questions to the end, if
2 you don't mind?

3 MR. DUTIL: I think that's better,
4 yes.

5 MS. DISCHINGER: Thank you.

6 MR. DUTIL: I'm glad you asked.

7 MS. DISCHINGER: So, I'm just
8 going to spend just a little bit of time talking
9 about the house description for 2004 and 2009.

10 I think Jessica and Sarah are going to go
11 into more why we're doing both in the EIR. So, I'm
12 just going to kind of defer to them on that topic
13 but one of the things that we try and do on the
14 housing element is look at our regional housing
15 neighbor allocation and see how and if we can
16 accommodate that.

17 So, I was talking about ABAG earlier, the
18 Association of Bay Area Governments or regional
19 entity and they kind of connect the City with the
20 State and they say, okay. The State thinks that our
21 region, our nine-county region, will have
22 such-and-such growth and they divide it among the
23 nine counties.

24 For 2004 in San Francisco, they project an
25 approximately 20,000 housing units. For 2009,

1 they're projecting 31,000. So, this projection goes
2 through 2014, a seven-year period.

3 So, one of the things that both for 2004
4 and 2009 do is take their separate set of
5 projections and ensure that our existing land use
6 controls can accommodate that and many of you have
7 been to our shops and can say that and almost all of
8 you are nodding. So, you know those 2009 housing
9 elements.

10 This isn't a really big question. That
11 31,000 isn't a big question. We have the money to
12 accommodate that.

13 Our big question is the rows that sum up to
14 31,000. How do we accommodate the extremely low,
15 the very low and the lowest? Our poor economy
16 require subsidies of some sort and, again, it's a
17 tough housing market. So, that's where our economy
18 area is for this.

19 This map kind of show you where we do
20 things, so 31,000 housing units will go and so on.
21 You will recognize this map if you are a fan of the
22 Planning Department.

23 It shows all of our work and all of the
24 regional agencies work.

25 I think these are the -- the green ones are

1 the adopted plan, are the ones that you know about
2 that were just adopted and I felt to there and these
3 manifolds which includes SOMA, the Mission Showplace
4 for Central One of them.

5 It also includes Ray Thomson area and then
6 we also are currently working on a few more.

7 Actually, where we're working are around this Park
8 Merced, Glen Park, Bayview, Hunters Point, Treasure
9 Island, and the Mission Bay, back to there.

10 Those are the areas that we think those
11 31,000 housing units can be accommodated and the
12 heart of the housing unit for 2009 is figuring out
13 how to make sure they are the right kind of units
14 for the projected housing units.

15 Question?

16 MR. DUTIL: Yes, question.

17 Will we be able to refer back to that in
18 our question?

19 MS. DISCHINGER: Yeah, sure.

20 So, this is a summary of the 2004 program.
21 If you read through why your project description
22 that you can get in the back of this, so I'm not
23 going to have to read it to you but these are the
24 main goals, reduced uncertainty for housing,
25 increased availability of land, facilitate the

1 processing and enhance capital fund raising which
2 is, again, getting at that same issue of
3 affordability.

4 So, these are the housing issues that the
5 State asked us to look at and we have constantly in
6 our responses to in the red sheet in 2004.

7 And then summary, you know, hit all of
8 these issues. This is, again, hopefully, the right
9 project description but in 2004, we called out eight
10 key areas for this program.

11 Housing supply, that talks to can we
12 accommodate it? The retention is the issue of our
13 existing housing stock and making sure it works and
14 availability, affordability.

15 Homelessness is a big issue and that kind
16 of gets folded into affordability in 2009.

17 In 2009, you would think there is
18 recommended and I think that's how most of you in
19 the room right now but we had a brief housing
20 community plan process. We started with the
21 community advisory body. Judy Berkowitz was one of
22 our cabinet groups.

23 We had a representative from each of the
24 eleven districts that was appointed by the board's
25 program and then they had a few folks that were

1 housing specialists to sort of even out the
2 achievement community.

3 These folks have been with us about ten
4 times between September and January. They helped us
5 really come up with our first draft.

6 They helped us think through what the key
7 issues were, what the objectives are. We started
8 from ground zero. We said, hey, do you know what?
9 These are our projections that the State wants us to
10 look at.

11 What are other ones that we haven't thought
12 of? They thought of the three great ones that they
13 are going to see as one of our two things, molding
14 of character and balancing housing infrastructure.

15 Those are two of the four achievements that
16 we added on as San Francisco specific and, if you
17 look through the policies, you will see a lot of the
18 definite and information that we're at ground level
19 of those ten working sessions.

20 Sort of at the same time, we held
21 stakeholder sessions. So, we held any group, any
22 special interest group, any advocacy group, any
23 group -- policy group with the cabinet we hear more
24 from, we held a group session for.

25 So, that we had market rate developers,

1 affordability developers, homeless advocates. We
2 had four sessions from neighborhood organizations.

3 We had a renter's group. We had a family's
4 housing group, any group that we could think of. We
5 had the seniors, the elderly. So, we had the
6 homeless.

7 So, we basically used them as a source of
8 information. We only had -- I don't know if I
9 mentioned data analysis where you pull these things
10 on the website. The State sessions were sort of on
11 the ground, tell us your perspective, your -- your
12 -- you spend a lot of time thinking about how you
13 were seniors or whatever the group was. So, they
14 were informed of our process as well.

15 Once and by February, we had a draft of the
16 2009 and that's when we started our tour of the City
17 of San Francisco.

18 We did thirty community meetings, thirty --
19 thirty-five community meetings throughout the City.

20 Many of you had spoke with us or came out
21 to some neighborhood organizations and also who
22 helped some of our own.

23 I think we had about at least two in every
24 super-video history and maybe more if there was a
25 range.

1 And following that, we conducted our draft
2 to Environmental information and the key themes,
3 again, housing affordability. It's that the Board
4 has come up to that issue.

5 How do we reach those directly in the
6 Basin? And how do we identify the revenue and
7 ensure that we are able to house those folks?

8 There is a lot of policy work on that, and
9 I'm kind of sad to say that one of our answers is we
10 need a lot of policy in the region to provide that
11 and we need a lot of help from the State. Locally,
12 we can't do it on our own.

13 Neighborhood character. This is the one
14 that through the work we had become a really
15 important issue.

16 It's an open issue heading just a few
17 objectives and this is talking about maintaining the
18 diverse character of each individual in the City.

19 There is a lot of bridge policy language in
20 the 2009 draft that will speak to these issues.

21 Balancing infrastructure with housing
22 directive. They're not only the ones germane to
23 that account and the idea is that housing units for
24 any of the upper State, we recognize that but we as
25 a City want to coordinate to make sure that as we

1 grow, we need also to build the transportation, open
2 space, the library, the childcare, infrastructure
3 that we need to support that growth and for those of
4 you that followed our planning efforts, you know we
5 started in -- in fact, you had elected them to do
6 that.

7 This section and the policies but we are
8 going to identify a few other mechanisms and
9 strategies for the City to pursue and this is the
10 one that I would say we worked the most heavily with
11 other agencies because it directly involves the MTA,
12 including the Department of Public Works and ABAG.

13 So, we have done a lot of coordination on
14 those policies and the coordination issues.

15 And then, finally, the sustainability.
16 This one actually also came from the categories
17 where these are kind of looking at how we as a City
18 are -- we were in the sustainability movement.

19 The ideas that are under this issue area
20 include both on a very local level like green
21 building and how do we help folks get solar panels
22 and make personal choices that are more sustainable
23 for the City and then also how do we grow on a
24 regional level in a sustainable way, having jobs and
25 a housing unit transit so that people can rely on

1 that rather than automobiles for their daily trek.

2 So, lowering big house gap. There are a
3 lot of bridges and we'll be assessing that.

4 This is definitely a new topic for housing
5 element throughout the State and an opportunity for
6 growth for this iteration and also for 2014 which
7 will be recognized.

8 I think that's it. I just wanted to close
9 with a little bit about the process and the next
10 steps from the policy side and then, of course, I'm
11 here for questions and project description but we
12 will be coming back to the Planning Commission and
13 to the public in the Winter, early Winter to do post
14 sessions and working group sessions.

15 You will be given a draft for you folks to
16 become involved and read through it, generate some
17 ideas.

18 We have been working in the back with some
19 of the other agencies on the environmental measures
20 and we will be coming back and then take the final
21 set of comments from you folks, draft another
22 version of the draft, the final draft, and then we
23 will be bringing that to the Commission and that
24 will be in the Spring sometime for the adoption
25 process.

1 So, while Jessica and Sarah are working on
2 the environmental housing, we also be working on the
3 environmental policies issues.

4 So, with that, questions?

5 MR. DUTIL: Can you go back so we can
6 focus on the different prices for the housing and
7 different groups?

8 I was just wondering how you decide to have
9 that many groups and how did everything connect with
10 those.

11 MS. DISCHINGER: That's a really
12 good question.

13 So, actually, there will be appropriation
14 of Bay Area Government, ABAG, who gives us the
15 original number.

16 They give it to us with some of these
17 breakouts and they base it on the kinds of jobs that
18 we have and the kinds of demands that we have in the
19 City.

20 So, there is an idea of enabling a sort of
21 balanced economy, that people live where they are
22 and live where they work.

23 So, with every new type of housing that you
24 can kind of imagine or with every new set of jobs,
25 those are work jobs.

1 MR. DUTIL: Do they give you those
2 exact studies? Or did you interpret them to be --

3 MS. DISCHINGER: They gave us two
4 us two less categories and we added two categories.

5 We added the -- if we broke the extreme one
6 and the very low one came out because San Francisco
7 has a lot of specific knowledge about our needs and
8 the financing tools and the delivery tools that we
9 have for the different populations are very
10 different. So, we felt that it was important.

11 We also broke out --

12 MR. DUTIL: Well --

13 MS. DISCHINGER: Let me finish.

14 MR. DUTIL: Oh, okay.

15 MS. DISCHINGER: We also broke out the
16 middle income from the market because San Francisco
17 has a very different market rate than others, than
18 other communities because of our incredible demand
19 of the market.

20 So, we felt that this middle income which
21 is sort of above a hundred percent of the medium is
22 still something that we actually do have policies
23 that are actually showing the housing that's
24 generated for that group.

25 In other communities, those folks are kind

1 of the same as market rate developers. So,
2 developers, we just kind of build for that income
3 category that high amount but, in San Francisco,
4 because land values are so high and sales can go so
5 high and be focused, we really wanted to pull out
6 that population.

7 MR. DUTIL: Okay.

8 Well, the question I asked is about this
9 and I would like an answer to that. In the sense
10 that if you continue to chop things up, where do we
11 lose the most housing percentage-wise to the number
12 of homes if you're ready to model that?

13 MS. DISCHINGER: Oh, how did -- how did
14 we separate it?

15 MR. DUTIL: No, no.

16 Isn't that what we're losing most? In
17 percentage and the size of that population, that is
18 the biggest diminished number of people that we are
19 not servicing in proportion to the overall category.

20 MS. DISCHINGER: I hear what you are
21 saying. Your production is the middle income
22 categories, the one where we're seeing the lower
23 rate population.

24 MR. DUTIL: Right. Is that true?

25 MS. DISCHINGER: The data needs

1 analysis show that these folks in all of these
2 different categories have a hard time finding
3 housing and are -- they are various provisions for
4 folks who may be more likely to outline various data
5 because they have the resources to where other folks
6 from other income categories may be more likely to
7 overcrowd or live in the middle situations.

8 So, I don't know if I could make --

9 MR. DUTIL: Well, isn't that the
10 group that was not so strong under here, right?
11 They have urban planning to do.

12 Now, they are also the biggest -- making up
13 the majority of the community so we're back into
14 this thing, added to our drainage of cash flow and,
15 if you look at the amount of subsidiaries and
16 everything that you are going to give them, that
17 group is probably the cheapest for the City to
18 service because they do -- they probably pay --
19 those residents will be taxed and paying for the
20 services.

21 If you consider to drop the lower to
22 lowest, you now compete against the region
23 surrounding us and -- for the housing and, in many
24 cases, they just have no land to be built which is
25 the biggest problem that we are faced with.

1 So, is there any thought in how you are
2 approaching this?

3 MS. DISCHINGER: Yeah. I mean, I want
4 people to focus on this, describing the project and
5 not just policy language and the 2009 housing
6 element that talks about the importance of
7 developing programs to help retain and encourage
8 construction for that group.

9 MR. DUTIL: Oh, wouldn't it be
10 better for us to spend a hundred thousand dollars in
11 a lower land area and be able to provide housing for
12 people than to try and buy expensive property and
13 subsidize the housing and not even collect property
14 taxes on it?

15 Wouldn't that make a little bit of sense?
16 I mean, has -- why, you know, nobody is talking
17 about these types of things.

18 MS. DISCHINGER: Yeah. I mean, I
19 think that's it. Those are a tough -- tough sort of
20 questions. I think it's a full quality discussion
21 and we're going to have a --

22 MR. DUTIL: That is the Planning
23 Department's, right?

24 MS. DISCHINGER: No. I'm not saying
25 that we haven't thought of it.

1 I'm saying --

2 MR. DUTIL: Oh, you have?

3 MS. DISCHINGER: -- it's a tough
4 set of questions and I think the goal of the housing
5 element is to balance a variety of meetings, not to
6 just pick the one set of housing needs and focus on
7 that and that's sort of a tough stage --

8 MR. DUTIL: Well, you have focused
9 already on the low end. You haven't focused on the
10 middle.

11 I think we have been following your
12 discussions for the last two years and, as far as
13 the west side of San Francisco, you haven't focused
14 on our areas.

15 MS. DISCHINGER: You feel like there
16 is more programs and policies areas that we haven't
17 met yet?

18 MR. DUTIL: Well, I think you have
19 to be a little creative, is what I am saying.

20 I'm not saying that it is wrong but I guess
21 -- I think you keep falling into this lower end; not
22 that these people don't need to be addressed or this
23 group doesn't need to be addressed. I'm not saying
24 that.

25 I'm just saying that maybe for the cost

1 there may be a solution that would be beyond that
2 instead of keep slicing the pie the way you have it
3 there.

4 MS. DISCHINGER: Okay.

5 MR. DUTIL: Okay?

6 MS. DISCHINGER: Well, I have your
7 comment and there will be more listening questions.
8 So, I'd like you to publish that.

9 MS. DEVINCENZI: Sure.

10 First of all, I'd like to say that the
11 gentleman is correct.

12 What she has got up there are the
13 production goals but she hasn't shown you the actual
14 realization of what they have been building and it
15 is true that the middle moderate is making the least
16 amount of those goals and there are statistics on
17 that but I was wondering if you could go to the
18 slide before that and, in that connection, you know,
19 can we get a copy of this Power Point? The whole
20 thing and any Power Point that you are reviewing
21 now?

22 MS. DISCHINGER: We're going to
23 put it all on our website.

24 MS. DEVINCENZI: Oh, good.
25 We can get it, great, thanks, and these comments --

1 I will be submitting them.

2 Can we fax them in by 5:00 p.m.? Or do
3 they have to be hand-delivered?

4 MS. JONES: So, that's a question
5 that will be the scoping --

6 MS. DEVINCENZI: Scoping by EIR?

7 MS. JONES: You can email them and
8 send them however, you know, whatever is the way
9 that's the most convenient for you to get them to
10 us.

11 MS. DEVENCENZI: Well, there's no
12 fax number on your notes. So, is there a fax number
13 that we can use?

14 MS. RANGE: Yes, there is.

15 You can go ahead and fax them to my fax
16 number which is the Department's fax number and I
17 have your question --

18 MS. DEVENCENZI: Okay.

19 MS. RANGE: -- is on my cards and
20 there are more cards up here, too. So, just feel
21 free to take back whatever.

22 MS. DEVENCENZI: Okay.

23 You know, there's no court reporter here.
24 So, I hope that you --

25 MS. RANGE: Oh, we do have a court

1 reporter.

2 MS. DEVENCENZI: Oh, there you
3 are. I didn't see you, okay.

4 And then my question -- the real question I
5 have is when do you think you will have your work
6 programs? There are no work programs in these
7 drafts.

8 MS. DISCHINGER: The work
9 programs for the Department? Or --

10 MS. DEVENCENZI: For the 2009
11 housing element. Do you think you have proposed
12 work programs?

13 MS. DISCHINGER: The implementation
14 measure? I'm not sure what you mean by "work
15 programs".

16 MS. DEVENCENZI: Well, in the
17 2009, you have policies, implementation actions and
18 preliminary work programs in the back which show
19 various areas where you intend to implement your
20 policies and work programs are a part of the
21 statutory requirement.

22 Are you intending to revise this draft
23 after this next hearing and come up with some work
24 programs?

25 MS. DISCHINGER: You mean the --

1 I'm thinking what you're talking about is the
2 implementation measures and what we're going to do
3 is take what we call "implementation measures" and
4 create a one-page document which provides a
5 time-line and an estimate of costs in which parties
6 of the City family, will it be planning for the or
7 it will be MTA and so that's part of the work that
8 we are doing right now and we will be -- we will be
9 providing that in the Winter and the Spring. Okay?

10 MS. DEVENCENZI: Thank you.

11 MS. DISCHINGER: Bernie?

12 MR. CHODEN: Oh, thank you.

13 I'm Bernie Choden and I generally represent
14 San Francisco, the Bar, and sometimes the coalition
15 at UC.

16 Well, today and I would like to commend
17 you, by the way, for pointing out plenty of ways and
18 carving it and your patience at this meeting.

19 MS. DISCHINGER: Thank you so much.

20 MR. CHODEN: And we will try
21 to help you and so this can go on. Take advantage
22 of that.

23 MS. DISCHINGER: Thank you.

24 MR. CHODEN: I have turned in my
25 proposed comments and I would like to get -- want to

1 get a writing proposal. However, a quick bone of
2 cards.

3 I have really most of two statewide housing
4 plans, if you've got others. As a former client of
5 record, there will be part of that of the City that
6 was built and worked them curiously and this time,
7 it will on this one. I think I have some expertise
8 to present in different phases.

9 But the fact is when you go back -- by the
10 way, I wrote much of the State law regarding what
11 you need to do. So, I think I have expertise there
12 in interpretation.

13 That law says all housing needs, not just
14 growth needs as you indicated there, but housing
15 losses due to loss of affordability.

16 For example, the City wishes that seismic
17 retrofit of wooden houses, soft style surface
18 houses, be implemented without subsidies that would
19 remove these two to 3,000 units from affordability
20 and rental control.

21 That is not a mere housing element. When
22 you look at the mitigation measures which I have
23 detailed at some length before several times, you
24 need to look at housing losses, code enforcement
25 deterioration, unemployment, economic recession and

1 so on. So, housing losses besides growth and on
2 infinitum.

3 Secondly, you used zoning as the only
4 hammer that the Planning Department knows about and
5 every map has a zoning problem. This is not new.

6 The City has resources which need to
7 explored as you look into the remedial possibility.

8 For example, the City will be out
9 \$600,000,000 on the central subway and accepted
10 \$900,000,000 as stipulated.

11 There is no legal way to offset that cost
12 which was as operating things, including taking
13 money from the Third Street rail which is hemmed in
14 by the bond statement. This is what that money can
15 be used for.

16 Saying you can get away with it is not a
17 solution. All the DRT investments.

18 It's a question of political priority that
19 shouldn't guide you. You are the professionals, are
20 required to look at the best suggestion for remedy
21 and eliminate the mediation of need, regardless of
22 what the tenant and the separations are. This has
23 not been done over nineteen years and should not be
24 continued. You will be challenged on that,
25 probably.

1 MS. DISCHINGER: Okay.

2 MR. CHODEN: Now, I also indicate
3 that you go into the scoping statement, all right?

4 MS. DISCHINGER: Let's wait until
5 Jessica gives a presentation for comments on the --

6 MR. CHODEN: You don't want all this
7 now?

8 MS. DISCHINGER: Right. We are doing
9 it in two parts. So, I did the study, was the
10 project.

11 I think, Judy, you had a comment on what is
12 the project? And then we'll -- I will let Jessica
13 do her presentation.

14 MS. BERKOWITZ: At this point, I
15 just had a general comment and that's regards the
16 two speakers already and I think that Item 2 on the
17 ground rules should be observed because if anybody
18 tried to read the transcript from the November 6th,
19 2008, 2004 scoping hearing, it was impossible.
20 Nobody was identified.

21 So, my name is Judy Berkowitz,
22 B-e-r-k-o-w-i-t-z.

23 The previous three speakers for your ease,
24 should probably identify themselves now and every
25 time one of us speaks, we say our name. Before we

1 say anything else, we say our name.

2 The Court Reporter will have the spelling
3 right out front. We don't have to go into anything
4 else. Thank you.

5 MS. DISCHINGER: Thank you,
6 absolutely. Do you know who they were in order, the
7 speakers?

8 MR. DUTIL: Oh, Don Dutil, West of Twin
9 Peaks.

10 MS. JONES: Spell it for the first
11 time.

12 MR. DUTIL: D-u-t-i-l.

13 MS. DEVINCENZI: Kathy Devincenzi,
14 D-e-v-i-n-c-e-n-z-i.

15 MS. DISCHINGER: And your name?

16 MR. CHODEN: I did, Bernard Choden.

17 MS. DISCHINGER: Can you spell it,
18 please?

19 MR. CHODEN: All right.
20 C-h-o-d-e-n.

21 MS. DISCHINGER: Thank you.

22 MR. CHODEN: Owner in principle,
23 policy planning for this department, for
24 thirty years ago.

25 MS. DISCHINGER: Are there anymore

1 comments on just the project description before we
2 go into the --

3 MS. JONES: Questions?

4 MS. DISCHINGER: Thank you.

5 Hiroshi?

6 MR. FUKUDA: My name is Hiroshi

7 Fukuda.

8 THE COURT REPORTER: Spelling?

9 MR. FUKUDA: Spelling, F as in

10 "Frank" u-k-u-d as in "David" a.

11 You had a chart in regards to all of the
12 different levels of income and now, I imagine you
13 have a purpose for having that type of chart and/but
14 you never said what the consequence of not meeting
15 those goals. Is there any consequence?

16 MS. DISCHINGER: These are planning
17 goals and I think you have been in prior workshops,
18 so you've heard this a little bit but these are our
19 planning goals and we have to report to the State in
20 five years whether our program did actually achieve
21 as these goals and if they didn't, why not and
22 sometimes the answer is, well, the market wasn't
23 very active and so nobody was building and that's
24 why not and that's a fine admonition, too, but we
25 have to show that we have the capacity and that we

1 as a City can accommodate what's shown on this
2 screen, the goals that the ABAG has given us, the
3 goals that the State has given us.

4 If we don't do that, then, yes, there are
5 penalties. If we show that -- if we don't show that
6 we can accommodate it... I'm going to go right back
7 here -- there is a lot of State funding that's tied
8 to having a housing element that is approved by the
9 State.

10 The State will only approve it if we show
11 that we can meet -- if we can accommodate the
12 potential growth.

13 If we don't have an endorsed -- State
14 endorsed City adopted housing element, we are not
15 only going to lose for our infrastructure, we are
16 going to lose money for affordable housing.

17 We are not going to be able to do a lot of
18 the redevelopment planning that we've been talking
19 about, Treasure Island, Candlestick, a lot of the
20 areas.

21 So, there is a -- there is a consequence on
22 that.

23 MR. FUKUDA: All right.

24 In that regard, you haven't had an improved
25 housing element for -- only since 1990. So, how

1 could you get funding for all these programs?

2 MS. DISCHINGER: We are going table
3 this question for the group and you and I can talk
4 about this afterwards because I think we've had this
5 conversation a number of times.

6 MR. FUKUDA: Not with me, no.

7 MS. DISCHINGER: And the answer is
8 that the 2004 lawsuit was -- I don't know the dates
9 but the 2004 was in effect until the lawsuit was
10 completed and then following that, I think there was
11 an agreement made where all but certain policies of
12 the 2004 could still be effectively on the State
13 enforced housing element. So, the City does have
14 that housing element.

15 MR. FUKUDA: Well, the thing is since
16 1990, you know, you never had one until 2004 which
17 really wasn't approved.

18 MS. DISCHINGER: That predates my
19 knowledge of San Francisco, but that's true.

20 I'm not sure what I -- I'm not sure how we
21 got through that but the State, like I said, has
22 become more and more serious about it. So, they are
23 tying in more and more things to having --

24 MR. FUKUDA: But all this time,
25 you know, Planning keeps on saying if the housing

1 element isn't approved, you don't get funding for
2 this.

3 Well, you have had one approved for all of
4 that time since 1990 and so, I mean, is this a
5 threat? Or is it for real? Or just phoney baloney?

6 MS. JONES: It's for real.

7 MS. DISCHINGER: Okay. You have heard
8 me say what my perspective is on it.

9 So, I'm just going to ask for other
10 questions about the project description and then if
11 there are no other questions, I'll hand it back to
12 Jessica to go ahead and talk about the program.

13 MR. DUTIL: Well, wait a minute.

14 This is rejustification for this whole
15 program and you'll telling -- and he is asking what
16 is the ramification.

17 You are saying that you are not getting
18 State Funding because you don't meet these criteria
19 and not -- knowledge of the law is not an excuse.
20 You are in this Department. I expect you to know
21 the history of it.

22 So, is there a -- is this reality we are
23 talking about? Or is this a goal we are going for?
24 What are exactly items on that board that we would
25 lose if we don't accept the plan or reach these

1 goals?

2 MS. DISCHINGER: We -- these are
3 -- this chart is a little maybe confusing but this
4 chart talks about how you're going use it in the
5 housing element.

6 The State requires we hand in a housing
7 element which is our City's vision of how we are
8 going to manage books.

9 If we don't have a plan that they approve
10 that they feel adequately manages growth in response
11 to the goals that they have set out for us, they
12 will refuse to give us a number of funding sources.

13 Why they didn't do that in 1995, I don't
14 know but I do know now that they are threatening to
15 take away affordable housing funding, infrastructure
16 funding, and our ability to leverage a lot of the
17 tools we use to do redevelopment if we don't have an
18 endorsed housing element.

19 MR. DUTIL: Okay. Now, the reason
20 why I --

21 MS. DISCHINGER: That assessment
22 may be right. Excuse me. Let me finish what I'm
23 saying.

24 MR. DUTIL: Okay. The reason I'm
25 getting in this stuff -- I don't mean to put you on

1 the spot but you presented this to us.

2 I'm paying taxes. I live -- I pay taxes.

3 I've lived here. So, I come here to find out.

4 Now, you've said the justification on this
5 is these agencies can, in effect, parties coming to
6 us, State funds are provided, and I'm asking --
7 okay.

8 If that's the case, is that reality? And
9 if it is, what are we looking at here? Does it only
10 count for the low end of the people in that scale?
11 That group? Middle group? Or if we can't meet any
12 of that, what is the impact of that so that we have
13 a concern as citizens to protect this funding and
14 protect, you know, support your interests and your
15 work?

16 MS. DISCHINGER: It doesn't have
17 just to do with meeting these goals. It also has to
18 do with meeting goals of the twenty-nine existing
19 housing, of coming up with seismic sustainability
20 strategies.

21 It has to do with whether we are
22 demonstrating to the State that we as the City are
23 acting responsibility and planning for all the
24 housing issues and I know that there is a focus on
25 theses numbers because they are -- they're scary.

1 This is a lot of change. People are not
2 sure how it is going to happen but the whole point
3 of the housing element is for us as a community to
4 talk about how do we do that and the State wants us
5 to prove that we are having that conversation and we
6 are thinking about it.

7 So, there is a lot of nuances to how the
8 conversation goes between the City and the State but
9 it is very important not only for us to have it but
10 the stick is they'll take away our funding. The
11 plan is that we'll have a City vision of how we are
12 going to operate.

13 If we don't have a housing element, people
14 will build real stuff. We have less of a strategy,
15 we have less of a coordinated vision.

16 So, I'm not sure if that answers all of the
17 points because you had a lot in there.

18 MR. DUTIL: Well, the thing is you
19 present these issues to us and we have questions
20 about it.

21 We want to know if this is reality there or
22 if there is not reality there and I think the
23 gentleman's position back there is certainly valid
24 if you have been operating all these years without
25 it and what are the consequences? And you said,

1 well, there is no consequences that I know of.

2 MS. DISCHINGER: You know, what?

3 I think --

4 MS. JONES: May I interrupt here?

5 The purpose of tonight's meeting is to talk
6 about, you know, what -- what the public face needs
7 to be looked at as the physical environment and,
8 actually, the housing element.

9 So, you know, this is -- I'd totally agree
10 with all of you. This is a very valid discussion
11 and I think there are a lot of outreach
12 opportunities that the Citywide group is providing
13 but I would love it if we could -- if each of us
14 could start talking about the things --

15 MR. DUTIL: I agree with that.

16 MS. JONES: -- we'll be out of here
17 quick.

18 MR. DUTIL: But just take what you
19 just said.

20 This is an impact. I want to know why I'm
21 spending time in here? Why I'd recommend Committee
22 Chairmans to come to these meetings in the last
23 two years and you are putting up documentation for
24 us to be knowledgeable about.

25 We are questioning the validity of these

1 numbers and these dates --

2 MS. JONES: Okay.

3 MR. DUTIL: And how -- how --

4 what's important? What should be emphasized? Not
5 the question that you did anything wrong.

6 We want to know whether we are supposed to
7 clap or are we supposed to sit down?

8 MS. JONES: Yeah.

9 MR. DUTIL: So, if you show us
10 something and you don't know whether you are
11 supposed to clap or we are supposed to clap, that's
12 the reason why the question is.

13 MS. DISCHINGER: Yeah. I think there
14 is a lot of confusion because it's a meaty topic,
15 just the element itself, but what Sara is pointing
16 out is tonight is the EIR scoping.

17 So, this is the project description and
18 these guides, they're going to do a whole bunch
19 analysis on it and tonight we are talking about,
20 given this project description which we can talk,
21 you and I and anyone else in the room can talk about
22 offline why we're doing it this way, whether there
23 are ways we can strength it but given this sort of
24 high level objectives, what should the environment
25 of you folks be sure to think about in covering your

1 analysis on it.

2 So, I will be here at the end of this
3 meeting if you want to continue this and I will --

4 MR. DUTIL: Now, this is not an
5 answer that I want.

6 The answer I want is I represent 16,000
7 homeless. They aren't going to show up at the
8 meetings. They are trusting me to give them
9 direction.

10 You put this on a website and I tell them
11 to go to it, I've got to know that there is
12 justification there because I don't want somebody
13 putting me in your position and asking me questions
14 and I'm not sure that the presentation, the material
15 you are putting out there I can justify.

16 So, that's the only thing I'm saying and
17 I'm sorry if I have taken up so much time.

18 MS. DISCHINGER and thank you.

19 MS. JONES: There is one other
20 question. In fact, is that about the project
21 description?

22 MS. DISCHINGER: Sure. About the
23 project description?

24 MS. DEVENCENZI: Well, it was just
25 about one thing that you said. You know, I just was

1 wondering --

2 MS. DISCHINGER: Okay. What about --
3 if it's not about project development?

4 MS. DEVENCENZI: Well, it is part of
5 the project funding.

6 You said the State was threatening to take
7 away funding. Has that threat been made in writing
8 anywhere?

9 MS. DISCHINGER: I'm not sure exactly
10 how that information came here. So, I will be happy
11 to provide that to you tomorrow or the next couple
12 of days. We can --

13 MS. DEVENCENZI: I can't do that.
14 You have to tell me in the public meeting.
15 Has that threat been communicated by the State in
16 relation to the 2007, 2004 team?

17 MS. DISCHINGER: I don't
18 personally work directly with the State, so I told
19 -- as I said, I don't have that information here
20 and I can provide it to you afterwards.

21 I would be happy to also post it on our
22 website.

23 MS. DEVENCENZI: Okay.

24 Let me just say briefly to the members of
25 the public that this kind of an argument was made

1 before and we disproved it in court and, in fact,
2 all the changes were enjoined and, after that, the
3 State said that they weren't going to lose any
4 funding, that they were going to still let them
5 apply for all of their grants. That's all I want to
6 say.

7 MS. JONES: Thank you.

8 MS. RANGE: All right.

9 So, we are going to move on to the CEQA
10 process. CEQA is the California Environmental
11 Quality Act and I'm going to let Sarah start.

12 MS. JONES: Okay.

13 Well, I think there are probably a number
14 of you in the room who are pretty familiar with
15 this, so if that's the case, then please bear with
16 me because it would be helpful for those who aren't.

17 First of all, talking about what is the
18 California Environmental Quality Act meant to
19 accomplish?

20 Why did we engage in this effort? One
21 aspect of it is and one of the -- I think one of the
22 most important aspects is information, informational
23 document that will describe the physical
24 environmental effects of the project or other
25 programs that our government is considering

1 implementing.

2 We are also trying to look into ways to
3 reduce substantial environmental impacts of
4 projects. There are a number of ways to do that.

5 You can apply mitigation measures that
6 would reduce those impacts. You need to look at
7 alternatives to a project that would result in fewer
8 impacts to begin with or changes to the project to
9 begin with.

10 So, various aspects of that effort to
11 attenuate environmental impacts.

12 Also, going through the CEQA process
13 provides confirmation to the public that
14 decision-makers have been informed and are aware of
15 the consequences of their decisions when they make
16 an action to approve or otherwise support a project.

17 So, that was legislative of what CEQA was
18 intended to accomplish and right now, we are
19 engaging in that process for the housing element for
20 the City and County of San Francisco.

21 What the legislation requires is that we
22 prepare a document called an "Environmental Impact
23 Report".

24 When there is a possibility that a project
25 can result in a significant, that is, a substantial

1 and affect on the environment and that you can't
2 reduce that effect to a less than significant level.

3 In 2004, the Planning Department visually
4 prepared a negative declaration on the housing
5 element at that time. We concluded that the housing
6 element would not result in a substantial aspect of
7 any kind.

8 So, at that time it did not adequately
9 support it and directed the City to prepare an
10 Environmental Impact Report on the 2004 housing
11 element.

12 So, we began that process of preparing that
13 Environmental Impact Report and I recognize some of
14 you from our scoping meeting last year.

15 We put out a Notice of preparation called a
16 scoping -- a Public Scoping Meeting, and we received
17 public comments on the scope of the EIR in the 2004
18 housing element and I just want to confirm to
19 everybody here that the comments that were submitted
20 at that time during that scoping period will be
21 considered in framing out the draft EIR that we are
22 preparing now. So, any comment that you made in the
23 past will still be considered.

24 We have now added to our EIR the 2009
25 housing element. Basically, as the analysis has

1 progressed on the 2004 housing element, the long
2 range planners have reached a point with the draft
3 2009 housing element. This is also ready to be
4 analyzed for environmental purposes.

5 So, we decided to analyze both of them
6 which is the reason that we re-issued the Notice of
7 Preparation and are going through the scoping
8 process again.

9 Basically, this slide describes the kind of
10 EIR that we are going to be preparing. It's a
11 problematic EIR. It's looking at the full scope of
12 an action rather than individual pieces.

13 So, we are not analyzing individual
14 building projects that may be considered around San
15 Francisco.

16 What we are looking at are the overall
17 fiscal changes in the physical environment that
18 could result from the policies, the implementation
19 actions in the housing element.

20 More specifically, what we're looking at
21 are the policy changes in both the 2004 housing
22 element and in the 2009 housing element as compared
23 to the 1990 residence element.

24 Now, I'm going to hand this over to
25 Jessica. She is going to talk a little bit more

1 about the upcoming steps in the ER process for the
2 housing element.

3 MS. RANGE: All right. The next slide
4 just basically shows you what we will be looking at.

5 For this EIR, we will be doing a
6 comprehensive EIR that's going to cover all of the
7 CEQA topics.

8 So, we will have a chapter on public
9 services, a chapter on population and housing, a
10 chapter on cultural resources.

11 We will be covering all of the topic as it
12 relates to both the 2004 and the 2009 policies and
13 then the CEQA process, if you didn't pick up this
14 little cheat sheet that I have back there, this just
15 explains the CEQA process and where we are right now
16 is we are at Step 1 which is preparing a Notice of
17 Preparation and that's what you all might have
18 received in the mail.

19 The NOP which is there are copies in the
20 back, is this document, and it's the notice to the
21 public, to decision-makers, to other agencies that
22 we are going to be preparing an EIR on the housing
23 element and attached to the interplea we have the
24 project description.

25 The next step is to hold the Public Scoping

1 Meeting and that where we are here today.

2 We are taking comments on the scope of the
3 analysis to be conducted in the EIR, after which we
4 will take all of the comments, comments done from
5 the last scoping meeting and comments from this
6 scoping meeting and we will prepare a draft EIR.

7 This draft EIR will be -- it will be going
8 out for public review again for forty-five days at
9 which point you will have time to make public
10 comments again on the analysis that we did conduct
11 and we'll also be holding a hearing in front of the
12 Planning Commission and we will have a Court
13 Reporter there and we will produce a transcript of
14 that hearing.

15 After we have the public scoping or the
16 draft EIR public hearing and the public review
17 period, we are going to prepare a response to all
18 the comments that were submitted.

19 So, what we prepare is called a "Comments
20 and Response" document and we basically take all the
21 comments and respond to each of them.

22 We will also in that document most likely
23 prepare a staff initiated text changes to the draft
24 EIR.

25 So, when you have the comments and response

1 document and the draft EIR together, that's what we
2 call the final EIR. It's the changes that we make
3 to the draft as well as responses to all of your
4 comments.

5 After we prepare the comments and response
6 document, we will circulate that and then the final
7 EIR will go to the Commission for approval of the
8 certified EIR.

9 After we certify the EIR -- well, before we
10 certify the EIR, we'll also be preparing a
11 mitigation and monetary report for any mitigation
12 measures that come out of this process.

13 So, if we identify significant impacts that
14 we can mitigate, we will be preparing a mitigation
15 monitoring report to track the mitigation of the
16 significant impact.

17 Then once we publish the final EIR, the
18 lead agency which is the Planning Department will
19 file a Notice of Determination and after that, then
20 the -- under CEQA, you can begin project
21 implementation and mitigation monitoring.

22 So, this one is just to let you know once
23 against that our scoping period for the -- as a
24 public coordinating period for the NOP ends on
25 October 5th.

1 The NOP is available on our website. We
2 also have copies in the back and please send written
3 comments to Bill Lycos (phonetics) at this address.
4 That slipped.

5 Okay. You can call it the 2004 and 2009
6 housing element. My apology.

7 You can fax in your comments. You can send
8 them to email -- by email. However, if you so
9 chose, they all have the same equal weight.

10 So, at this moment, we are not actually
11 going to take public comment on the scope of the
12 EIR. What we are just going to ask is if there is
13 any very basic questions on the process itself,
14 where we are right now and where we are going to be
15 in the next couple of months.

16 MR. CHODEN: I takes aspirins on
17 the process itself.

18 It is fundamentally dysfunctional to
19 undertake a scope of EIR before all of the
20 mitigations are presented to us.

21 Therefore, we don't know what, in effect,
22 the environmental review will consist of.
23 Therefore, you are out of place.

24 You're going to be finished with your
25 document in the Spring. That's when you need a

1 scope of EIR. Then we know where the mitigations
2 lie.

3 We don't have, in effect, shall we say a
4 full array of mitigations to comment on. That's the
5 purpose of the scope hearing.

6 In other words, what should you consider
7 during the scope of an EIR? You don't know.

8 MS. JONES: You will, of course, have
9 an opportunity to comment on the draft EIR which you
10 will be able to spell out all of those.

11 MR. CHODEN: Given departmental
12 policy in past behavior, particularly on the central
13 subway, we can't trust that. You cannot put the
14 horse before the cart.

15 First, let us know what you are going to
16 do. Then we can comment on it.

17 MS. JONES: We will certainly hold a
18 public comment meeting. So, we will certainly --
19 there will certainly be a public comment --

20 MR. CHODEN: That's a legal challenge.

21 MS. JONES: -- on the draft EIR.

22 MS. RANGE: And please just state
23 your name.

24 MS. GIRARDOT: Joan Girardot,
25 G-i-r-a-r-d-o-t.

1 Could you please discuss unmitigable
2 impacts? And if you believe or if your procedure is
3 to address those solely through monitoring?

4 MS. RANGE: Unmitigable impacts are
5 basically after we have done the analysis in the EIR
6 and we have determined that there is an impact, we
7 can look at that impact and see if there any
8 mitigation that can be applied that could mitigate
9 this impact, and there is a specific requirement
10 that this mitigation measure needs to be under CEQA
11 and, if we determine that no, in fact, it cannot be
12 mitigated, then what's what we call an "unmitigated
13 impact", an "unmitigable impact".

14 MS. JONES: Significant unavoidable.

15 MS. GIRARDOT: And so that then just
16 goes to the decision-makers --

17 MS. RANGE: Yes.

18 MS. GIRARDOT: -- as to whether the
19 project has more public benefit in spite of the
20 unmitigable impact.

21 So, it's a judgment call then on the
22 decision-makers. Is that correct?

23 MS. RANGE: Exactly.

24 So, our job is to disclose the impact so
25 that the decision-makers, that would be the Planning

1 Commission, the Board of Supervisors, can take a
2 look and say, "okay. Well, what is the impact?"
3 And okay. Well, you know, weigh the consequences as
4 approving a project or a program.

5 MR. DUTIL: I'm a little -- Don
6 Dutil, West of Twin Peaks.

7 I'm a little bit confused here. So, this
8 scoping meeting is to figure out what the EIR will
9 cover? And am I right in this, what you are talking
10 about here?

11 MS. RANGE: Yes.

12 We need your help in identifying what you
13 think are the significant impacts that we need to
14 analyze.

15 We are going to analyze all this topic but
16 if you have an idea or if you have specific
17 knowledge on, you know, maybe local knowledge on a
18 certain issue that you don't know about, then that's
19 why we hold public meetings.

20 That's why, you know, we would not know
21 about that unless it was brought up during this
22 public scoping meeting.

23 MR. DUTIL: So, not to get the
24 horse before the cart, after the EIR is completed,
25 then it will be presented to the public for comment?

1 MS. RANGE: Exactly, and that will be
2 a 45-day public review period.

3 There will be a hearing before the Planning
4 Commission and there will be a complete transcript.

5 MR. DUTIL: Thank you.

6 MS. DEVENCENZI: Kathy Devencenzi.

7 I have a question as to the proposed
8 project that you propose to analyze in this EIR and
9 that you propose to approve and against which
10 alternatives shall be measured.

11 Is the proposed project the changes from
12 the 1990 element that are embodied in the 2009
13 housing element plus the changes from the 1990
14 embodied in the 2004 which the court enjoined and,
15 if that the case, what do you do about conflicts
16 between the two sets of changes?

17 Or is the project that you propose to
18 approve merely the changes embodied in the 2009 from
19 the 1990?

20 MS. RANGE: No. Okay.

21 So, we are analyzing two separate -- two
22 separate sets of policies, the 2004 policy and the
23 2009 policy, and we are analyzing the changes from
24 the 1990 to the 2004, the 1990 to the 2009 and we
25 are also going to be including some other

1 alternatives and that's another reason why we have
2 you here today, is we want other alternatives using
3 -- need to be analyzed in the EIR.

4 So, we don't have the scope of the
5 alternatives completely, you know, that we know what
6 we are going to analyze.

7 We would like to hear from you, you know,
8 what are some of the alternatives that we could also
9 be looking at.

10 Did that answer your question?

11 MS. DEVENCENZI: No. It's
12 completely unclear. I'm sorry.

13 MS. JONES: We are looking at one --
14 call it a version, say, of the project that's the
15 2004 housing element compared to 1990 and we are
16 looking at another version of the project that's the
17 2009 housing element compared to 1990.

18 So, we are essentially looking at -- we are
19 not looking at it as an additive from 2004 to 2009.
20 It's too -- we are looking at it as two separate
21 documents.

22 MS. DEVENCENZI: I don't
23 understand because you can't just look at something.
24 You have to tell the public what you propose to
25 approve and you haven't told them that. So, what

1 you are doing is completely unclear to me.

2 MS. JONES: Well, what is being
3 proposed to the -- what is being proposed for
4 approval would be the 2009 housing element.

5 MS. DEVENCENZI: So, you don't intend
6 to propose for approval the changes to the 2004 that
7 had been enjoined by the court?

8 MS. JONES: That's a decision that
9 the Citywide planning and the Planning Director
10 would make.

11 We are looking at the physical impact of
12 the project and providing information about them but
13 it is not up to us to propose any project. We are
14 not in this EIR advocating any project.

15 It's an informational public disclosure
16 document.

17 I mean, we work for the same department but
18 our responsibility just because my responsibility is
19 to consider the environmental impact and disclose
20 them and not advocate one way or another for any
21 project.

22 MS. RANGE: Hiroshi?

23 MR. FUKUDA: Hiroshi Fukuda.

24 All right. Since you want comments on what
25 you think should be included?

1 MS. RANGE: Let's hold those.

2 MS. JONES: We are just trying to do

3 Q&A on --

4 MS. RANGE: Yeah.

5 MS. JONES: -- so people can
6 understand the process and then we will get to the
7 public comments.

8 MS. RANGE: All right. Judy
9 Berkowitz?

10 MS. BERKOWITZ: I'd like to reiterate
11 Mr. Choden's remark that this scoping hearing is
12 very premature, that we should -- there's no use
13 having a scoping and the resultant work on the EIR
14 until after a final draft because the documents that
15 -- a lot of things found in here are just really
16 rough -- it's a rough draft. It's not even a first
17 draft, and a lot of padding that doesn't even belong
18 in a housing element; examples that are nice but
19 they are rough.

20 I'd also like to also note that there has
21 been no presentation to the public of the 2009
22 housing element, not -- no one has come before
23 anybody anywhere and said this is the details of
24 part one needs analysis.

25 These are the details of the objectives,

1 policies and implementations and this is what
2 objective one says and does.

3 We have had a variation after the housing
4 element was -- the first draft was written. We have
5 had a presentation that was basically a
6 regurgitation of everything that was up -- that the
7 -- that Ms. Dischinger gave but we haven't had a
8 presentation of the meat of this document which we
9 asked for.

10 I think that one of the things that we've
11 asked for -- another thing we have asked for several
12 times and we have been put off quite a bit saying
13 that MEA we provided is the -- you called the matrix
14 or the MAP or the comparison contrast of the 1990 to
15 2004 to 2009 objectives, policies and
16 implementations.

17 Now, this came to us in the CAD in a very
18 short space of time, a week or two, I believe it
19 was.

20 However, we have been told even though we
21 have asked several times and the Planning Commission
22 has requested of the Department several times for
23 this matrix that it would take months and months and
24 months to do and we can't start work on this until
25 we have this matrix and neither can the Planning

1 Commission.

2 So, to expedite matters, we need to have
3 this matrix, this MAP provided. I would expect you
4 to have it as an in-house document and have been
5 using it for quite sometime.

6 Like I said, there is one existing but not
7 for the current document. I would like to see that
8 with all alacrity, please.

9 MS. RANGE: All right.

10 MR. DUTIL: Yeah.

11 I'm a little confused. I'd like to know
12 the relationship of your group to the Planning
13 Department.

14 I mean, you have just said that whatever
15 you do here may not be accepted by your bosses or
16 your Department heads?

17 I mean, what is the criteria that you are
18 doing this on and do you have so little faith that
19 you don't think you can get it to the head of the
20 Planning Department?

21 MS. JONES: No.

22 We're -- our -- the role of the major
23 environmental analysis division is to serve as the
24 -- the role of the major environmental analysis
25 division is to conduct environmental review of all

1 projects in San Francisco and that includes private
2 development projects, that includes projects that
3 are proposed or implemented by other agencies and it
4 also includes projects that are proposed by the
5 Planning Department.

6 So, we are part of the Planning Department.
7 Environmental review is a planning function and I,
8 you know, many of us are -- have -- are planners by
9 background but we, you know, but our responsibility
10 in conducting environmental review is to identify
11 what the effects of the project might be.

12 So, we are not talking about the merits of
13 the project. We are not talking about whether it is
14 providing public benefit or not.

15 What we are looking at is what physically
16 could happen on the ground if this project is
17 implemented.

18 MR. DUTIL: You know, you said you are
19 not commenting on that but you are commenting on it
20 whether it gets public benefit or not when you
21 brought up about the function not being part of the
22 State funding.

23 So, that is going to be very important to
24 us and what bothers me is that we put in all this
25 effort, along with yourselves.

1 We -- then it goes before whoever is going
2 to act on it and we have to make the next
3 recommendation on it and there has been a casual
4 work on it. That's very disappointing to hear.

5 I would hope there is a little more than
6 just making them walk away from this. I mean,
7 wouldn't this be a major policy making decision for
8 the department head?

9 MS. JONES: Well, what the State
10 provides is a mechanism.

11 When you have a situation and I think as
12 Ms. Girardot referenced, when you have a situation
13 where there is a project that would have significant
14 environmental impact, the decision-makers have the
15 -- do have the ability to weigh those impacts that
16 have been disclosed in the environmental document
17 against the other considerations they have in
18 approving the project.

19 So, it's not that a project that has
20 significant environmental impacts cannot be approved
21 but it is our responsibility to disclose those
22 impacts and also to disclose any way that those
23 impacts can be reduced.

24 So, and that is all information that needs
25 to be provided before -- before the decision-makers

1 can act.

2 MR. DUTIL: So, you have got to
3 have a contract and you shouldn't rely on that?

4 MS. JONES: That's it.

5 MR. DUTIL: Okay.

6 MR. LANE: Jed Lane, Miraloma
7 Park, L-a-n-e.

8 This question is about, you know, the cart
9 before the horse and timing and everything. So, it
10 occurs to me that this is a little beyond the scope
11 but is there a deadline when the housing element
12 needs to be in to the State?

13 Is there a time that, you know, when we
14 have to get this finished and turned in?

15 MS. DISCHINGER: Sure. There is a
16 time line.

17 We are a little bit past that. We can
18 limit it in our draft and we let them know that we
19 are doing a full environmental review process and
20 that piece is sort of kind of transitioning the time
21 line.

22 So, we are very aware of our schedule and
23 they want us to complete the full environmental
24 review in a comprehensive way and then make the
25 final draft for them and that's the way it goes in

1 the CEQA and in the outreach program.

2 MR. LANE: So, from that guide,
3 there is hesitancy to stop the EIR from using a
4 matrix, have discussion and then do the EIRs? We
5 don't need to move along, is what I am hearing?

6 MS. DISCHINGER: That's right.

7 MS. RANGE: Who is next? I don't
8 quite remember. Ernie?

9 MR. CHODEN: Okay. I'm sorry. I'm
10 Bernie Choden and I need clarification.

11 From what I understand, you want
12 recommendations for mitigations based on those needs
13 to date?

14 MS. RANGE: We want recommendations
15 for the scope of the environmental review.

16 So, we have policies. We have -- that we
17 are looking at but we are analyzing what are the
18 physical impact of those.

19 So, we want to know what you think we need
20 to analyze in the EIR and when we analyze those
21 impacts in the EIR, if we find significant impacts,
22 we will propose mitigation.

23 MR. CHODEN: That's based on
24 policy recommendations? All right.

25 I need to -- again, specify further then

1 that the definition that the Department uses for
2 policy is not I would legally usable.

3 The federal government during the race
4 society passed a definition for policy that the
5 State must adhere to in order to receive federal
6 funds.

7 That definition is an administrative
8 directive intended to be enforced. It must be
9 actionable, not fake, provoked, researched,
10 recommend, that's vague. That's not a policy. It
11 is not an actionable item.

12 Go back to a hundred and one policies that
13 you have that are vague and say make them specific.
14 How do you intend to make them workable? Then you
15 have something to comment on. They are measurable.

16 The other thing is, of course, what you
17 term "objectives". Objective is not a measurable
18 event. Otherwise, it's a broad goal.

19 That's a professional definition. If you
20 don't know what you're, in effect, doing, then how
21 can you go to work?

22 MS. RANGE: Thank you. Judy
23 Berkowitz?

24 MS. BERKOWITZ: I wanted to follow up
25 on Mr. Dutil's comment mainly about the physical

1 look of the document that will be prepared.

2 Are we going to be looking at two
3 documents? We are going to be looking at one
4 document divided into two?

5 MS. RANGE: No. You will be looking
6 at one document.

7 Under each of those topics, you will have
8 an analysis that looks at the land use and land use
9 study impacts of the 1990 compared to the 2004
10 policy and then a separate set of the 1990 compared
11 to the 2009 policies but they will be one document.

12 MS. DISCHINGER: It will be very
13 clear which is which.

14 MS. JONES: Yes.

15 MS. BERKOWITZ: Okay, and the
16 second thing I wanted to follow up was when may we
17 expect the comparison contrast map matrix of the
18 1990 to the 2004 to the 2009?

19 MS. RANGE: I'm not sure about the
20 schedule for the matrix.

21 MS. JONES: Well, you know, our
22 intent is to -- the next document that MEA publishes
23 is going to be the draft environmental impact
24 report. If, you know, but that is written in the
25 matrix.

1 MS. BERKOWITZ: We were told that
2 MEA was producing the matrix.

3 MS. JONES: We have been working on
4 preparing it for our purposes to use in creating
5 this document but we are not intending to publish
6 that as a separate document. That's not our role
7 here but that is something --

8 MS. BERKOWITZ: So, this will be
9 available under Sunshine?

10 MS. JONES: That's something to
11 discuss with Citywide Planning Department.

12 MS. BERKOWITZ: This -- well, I
13 have been asking for this document for months.

14 You have been putting me off for months.
15 Now, I'd like to refer you to the first part of the
16 ground rules. Be respectful of all speakers. So,
17 you have shown me no respect.

18 So, I would really really appreciate it if
19 you would respect me enough to answer that question.
20 You didn't respect me enough to answer my question
21 that I asked a year ago in September at the CAD. No
22 one did.

23 You, Sarah, Dennis, Abigail, Kefer, none of
24 you did.

25 However, I need to have this. You provided

1 it for us at the CAD very quickly. Why can't you do
2 it now?

3 MS. DISCHINGER: As I said before,
4 and as I think it was communicated by the Director
5 at the last Commission hearing when this was raised
6 at the assurance meeting is something that we are
7 working on in-house and we will produce and present
8 to the public as soon as it is available.

9 MS. BERKOWITZ: And when will
10 that be?

11 MS. DISCHINGER: We don't have a
12 specific time line for it. That's the best I can
13 offer you.

14 MS. BERKOWITZ: How can you do
15 the work if you don't -- if you don't have the time
16 line?

17 MS. DISCHINGER: I wish that this
18 was my only project but it's not. So, that stands.

19 MS. RANGE: All right.

20 I think at this point we're kind of running
21 a little behind and --

22 MS. BERKOWITZ: It's okay. We'll
23 stay.

24 MS. RANGE: -- only if they're
25 related to the CEQA process itself, all right? Yes?

1 Go ahead.

2 MS. DEVENCENZI: Kathy Devencenzi.

3 Can you tell us whether an extension has
4 been obtained of the deadline for the update of the
5 housing element for the 2007 to 2014 period?

6 MS. DISCHINGER: I'm not
7 communicating with it, and we'll have to get back to
8 them.

9 MS. DEVENCENZI: You don't know? Does
10 anybody know?

11 MS. RANGE: There has been some
12 requests made to Bill Lycos. I don't know whether
13 or not he is going to extend the deadline but --

14 MS. DEVENCENZI: No, no. I mean
15 like to the State.

16 MS. RANGE: Oh, to the State?

17 MS. DEVENCENZI: No. The legislature.
18 I mean the people --

19 MS. RANGE: Oh, I'm sorry.

20 MS. DEVENCENZI: -- that give the
21 extension of the hearing. You have a deadline to
22 update it --

23 MS. RANGE: Yeah.

24 MS. DEVENCENZI: -- every five years.

25 MS. JONES: Yes. I was thinking

1 about --

2 MS. DEVENCENZI: That's what I meant.

3 MS. JONES: That's not a question

4 we are -- that's not the --

5 MS. DISCHINGER: That's a question for

6 John Rams. So, you can contact him for that.

7 MS. DEVENCENZI: Well, I'm sure that

8 he would know.

9 Has an extension been obtained from the

10 State or at CD or anybody of the 2007 to 2001 for

11 update deadline? Somebody should know this.

12 MS. RANGE: I am not aware of it.

13 MS. DISCHINGER: That's a question

14 for --

15 MR. FUKUDA: Yes. Hiroshi Fukuda.

16 That chart that you have on the board says

17 that we will address all the following topics

18 analyzed under CEQA.

19 Now, where exactly does parking fit in

20 there?

21 MS. RANGE: That would be under

22 Transportation and Circulation.

23 MR. FUKUDA: Okay, because I think in

24 the past when I asked about parking, the response

25 was something about, "well, we don't consider

1 parking. We consider circulation because that would
2 cause a decrease in the quality of air and that way
3 it affects the environment," but the several land
4 use plan that passed in the Market Octavia and
5 eastern neighborhoods, they made a big issue on the
6 fact that we need housing. We have got to get rid
7 of the garages, put housing in there and we will
8 build them by, you know, transit-rich corridors but
9 the thing is how can any CEQA review be taken
10 seriously if you don't address parking in itself?
11 Not as a part of transportation circulation, because
12 it's a big deal.

13 I mean, Market and Octavia, when they said
14 one space for every four units, I mean, I think
15 that's a little bit far fetched but, you know, some
16 people on Market, they don't wanted that and I know
17 that the -- these folks from MTA they have
18 information which I just got today but I think the
19 information is a little bit dated.

20 Looks like the same thing, same information
21 from 2000 and here we are, 2000 -- this is a 2008
22 fact report.

23 This is the San Francisco Transportation
24 Fact Sheet, May 2008, and when I look at the number
25 of parking spaces on sight -- off street, on street,

1 it looks very similar to the eight years ago.

2 It's as though you just rolled it over and
3 so I would like to, you know, to have one of the
4 topics as parking.

5 MS. JONES: Well, these are -- just
6 to clarify, these are topic areas.

7 There are several questions within each of
8 these topic areas that we need to address. I think
9 there is a copy of the check list in the back that
10 spells out all of the issues.

11 MR. FUKUDA: But I would think
12 parking is very important. It is not even there.

13 MS. JONES: Well, parking is
14 addressed under the topic area of Transportation and
15 Circulation.

16 MR. FUKUDA: Well, it's something
17 that's sort of a minor issue?

18 MS. JONES: Yeah. That is a
19 suggestion for the scope of the CEQA. So, parking
20 is number one. Go ahead.

21 MS. RANGE: Yeah, right.

22 All right. So, it sounds like we got all
23 the CEQA process out of the way.

24 Now, we are going to take comments on the
25 scope of the EIR. Hopefully, this helps to direct

1 our environmental review.

2 So, if you have speaker cards, please pass
3 them forward and, if you have already passed them
4 forward, we will begin.

5 Do people need a couple of more minutes to
6 fill out their speaker cards? Or you guys -- we
7 have a handful of them already, right?

8 MS. JONES: And we do have a --
9 everybody's comments are being taken as they have
10 been all evening by our Court Reporter.

11 So, we are and then it will be addressed in
12 the context of the draft environmental impact
13 report.

14 MS. RANGE: And I want to just go
15 through these ground rules one more time.

16 Please be respectful of everyone who is
17 speaking. State your name and spell it if you
18 already haven't. Speak clearly.

19 We are proposing a -- we are having a time
20 limit of about three minutes. We are a bit behind
21 schedule. The meeting was supposed to end right now
22 but I hope we got a lot of the initial questions
23 answered and so that we can focus on the
24 environmental analysis and that's the last ground
25 rule that we have, is please focus the comments for

1 this next session that we will have on the scope of
2 the environmental issue.

3 Did you have one more question real quick?

4 MS. GIRARDOT: Joan Girardot. I have
5 a question.

6 We are way behind schedule and I have more
7 than three minutes of comments. I have sat here and
8 I may not be able to get them in writing to
9 accommodate your schedule by Monday.

10 May I have more time? I will wait until
11 the end of the speaker's list and then it will be
12 your decision.

13 MS. JONES: Oh, more time on the --

14 MS. RANGE: To speak.

15 MS. GIRARDOT: How many speakers --

16 MS. JONES: I would like to keep it
17 to three minutes and I think, you know, if you can
18 just get it in as close to October 5th, that will be
19 very helpful.

20 MS. RANGE: We will still consider
21 your comments.

22 MS. JONES: It is honestly in terms
23 of our ability to address comments, written comments
24 which gives you, you know, the full ability to frame
25 your thoughts or, you know, really give us the best

1 information.

2 MS. GIRARDOT: Are you extending the
3 deadline past October 5th?

4 MS. RANGE: There has been a request
5 and that would be really up to our environmental
6 review Officer but that said, it is not like we
7 won't consider your comments after October 5th.

8 If you can just get your comments in as
9 soon as possible, that would be very helpful.

10 MS. BERKOWITZ: Judy Berkowitz.

11 I will save my three minutes to Ms.
12 Girardot.

13 MS. RANGE: Thank you.

14 All right. So, with that, why don't we get
15 started? Rob is going to call your name out.

16 MR. CARNACHAN: Yeah.

17 If you have any more speaker cards, just
18 send them up this way. I'm going to just use first
19 names but I don't want to run the risk of offending
20 anybody by mispronouncing your last name.

21 MR. CHODEN: Diversity, it's okay.

22 MR. CARNACHAN: Okay. First card is
23 for Bob?

24 MR. FRIESE: Yes. Bob Friese,
25 F-r-i-e-s-e.

1 I'm here as a Board Chair of San Francisco
2 Beautify but I'm speaking individually, not as a --
3 formally behalf of the position San Francisco
4 Beautiful.

5 I'm also here as someone who the Mayor
6 asked a year and-a-half ago to meet with Michael
7 Cohen, the Mayor's head of Economic Workforce
8 Development, John Rame and, at that time, Matt
9 Franklin now Doug Schumacher to try to avoid a
10 continuation of litigation which fourteen
11 neighborhood groups had brought against the City and
12 represented by Kathy Devencenzi.

13 We attempted to do that in certain meetings
14 and we failed, was unable to do it and part of the
15 reason I'm convinced even more so tonight that the
16 reason we failed is there is a seemingly deep
17 distrust in the Planning Department by a major
18 element of the City of San Francisco.

19 It's reflected in the fourteen neighborhood
20 groups that filed suit. It's reflected back and
21 forth here and that I think, you know, if we are
22 going to really have a goal of trying to achieve
23 something at the EIR level and if there's a dispute
24 at the EIR level, I think it can be achieved beyond
25 the EIR level.

1 I've got to respond to the questions that
2 were brought out and the comments tonight but it
3 also has to do with some very specifics.

4 The 2004 housing element all but about five
5 or ten of them seems seventy-two hours were trying.
6 The ones that weren't trying were a disaster which
7 is why you got sued which is five years later, the
8 2004 housing element was going no where.

9 The 2009 housing element will be sued and
10 it will be probably the subject of the citizens'
11 initiative if it's going in the direction that it
12 seems to be going and I say that with some
13 knowledge, having tried to avoid this.

14 I know where the potholes are. I know
15 who's going to be doing it to a great degree and I'm
16 going to try to help you avoid it.

17 There are certain things you can do to
18 avoid them. You can take your hands off of the RH1,
19 RH2 neighborhoods. That may seem like a kind of
20 extreme request but, basically, that's the core
21 because when I hear John Rame who I think very
22 highly of and when I see the emphasis on the areas
23 where development could be done to generate
24 31,000 units, I say this sounds good.

25 When you hear, however, the idea that the

1 discretionary review would be limited, that parking
2 is not exactly clarified, that major thoroughfares
3 are defined in such a way that they're going to be
4 not major thoroughfares, the 2004, I mean, it's set
5 back to 1250 feet off either side of the
6 thoroughfare.

7 That is taken right of suburban rules but
8 has nothing to do with the City, one of the reasons
9 they got sued.

10 Also, I would point out that San Francisco
11 is the only North American city that was found to be
12 one of happiest cities in the world.

13 I'll just say one of the reasons that we're
14 happy is we like our neighborhoods. We like what
15 Michael Cohen refers to as an urban development of
16 San Francisco.

17 We don't view them as ghettos which is a
18 term I heard from someone who represented the City
19 and that can be disturbing.

20 No. The thing to be protected is the
21 neighborhood character which has been referenced to
22 as something to be protected seems to be
23 contradicted by the first page of the document which
24 was handed out tonight which reads with regards to
25 policies --

1 MS. RANGE: All right. I think --

2 MR. FRIESE: All right.

3 MS. BERKOWITZ: Let him go on. We
4 want to hear that.

5 MR. FRIESE: Please let me
6 continue. It is going to be worth it to you and if
7 you don't hear it, you're going to hear it later and
8 to your detriment.

9 The developmental support that you need has
10 to come from the private sector as well. The ACD
11 funding which you're at risk of losing, maybe and
12 I'm not convinced of that either, is something which
13 can be retained if you focused on who is going to do
14 the development as well.

15 We have talked to developers. There are
16 developers who will go against the 2009 housing
17 element not because they really think it is totally
18 wrong but because they want to build things.

19 They don't want to get involved in the next
20 round of litigation. So, what I would ask you to do
21 and I'd be happy to help is avoid the RH1 or RH2
22 neighborhood problem.

23 Focus on the area and be specific as to the
24 areas you're going to deal with. Talk about the
25 areas where you realistically can put those kinds of

1 units. Avoid the having of the open space. Avoid
2 gathering the areas where you have integral spilling
3 and the height involved in more gentrification and I
4 think we will make some progress and we and I will
5 be here to help you in spite of the hardships of my
6 comments.

7 MR. CARNACHAN: Okay, thank you.

8 Next is Judith.

9 MS. BERKOWITZ: No. I saved my time
10 to Ms. Girardot. Thank you.

11 MR. CARNACHAN: Okay.

12 Next is Bernard.

13 MR. CHODEN: Oh, thank you.

14 I'm Bernard Choden and I'll be bring you to
15 Page 2 of the document that I had already submitted.
16 One is the housing element, the housing capacity for
17 the City is limited.

18 The basic analysis was being down with the
19 environment and infrastructure constraints for San
20 Francisco in terms of proposed density.

21 Seismic switch in terms of their impact on
22 affordability have been annoying and one point, the
23 official proposal and Girardot can confirm this is
24 that the population of the City will be 200,000
25 people greater than it is now, a twenty-five percent

1 increase. The housing element suggests 50,000.

2 The 200,000 is the one that the City is
3 officially using for its capital program
4 implementation of infrastructure.

5 Two: These analyses fully recognizes the
6 diversity of San Francisco, who can pay, who can't.

7 Your needs analysis is not sufficient.
8 Evaluation of past efforts as required by the State
9 code hasn't been done at all; what works and what
10 doesn't work.

11 The policy is clear enough to be
12 implemented and evaluated. The intent of the
13 implementation for policies must be identified and
14 progress must be measurable. Policies should not be
15 so vague as to -- I think that the emphasis on
16 financials, who's this and institutional changes.

17 If you can't pay for it, you can't mediate
18 it. Therefore, to do an EIR implementation, you
19 must identify the resources to make it happen. This
20 has been very very limited and, as I have already
21 said, very very much in order.

22 I think that will be enough. You will have
23 more details here, of course, as you go through it
24 if you'd like.

25 MS. RANGE: Okay. Thank you

1 MR. CARNACHAN: Next is Don.

2 MR. DUTIL: Don Dutil, West of Twin
3 Peaks.

4 I'm going to focus on the RH part of the
5 study that's come to light and the fact that it is
6 mentioned is the secondary units in RH1 which is an
7 illegal status currently under the laws of San
8 Francisco and to include it as a solution and it
9 isn't even legal seems way out of line and, as
10 represented by the Homeowners Associations in the
11 west part of City, we really really object to that
12 being brought forward.

13 The Planning Department is supposed to
14 enforce laws. They neglected to do that and now
15 because they can't enforce it and they say, "well,
16 we will just make it legal," I think it is very
17 short-sited and it would have a big impact on the
18 neighborhoods as they exist today and I think it has
19 to be included in the environmental impact study
20 because it does change to made up the neighborhood
21 when these things have occurred.

22 Now, it doesn't mean that you can't legally
23 under 912, you still have family members to a home
24 but making it a secondary unit is a revenue act and
25 it should either be taxed and corrected or it

1 shouldn't even be brought to light as a solution.

2 Thank you.

3 MR. CARNACHAN: Thank you.

4 Next is Hiroshi?

5 MR. FUKUDA: Several comments with
6 regards to the policies and the implementation plan.

7 They need to be in concert with the data
8 needs analysis.

9 There have been -- you have reports in
10 regards to projection population and also the type
11 of jobs that would be produced in the next area and,
12 yet, the type of policy that's being proposed,
13 mainly market rates, are way beyond the means of the
14 jobs that are being presented for this period and
15 for the population, I mean, entries for that period
16 which is way out of line.

17 I mean, it's one thing to, you know, to
18 make a report and then to have a plan that doesn't
19 make sense is -- it's a little bit far fetched. The
20 housing element needs to address what's going to
21 happen.

22 They can't just say, "well, this is what we
23 project." Unfortunately, this is what is being
24 built. You need to change that.

25 Land in San Francisco is limited. You have

1 to make efficient wise smart use of that land. You
2 can't just build eighty-five percent market rate
3 housing.

4 Are the -- the population being projected,
5 are they eighty-five percent -- are they the ones
6 that can afford the market rate housing?

7 I think that, for example, there's de facto
8 demolition. I think there's de facto
9 discrimination.

10 The population of the African-Americans in
11 the -- from what I saw many many years ago when I
12 grew up, they were approaching twenty percent and
13 now they are seven percent and you can't just pull
14 -- put a -- close your eyes to that.

15 That's a fact and a good part of that is
16 because of discriminatory housing policies and the
17 fact, you know, that's due to income also but you
18 also have the same situation going on with moderate
19 middle class families.

20 They were saying forget about them. We
21 want the rich folks. We don't know where they're
22 coming from but look at -- let them buy the condos
23 as second homes or time shares is ridiculous.

24 The population of San Francisco, almost
25 seventy percent are renters and here you have all

1 this projection for new housing for ownership.

2 Now, if that were so simple, you know,
3 there is a reason why seventy percent or so are
4 renters. It's because they can't afford it. So,
5 why are you building more homes?

6 You have got to build rental housing, you
7 know? And that's the reality. This whole thing is
8 ignoring that all these people who are moving in are
9 going to be renters.

10 So, you have to be realistic and answer
11 that and that chart has to be expanded to rental
12 housing. Let's see and the environmental impact has
13 to address it.

14 Too much of the impact involving building
15 that's been going on since 1990. Every year we hear
16 this thing about, oh, there is no cumulative impact.

17 Well, there has been a number of houses
18 built and, yet, where's the cumulative impact on the
19 City's infrastructure?

20 The sewer lines are terrible. Ask people
21 in Bayview. There's raw sewage coming out on Third
22 Street.

23 One last thing. Emergency services. We
24 don't have a viable evacuation plan for where we are
25 now. What's going to happen when we get 50,000 more

1 people?

2 MS. JONES: Thank you.

3 MR. CARNACHAN: All right. Next card

4 I have is for George?

5 MR. WOODING: Yeah, hi.

6 My name is George Wooding and I wanted to
7 agree with the gentleman that spoke first about the
8 RH1, basically saying on the RH1 neighborhoods.

9 I also want to talk about the secondary
10 units on the left side. I understand through the
11 needs assessment, the community input which states
12 basically that they decided to facilitate the
13 occasional secondary units in RH1 zones but they
14 said it may take -- they would only able to do it in
15 the neighborhoods that want it.

16 So, my first question would be how are you
17 going to determine what neighborhoods would want
18 this and what would the notification process be like
19 and how will something like this be supported?

20 As to the EIR, we would want a detailed
21 assessment of the cumulative impact on parking,
22 traffic and noise in RH neighborhoods where garages
23 are converted to living spaces, forcing cars -- this
24 is a parking issue again -- to on-street parking and
25 additional -- having additional units with cars to

1 existing single family houses, we would like this
2 component removed, I would, completely from the 2009
3 housing element and I think the EIR would find that
4 this component cannot be supported in RH zones.

5 Thank you.

6 MR. CARNACHAN: The next card I have
7 is for Jed.

8 MR. LANE: Jed Lane, Miraloma
9 Park Improvement Club.

10 The second unit impact, we've all thought
11 of this as something very important to everybody on
12 the left side in the minority formed neighborhoods.
13 It creates overcrowding.

14 It has not been regulated, has not been
15 enforced. It is a huge problem already and needs to
16 be studied, the impact needs to be looked at.

17 I would also like to see the study looked
18 at and the neighborhood benefits. As the gentlemen
19 said, we have live in a series of villages in San
20 Francisco and there is a benefit living like that.

21 There is a resiliency. There is a way to
22 be organized. There is a cohesiveness of happiness
23 and every two weeks they break down as they
24 identify, as a self-identifier in the neighborhood.

25 Also, I would like to -- I don't know

1 exactly how you would even measure this but I would
2 love to be able to see if you could study the impact
3 on the City's tax base by building large amounts of
4 subsidized housing. Thank you.

5 MR. CARNACHAN: Okay, thank you.

6 The last card I have is for Lupe. If there
7 are any other people that wish to submit speaker
8 cards, please do so -- great. Thank you. Lupe?

9 MS. ARREOLA: Hi.

10 So, my name is Lupe Arreola. It's
11 A-r-r-e-o-l-a. I'm actually with the Human Rights
12 Commission of San Francisco.

13 We are a City agency. We actually
14 investigate for discrimination in housing and one of
15 our charges is to look at additional zoning.

16 We know where -- how it impacts, actually,
17 different market housing needs. So, a little bit of
18 the concerns that I have is looking to see if the
19 scope is -- one, the impact on open space like the
20 preventive space impact in terms of families being
21 able to live in San Francisco, people being able to
22 enjoy the open space. Definitely the impact on open
23 space is very important.

24 Other than impact on light industrial,
25 light industrial is one of the areas that provides,

1 you know, working class to be in jobs that pay well
2 and so getting rid of those areas or, you know,
3 really puts a strain on being able to keep people
4 working in San Francisco in, you know, good union --
5 with jobs that pay, you know, union wages,
6 basically, or pay even good wages to be able to stay
7 here.

8 The third one is the impact on other goals
9 for building on overcrowding and offset conditions.

10 I would actually say that the goal that's
11 set right now is being laid out for building
12 actually encourage overcrowding because they're
13 focusing so much more on the higher income but it
14 forces people under eighty percent to below with AMI
15 so they have to overcrowd to compensate for having
16 to pay as much higher rent and having to pay much
17 higher amounts to be able to buy property in San
18 Francisco.

19 So, I'm very concerned, actually, about the
20 impact of overcrowding and unsafe conditions and
21 what if that actually -- I would actually
22 respectfully disagree on -- I think, you know, we
23 have a lot of people who come in to our office who
24 live in in-laws in San Francisco because they are
25 not going able to regulate it by the Department of

1 Building Inspection.

2 There is a lot more room for those to be,
3 you know, for there to be conditions that are not
4 being corrected or they are not being cited by the
5 City and so, you know, I like the policy of
6 legalizing those units and then making them
7 accountable to not just the Rent Ordinance but also
8 to the Department of Building Inspection. These are
9 ones that are able to be converted.

10 Economic diversity? You know, 38.8 percent
11 of the -- of goals are being sent out for building
12 before it gets up to zero to eighty percent of AMI
13 where 61.2 percent focuses on eighty percent and
14 above by going above 120 percent AMIs.

15 That's really really really -- I'm very
16 very concerned about that because I mean that, you
17 know, two-thirds -- about two-thirds of the building
18 goals of San Francisco are actually focused on
19 people who earn more than eight percent of AMI and
20 that's, you know, that's a huge impact on the City
21 in terms of economic diversity, in terms of, you
22 know, cultural diversity, in terms of, you know,
23 working class people or middle class people being
24 able to live here, families being able to live here.

25 So, we're looking at a huge impact that

1 needs to be looked at.

2 MS. RANGE: Thank you.

3 MR. CARNACHAN: Thank you.

4 The last card I have is for Joan.

5 MS. GIRARDOT: Joan Girardot,
6 G-i-r-a-r-d-o-t.

7 I'm going to confine my comments tonight to
8 water supply. Your NOP correctly states on Page 10
9 in order to have an adequate housing element, it is
10 necessary that the document contain an updated data
11 in needs analysis.

12 Your analysis in your document entitled
13 "Data in Needs Analysis" on water supplies contained
14 on Page 73, one paragraph, it's totally inadequate
15 and out of the date. It's faulty and misleading and
16 it's wrong.

17 You are relying one hundred percent on the
18 adequacy of water supply to accommodate the maximum
19 development that may occur under the proposed
20 policies on the Urban Water Master Plan that the
21 SFPUC was mandated to produce in 2005.

22 Since 2005, we have another document, a
23 contract in effect July 1st called the "Master Water
24 Sales Agreement", a water supply agreement with our
25 wholesale customers in which we have guaranteed to

1 take not more than 265 MGD which is a million
2 gallons per day from the Hetch Hetchy system of
3 which we have assured an explicit supply to our
4 suburban customers of 184 MGD.

5 That leaves San Franciscans with an
6 implicit assurance of eighty-one MGD. However, that
7 supply is only implicit in the best of years. We
8 may get 265 MGD from the Hetch Hetchy system but we
9 must recognize the system is a dynamic system
10 dependent upon hydrological conditions, system
11 integrity, meaning no breakdowns and storage
12 capacity in our reservoirs.

13 Let me address the 2005 document upon which
14 you based your very brief analysis.

15 That document forecasts or stated that in
16 2000, our demand was 93.6 MGD and projected demand
17 in 2030 to 93.4.

18 Remember, we are only getting eighty-one
19 now under the best of circumstances. So, this is
20 totally inadequate, out of date, and cannot be
21 relied on.

22 You must examine your projections based on
23 the new contract, the new document.

24 Now, under the best of circumstances, we
25 may get 265 MGD from Hetch Hetchy but I want you to

1 independently verify the hydrologic model upon which
2 this 265 is based.

3 That model was done by Dan Steiner, the
4 consulting hydrologist for the SFPUC. We have had
5 independent experts look at the model and they have
6 found that the model has some fallacies in it.

7 Very briefly without going into detail now,
8 it assumes a reservoir capacity of 1.7 million acre
9 feet and that is not the case now. Calavares is
10 down to one-third capacity and it won't be completed
11 by the time -- by 2014.

12 It doesn't assume any effects of global
13 warming. There is no input in that in the model and
14 there is no input for system breakdown.

15 So, you cannot rely that 265 MGD is even
16 going to be produced, let alone that San Franciscans
17 will receive eighty-one.

18 I want you to break this down as I have
19 done and will submit later on a per capita, per day
20 consumption.

21 Consumption right now in San Francisco is
22 56.9 gallons per capita per day and at that amount
23 with an \$800,000 population, we're using over 45.5
24 million gallons a day.

25 What does this mean? What is 265? 184? 81

1 mean? I want you to break it down because to us,
2 here's what happens with the eighty-one MGD
3 allocated to San Francisco, implicitly.

4 6.1 million gallons goes to our retail
5 customers outside of San Franciscans -- outside of
6 San Francisco. They are not part of the wholesale
7 customer agreement.

8 5.99 million gallons is due -- it goes to
9 leakage, fire fighting, unaccounted for water and
10 thirty-eight percent of the remainder is consumed by
11 industrial, commercial, office, and municipal uses
12 which is the biggest user of water in the City.

13 So, that leaves 42.7 million gallons a day
14 for residential population and I want you to examine
15 that based on the 31,200 new units, the maximum
16 number of people that could inhabit those units
17 based on the current City law and I want you to tell
18 us what is the target for per capita, per day usage
19 in gallons for San Francisco based on the maximum
20 build-out envisioned in your proposed housing
21 element.

22 The last comment tonight would be about the
23 groundwater recycled and additional conservation.

24 The SFPUC believes -- has a plan not yet
25 implemented that we will be able to conserve more

1 water and the target is fifty-one gallons per person
2 per day.

3 We are now 56.9. We are going down but
4 demand is hardening and there is no margin for error
5 at all. We are already twelve percent under the EPA
6 target for indoor water usage nationally and that's
7 a pretty harsh target, their own target.

8 So, you have to calculate how much lower
9 can usage go on a per capita basis.

10 Secondly, as far as the recycle program is
11 concerned, they expect on average to produce two
12 million gallons a day and, in the best of times,
13 four.

14 We do not have recycle yet and the latest
15 developments are that it won't be online until 2014
16 which is past this five-year housing element. So,
17 if something is not in effect now, you cannot rely
18 upon it as supply in your current plan, your current
19 proposal -- project.

20 As far as groundwater is concerned, they
21 will get -- they plan on getting two MGD more. They
22 say four but the four includes two that we already
23 produce for irrigation at Golden Gate Park pumping
24 groundwater and .5 at the zoo.

25 So, will we get -- will we be able to get

1 10 MGD more as supply offsetting through these
2 programs?

3 In a CEQA, you can't use as evidence
4 something that doesn't exist. It doesn't exist now.
5 It is not even planned to come online until 2014.
6 So, you can't use that.

7 So, you can see that the water supply is
8 insufficient. Now, to cover what you envision for
9 development, let me say one last thing.

10 The 2005 urban water management plan relies
11 on -- perhaps you didn't know this -- it relies on
12 23,000,000 -- I'm sorry 23,000 acre feet of water
13 transfers and, to my knowledge, there are no
14 contracts for these water transfers and there,
15 again, you can't use that as evidence in CEQA.

16 So, I want you to analyze in detail
17 independently of the SFPUC the water supply to
18 accommodate the maximum build-out on a per capita
19 basis of your project.

20 MS. RANGE: Thank you. We have one
21 more.

22 MR. FUKUDA: Yes. I'll have just a
23 little bit more input.

24 Since the folks here are from the MTA, I
25 have a request. I think that the housing element

1 should include information from MTA which they have
2 already but, unfortunately, it's inadequate.

3 They have some information with regards to
4 on-street parking spaces estimated, including
5 metered spaces. They have it as 320,000 spaces and
6 then they also have off-street downtown as almost
7 67,000.

8 I would like to know what that means,
9 "off-street downtown". Does that mean, you know,
10 available parking only at night? Or please justify
11 that, clarify that and then you also have this thing
12 called "Remainder of City", quote, "Estimated,"
13 unquote, 225,000 spaces and it says: "Total parking
14 space as estimated is 600,000," but I don't think
15 that really makes -- it doesn't mean anything unless
16 you tell us exactly what that means in regards to
17 can people park there? And, if not, when can they
18 park there? You know, is that spaces after
19 6:00 o'clock? 7:00 o'clock? Or whatever.

20 So, please give us exact, you know,
21 information in regards to when you say off-street
22 parking, what does that mean? When you say
23 off-street downtown, what does that mean?

24 And I guess you don't have off-street
25 residential. Is that part of remainder of the suit?

1 MR. CARNACHAN: Definitely.

2 MR. FUKUDA okay.

3 So, we need those possibly updated
4 information not from 2000 but 2009.

5 Let's see... also, you know, if you have
6 the parking -- parking --

7 MS. JONES: There is still a -- we
8 are definitely accepting written comments and I
9 would encourage you to use that instead to be able
10 to get all your comments in.

11 MR. FUKUDA: One sentence, one last
12 sentence.

13 The parking policy in the City is
14 discriminatory against seniors, against disabled and
15 individuals who are unable to walk long distances
16 and also to families who need to run errands
17 throughout the day and I think that any parking
18 policy should also apply to City officials and City
19 departments.

20 So, in other words, if you are going to
21 reduce parking for, you know, for new construction
22 one-to-four, well, let that be for the departments
23 and City officials and take away all those parking
24 spaces reserved. Let them take Muni and hike and
25 bike.

1 MS. JONES: Thank you very much.

2 MS. WISE: If I just can make, can
3 make one further statement? Victoria Wise, Planning
4 Department staff. So, we are established. We have
5 a Planning Department and the main department, our
6 Environmental analysis division.

7 So, I just wanted to clear up that we are
8 not with the MTA.

9 MR. FUKUDA: Oh, you're not?

10 MS. WISE: And I didn't want the
11 public to think that but thank you for your
12 comments.

13 MS. JONES: Okay.

14 MR. DUTIL: You thought we were
15 going to -- we were going to beat you up here.

16 (Laughter)

17 MS. RANGE: Well, thank you. Thank
18 you all for coming.

19 Be sure to have some cookies on your way
20 out and coffee, too.

21 (CONCLUDED AT 8:30 P.M.)

22

23

24

25

1 --000--

2 REPORTER'S CERTIFICATE

3 I, EASTELLER BRUIHL, CSR No. 3077, a
4 California Certified Shorthand Court Reporter for
5 Star Reporting Service, Inc., 703 Market Street,
6 Suite 1005, San Francisco, California 94013, do
7 hereby certify:

8 That the foregoing proceedings were tape
9 recorded at the time and place therein set forth,
10 monitor unknown, and that all discernibly audible
11 comments, objections and statements made at the time
12 of the proceedings were thereafter transcribed;

13 That the foregoing is a true and correct
14 transcript to the best of my ability of the taped
15 hearing proceedings.

16 I further certify that I am not a relative
17 or employee of any attorney of the parties nor
18 financially interested in the action.

19 I declare under penalty of perjury by the
20 laws of the State of California that the foregoing
21 is true and correct.

22 Dated: WEDNESDAY, OCTOBER 14, 2009.

23
24
25 Easteller Bruihl, RPR, CSR No. 3077

Appendix A-2

Recirculated NOP Written Comments

**2004 and 2009 San Francisco Housing Element
NOP Comment Log
Updated October 6, 2009**

Comment Number	Commenter Name (Last, First)	Agency/Organization	Date	Media
1	Austin, Barbara		10/05/2009	Fax & Mail
2	Carboni, Lisa	Caltrans	09/16/2009	Letter
3	Chan, Deland	Chinatown Community Development Center	10/05/2009	Email
4	Choden, Bernard		09/30/2009	Letter
5	Devincenzi, Kathryn	San Francisco for Livable Neighborhoods	10/05/2009	Fax
6	Ferguson, Charles	Presidio Heights Association of Neighbors	10/05/2009	Email
7	Fukuda, Hiroshi	Richmond Community Association	10/05/2009	Email/ Letter
8	Goodman, Aaron		09/30/2009	Email/ Letter
9	Goodman, Aaron	The Parkmerced Resident's Organization	10/02/2009	Letter
10	Hillson, Rose	Jordan Park Improvement Association	09/30/2009	Letter
11	Lawrence, Steve		09/17/2009	Email
12	Liberthson, Dan	Miraloma Park Improvement Club	10/05/2009	Email/ Letter
13	Rosmarin, Adena	Lakeshore Acres Improvement Club	10/05/2009	Email
14	Squeri, Carolyn	St. Francis Homes Association	10/05/2009	Email
15	Venkatachari, M K		10/05/2009	Email
16	Welch, Calvin	Council of Community Housing Organizations	10/02/2009	Email/ Letter

Barbara Austin
22 Rossi Avenue
San Francisco 94118
California

October 5, 2009

Mr. Bill Wycko Environmental Officer
1650 Mission Street, Suite 400
San Francisco, 94102

BY FAX AND SNAIL MAIL
415-558-6409

RE: 2007.1275E

Dear Mr. Wycko,

It is my understanding from the information given at the scoping hearing on September 30, 2009, for the DEIR the department has stated that the 2004 H.E. would be compared to the 1990 H.E. as one part of the DEIR. The second part would be a comparison of the 2009 to the 1990 H.E.

This is comparing document to document (It seems the EIR should focus on and assess the actual physical environment of the city as a base. This has not been done for 19 years. I think you would agree there have been many physical changes to our city in that time period.

With the new presentation of documents to be examined it appears the October 5, 2009 deadline for comments does not give concerned residents enough time to read all of the documents. We at Francisco Heights Civic Association request an extension to the deadline.

Another issue is that the 2009 Housing Element be available to those who need to read all of the documents.

Respectfully,


Barbara Austin

cc: Lisa Gibson

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711

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SEP 18 2009

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A



*Flex your power!
Be energy efficient!*

September 16, 2009

SFGEN032
SCH#2008102033

Ms. Jessica Range
Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Range:

San Francisco 2004 and 2009 Housing Element – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed City and County of San Francisco Housing Element. The comments presented below are based on the Notice of Preparation for the Draft Environmental Impact Report. As lead agency, the City and County of San Francisco is responsible for all project mitigation, including improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to certificate of occupancy. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Impact Analysis

In order to reduce traffic impacts on State facilities and meet the needs of all transportation users, the City should consider and plan for multiple transportation modes including walking, bicycling and transit use. Furthermore, the City should evaluate impacts on pedestrians, bicyclists and transit users resulting from the transportation element update, in addition to the customary analysis of traffic impacts. Mitigation measures aimed at reducing impacts on one mode of transportation should also be evaluated for their unintended impacts on other modes of transportation, such as traffic mitigation impacts on walking and bicycling.

The traffic impact analysis should analyze the effect this transportation element update will have on State highway facilities and include, but not be limited to the following:

1. Existing Conditions – Current year traffic volumes and peak hour level of service (LOS) analysis of affected State highway facilities.
2. Proposed General Plan Only with Select Link Analysis – Trip generation and assignment for build-out of general plan. Select link analysis represents a project only traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.
3. General Plan Build-out Only – Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
4. General Plan Build-out plus Proposed General Plan Update– Trip assignment and peak hour LOS analysis. Include proposed general plan amendment and other pending general plan amendments.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' "*Guide for the Preparation of Traffic Impact Studies*" which can be accessed from the following webpage:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the traffic impact analysis, including technical appendices, and Draft Environmental Impact Report for the City and County of San Francisco Housing Element. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Ms. Jessica Range/City and County of San Francisco
September 16, 2009
Page 3

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

A handwritten signature in black ink that reads "Lisa Carboni". The signature is written in a cursive, flowing style.

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

October 5, 2009

Deland Chan
Senior Planner
Chinatown Community Development Center
667 Clay | San Francisco, CA 94111
(p) 415.984.1497 | (f) 415.986.1756

Statement on the scope of the EIR for the 2004 and 2009 Housing Element

The Chinatown Community Development Center has a 32-year history as affordable housing advocates, developers, and managers. We are actively involved in land use planning, development, and housing issues in the Northeast sector of the City. We urge that the scope of the EIR of the Housing Element address the environment impacts that may result in the following policies of the proposed 2009 Housing Element:

Policy 1.2: Work proactively to identify and secure opportunity sites

The proposed 2009 Housing Element identifies parcels suitable for residential development. The measure for identifying sites is the parcel's ability to accommodate further development as determined by the zoning for that parcel. Currently, vacant sites are identified as developed to less than 5% of their maximum potential. Underdeveloped sites are classified as being built to 30% or 5% of their maximum potential.

We ask for a comprehensive set of criteria for identifying sites. Community considerations and neighborhood character must be taken into account. Are these *desirable* sites to build residential units, especially affordable housing? Can these parcels support dwelling units that meet community needs, especially families and seniors? How will potential displacement be taken into consideration for those existing parcels? How will these residential units be linked to viable transportation and employment options?

Policy 3.1: Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

The EIR should examine the loss of rent-controlled affordable housing units to market forces via Ellis Act and other mechanisms. In addition, CCDC has identified a trend in Northeast neighborhoods where property owners are enacting the Ellis Act, evicting long-term and low-income residents of the building, and proposing a garage addition in preparation to convert the building into TICs. The scope of EIR should address the correlation between Ellis Act evictions and garage additions and how this trend has a devastating impact on loss of subsidized units and neighborhood character.

Policy 5.4: Provide a range of unit types for all segments of need, and work to move residents up that housing ladder.

CCDC is based in the Chinatown neighborhood, and we are aware that some residents are less “movable” than others. Seniors are less mobile, require more services, and have fixed incomes. The EIR should address this issue to ensure that the City meets Objective 5 of the Housing Element in that all residents have equal access to available units.

To: San Francisco Planning Commission and Dept. of City Planning
Fr: Bernard Choden
Re: Scoping Hearing on the Proposed 2009 Housing Element
Sept. 30, 2009

Appended and resubmitted to you are suggested means for the alleviation of the many housing needs of San Francisco's residents. These professionally considered techniques, or mitigations, should be included in the Housing Element and, therefore, be part of the EIR scoping. Their absence from the Housing Element or its EIR scoping should also be a topic for public discussion.

At the root of our concerns is the practice to treat "policies" as a vague wish, a goal without implementation specifics. Planning practice must acknowledge that the state, in order to receive federal funding, has acquiesced to the federal "Great Society" legislation which defines "policy" to accord with the professionally accepted definition is "**A POLICY IS AN ADMINISTRATION DIRECTIVE INTENDED TO BE IMPLEMENTED.**"

A policy, therefore, must be actionable and effectively time based. The Housing Element excludes, for the most part, remediable, actionable, proposals, regardless of political feasibility, that can alleviate the city's housing needs in terms of ordinances, institutions, techniques and resources. The department over the past 19 years has taken an approach of "MANY PROBLEMS BUT NO SOLUTIONS" so that the city can be permitted by the state, per Gov. Code 65581, to get off of the hook of undertaking an effective, actionable, public interest Housing Element. Your response is urgent:

The Environment Commission reports that housing turn-over last year was 20% or three times the normal rate for the city or the nation. This was primarily due to unemployment and housing unaffordable exacerbated by city planning actions that curtail employment and housing availability for middle and low income families.

While the Housing Element prognosticates a population increase of 50,000 residents, the city officially claims for infrastructure needs a 200,000 population increase, a 25% increase, for a future total of 1,000,000 residents. Economics dictate that these new residents will be affluent. Circumstances involving competing demands for infrastructure resources during an era of climate change and the city's inability to afford either current or future infrastructure requirements must be a vital part of devising means of providing for the city's housing needs through recommendations provided in the Housing Element for this larger population projection. The city must ration development.

Current changes proposed for development in the city are **not** considered in the Housing Element. For example, the Planning Commission and BOS approved an EIR for a dysfunctional, unaffordable Central Subway that would Manhattanize Chinatown that, by estimates by representatives of the Mayors Office, would add 30,000 affluent residents without public requirements for mitigation of these effects on the displacement of many poor, elderly residents as well as many merchants. **This is poor precedent.**

January 27, 2009

To: San Francisco Planning Department

From: Bernie Choden

RE: FATAL FLAWS IN PROPOSED HOUSING ELEMENT POLICIES AND FINDINGS

In relation to State requirements for Housing Elements and recent pending court writs related to environmental review of prior housing element work, MUCH IS INADEQUATE OR MISSING:

- Holding Capacity Analysis for San Francisco. No basic analysis has been done of environmental and infrastructure constraints for San Francisco in terms of proposed densities. Seismic risks have been ignored.
- Needs Analysis Fully Recognizing Diversity of San Francisco's Population. Who can pay and who can't? And what are the detailed characteristics of those needing subsidy? Are existing and proposed resources allocated fairly among the various groups?
- Evaluation of Past Efforts. State law requires evaluation of past Housing Element policies and programs. What worked and what didn't? What was left out that now should be added?
- Policies Clear Enough to Be Implemented and Evaluated. The intent and implementation for policies must be identified and progress must be measurable. Policies should not be so vague as to be meaningless.
- Emphasis on Financial Tools and Institutional Changes. Too much attention is focused on zoning and too little on variety of financial tools and institutional innovations. Particularly missing is intelligent use of publicly owned land and resources including the imposition of appropriate ground rents, as is done in Los Angeles.

To: San Francisco Dept. of City Planning:

Fr: Bernie Choden

Re: COMMENTS ON THE PROPOSED 2009 HOUSING ELEMENT POLICIES AND FINDINGS.

Jan. 27, 2009

My comments are based upon current state codes, professional criteria and the judicial findings concerning the EIR for the 2008 Housing Element.

Findings and Analysis:

1. Required is an analysis of the adequacies and efficiencies of previous Housing Elements regarding proposals and solutions. Required is an analysis of housing needs that need to be mitigated. Housing needs must encompass the needs of all residents including all "below market residents" who might require mitigation.
 - a. Quality, quantity by location as to infrastructure adequacy, services and the components of construction, operational and market costs. The "holding capacity" of the city is a crucial factor for mitigation proposals.
 - b. Identification of the diversity of residents in terms, correlated, contributing family incomes, ages, disabilities requiring special housing needs, tenancies, household size, household composition, occupations and journey to work within households, length of tenancies and special financial information related to capability to afford housing such as rent control and government benefits. (Suggested, and notable for its absence, is use of yearly federal housing reports and statistical simulations from commercial regional resources such as Phelps-Dodge Reports.)
 - c. Identification and costs attributed to the efficacies and efficiencies of existing housing maintenance and development institutions and mandated controls related to meeting housing conservation and development needs.
 - d. Identification of land available, by aegis, for housing needs, new or transitional, that can be directed to meet such needs. (Zoning alone does not provide program implementation and can sometimes provide negative market effects. Does the authority exist to make such land available?)
 - e. Identification of the effects from national causes that will require mitigation for purposes of individual and collective public safety and the need to hold harmless residential costs and dislocations. (For example, seismic retrofit of perhaps 3,000 rent control structures will need mitigation for costs to owners, tenants and maintenance of their rights.)

Proposals:

Critical must be acknowledgement that policies must be defined as "administrative directives intended to be enforced." "Policies" cannot be used as generalizations or hopes for improvements or enhancements. If a policy cannot be carried out as a program it cannot be a mitigation. Secondly, market forces

alone, as proposed by the planning department staff, cannot alone mitigate housing needs.

1. What are the varieties of financial instruments that can be use for mitigation including private and public resources? (For example, public ownership of land can be both a resource of “ground rents” and collateral for underwriting loans. Los Angeles, for decades, has made permanent public ownership of land for such purposes public policy.)
2. What are the varieties of institutional and code changes that can or must be undertaken to provide mitigations. (For example, some communities use a form of “urban development corporations” to provide coverage for private/public partnerships for cost savings for finance, construction and materials costs.)

To: J. Clary
Fr: B. Choden
Re: SFT BOS HSG PROPOSALS.
3/12/09

1. **Development should not exceed the city's holding capacity for infrastructure or services as measured by law and best practices for health, safety and welfare.**

Currently the city does not have adequate holding capacity for its residents for infrastructure, such as sewer and water, or services such as schools. The city has indicated that it is not willing or unable to finance such capacity on a sustainable basis nor is the city willing to commit to such funding and other necessary development resources to such future needs.

Therefore, the city should not commit to further development in the absence of such holding capacity.

Should holding capacity be made available on a long-term, sustainable basis, then development should only be granted on a measurable pro-quid-pro basis by priority quota as determined overall by public needs criteria for housing and employment inter-related citywide and by neighborhoods either on a first come basis or by lottery and by development as best relates to the development pattern of each area. This method of land control is termed "quota zoning."

Development should contribute to the resource and funding of the holding capacity needs of the city in accord with the city's needs for such development including subsidies or surplus values.

2. **Seismic safety assistance for rent controlled below market housing should be subsidized in a manner that preserves the affordability of those housing units.**

Approximately 3,000 residential buildings with about 9,000 units under rent control and that are presently affordable require seismic retrofit subsidies in order to both achieve seismic safety and affordability of that housing. It is unlikely that most of these units would remain affordable with such assistance that might include:

1. Rehabilitation pooling of construction resources and techniques such "mass production" and builders' insurance and architectural and permit assistances.

2. Applying for federal stimulus assistance for aid to contractors and owners to offset costs given guarantees of tenant affordability. These projects would be shovel ready and income beneficent.

To: San Francisco Dept. of Planning
Att: Wm. Wycko, Env. Review Officer
1650 Mission St. Suite 400
San Francisco, Ca. 94103

Fr: Bernard Choden
85 Cleary Ct., # 11
San Francisco, Ca. 94109

Re: Scoping Hearing on EIR for 2004 Housing Element of the General Plan response.

Nov. 6, 2008

The following are from the California Gov. Code 65580-65589.8 as violations of the clear directives from that code. (H.E. in initial form refers to the Housing Element.) that affect the EIR requirements for mitigation.

65580: The purposes of the H.E. cited are variously unmet particularly with regard the diversity of needs and mitigations required.

65581: The limitations permitted local government require clearly defined competitive priorities and resource limitations. The department's claim to resolve mitigations primarily through market forces clearly ignores the possible use of ground rents from almost \$ 4 billions in public land equities and other subsidy resources. A regional HUD finding in 2003 indicated that 95% of households could not enter the rental or ownership market with a form of public subsidy.

As previously testified, the 2004 H.E. does not sufficiently identify the diversity in housing needs by cross-tabulation of household incomes with such variables as disabilities, ages, tenure, occupations, location of occupations and condition of facilities that would identify special occupancy and vocational needs. For example, the 1990 H.E. cited about 30,000 units occupied without permits; did they disappear in 2004 and what might one surmise about the condition of those units?

65582(1): Requires a sufficiency of water and sewer hookup. Current PUC hearings indicate that the city lacks sufficient infrastructure and resources to accommodate current and expanded populations. What is the holding capacity of the city as to infrastructure, services and income/job generation? Clear commitment to such sufficiency in advance is required but is not furnished.

65583: Analysis is needed as to needs and mitigation for all income levels with inclusion for dwelling requirements for conservation and rehabilitation.

65583(2): Again, ~~this~~ requirement refers to the "availability of financing" and the "price of land." If below market households cannot maintain themselves in the open market because of they lack financing and because of the increasing price of land, then there are

environmental displacement issues not addressed in the H.E.. That issue is exacerbated directly by City Planning policy to increase the price of land through upscale zoning without mitigating for the effect such price increases have on housing availability for ALL HOUSEHOLD INCOMES GROUPS REQUIRING HOUSING. To be perfectly clear, the administration's desire to obtain increased property tax revenues through an increase in the price of land violates in some degree the ability of most households to afford housing in their city. The legal equivalent of such action is "**inverse condemnation.**"

The department further indicates that an adequate supply of land exists to meet current and future needs. This is a non sequitur. Such sites are not identified to be suitable as to safety (say seismic events), adequate services, employment location and infrastructure. Secondly, all city land has other usage claims on it, some of which have more substantial economic verity and community needs. Further, the city deliberately lacks a commitment to the institutional and fiscal resources needed to make such land available, by priority, for household developments when and where they are needed.

65583 (B): There are no stipulations for housing replacements resulting from public actions or approvals.

65583 (D): The H.E. must identify all actions needed to make land available (as noted above) during the five year period of the General Plan implementation. Given that the General Plan is both obsolete and lacks an implementation policy mechanism, one cannot have an operable H.E. within, in effect, a General Plan that lacks policy implementation means and, therefore, the General Plan cannot provide a mechanism for mitigation particularly with regard such other required elements of the General Plan as transportation and capital programs. That is, the Planning Department determines "policies" to be a "goal", an encouraging wish. A legal and professional definition of "policy" is "**an administrative order intended to be enforced.**" If you can't enforce the General Plan, it doesn't exist. Without a General Plan, there cannot be a H.E..

The proposed H.E. EIR is not a good faith document.

GOVERNMENT CODE

SECTION 65580-65589.8

65580. The Legislature finds and declares as follows:

(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.

(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.

(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

65581. It is the intent of the Legislature in enacting this article:

(a) To assure that counties and cities recognize their responsibilities in contributing to the attainment of the state housing goal.

(b) To assure that counties and cities will prepare and implement housing elements which, along with federal and state programs, will move toward attainment of the state housing goal.

(c) To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the state housing goal, provided such a determination is compatible with the state housing goal and regional housing needs.

(d) To ensure that each local government cooperates with other local governments in order to address regional housing needs.

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article

To: San Francisco Dept. of City Planning
Fr: Bernard Choden
Re: Director's Report, Item 13, 2009 Housing Element Update

Feb. 26, 2009

Appended is a critique, to date, of the Department's work on the 2009 Housing Element:

1. Re: FATAL FLAWS IN PROPOSED HOUSING ELEMENT POLICIES AND FINDINGS. Jan. 27 2009
2. COMMENTS: a more detailed exposition on the above.
3. Scoping Hearing on EIR for 2004 H.E.. The 2009 H.E. appears to repeat the errors of the 2004 H.E..

Please append this critique to the Commissioners' packet.

KATHRYN R. DEVINCENZI
ATTORNEY AT LAW
22 Iris Avenue
San Francisco, California 94118
Telephone: (415) 221-4700
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FACSIMILE COVER PAGE

To: City and County of San Francisco
San Francisco Planning Department

Attn: Bill Wyco

2004 and 2009 Housing Element EIR Scoping Comments

Recipient's fax number: (415) 558-6409

From: Kathryn R. Devincenzi

Sender's fax number: (415) 346-3225

Date: October 5, 2009

Number of pages including this cover page: 20

See attached

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BY FAX TO 558-6409

October 5, 2009

City and County of San Francisco
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Attn: Bill Wycko

Re: Project Title: San Francisco 2004 and 2009 Housing Element
Case No.: 2007.1275E

I am the attorney for San Franciscans for Livable Neighborhoods, the association of fourteen (14) neighborhood organizations, which successfully sued the City and County of San Francisco ("City") and achieved the decision of the Court of Appeal which requires the City to prepare the environmental impact report ("EIR") at issue. This EIR must comply with the requirements of the decision of the Court of Appeal in all respects.

The San Francisco Superior Court enjoined the City and County of San Francisco ("City") from relying upon or implementing the changes from the 1990 Residence Element embodied in the 2004 Housing Element which are identified in the enclosed Peremptory Writ of Mandate issued on April 6, 2009 and the Amendment to Peremptory Writ of Mandate issued on June 1, 2009. As fully set forth in the enclosed Writ and Amended Writ, these include:

1. New policy 11.8 and interpretative text,
2. New policy 11.1 and interpretative text,
3. Modified policy 11.9,
4. Modified policy 11.6 and Implementation 11.6,
5. Modified policy 11.5,
6. New policy 1.7,
7. New Implementation 1.6,
8. New policy 11.7,
9. New policy 1.2 and its implementation by a specialized type of zoning called "Transit Oriented Neighborhood Commercial District (NC-T) Zoning" controls that "provide increased housing densities above the ground floor and reduced residential parking requirements on linear shopping streets and along transit corridors,"
10. New language added to policy 1.1 and interpretative text,
11. New Implementation 1.1,

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12. Language added to modified Implementation 1.3,
13. Modified Objective 11,
14. Language added to modified policy 4.4, and
15. Modified Objective 1 and interpretative text.

Accordingly your assertion at page 24 of your Notice of Preparation of an Environmental Impact Report that the "seven new policies included in the 2004 Housing Element" are the seven items listed is inaccurate and incorrect. The EIR must analyze the potential impacts of all the changes from the 1990 Residence Element.

PROJECT DESCRIPTION AND EIR SCOPE

CEQA requires an accurate, stable, finite project description in order to provide a baseline for the analysis of alternatives and mitigation measures which could reduce or eliminate significant effects of the project under analysis. Without an adequate project description, it is impossible to perform the analyses mandated by CEQA.

Under CEQA, a "project" is an activity which a public agency proposes to "approve" or "carry out." (Public Resources Code §§ 21080 (a), 21065.

Does the City propose to approve or carry out the changes embodied in the 2004 Housing Element which the Court enjoined that are set forth above (herein "enjoined 2004 changes") or the changes from the 1990 Residence Element which are embodied in the 2009 Housing Element (herein "2009 changes") or something else? In the event of conflict between enjoined 2004 changes and 2009 changes or other project which the City proposes to approve in connection with the proposed project subject to this EIR, which changes would the City carry out?

The EIR must clarify the confusion as to the nature of the project and identify which changes the City proposes to approve or carry out.

The City must clearly define the project which is under environmental review and the objectives of that project. The EIR must clearly state the objectives of the changes to the 1990 Residence Element which the City proposes to approve or carry out, including without limitation the approximate number of new housing units which is the project's goal or objective, with any pertinent affordability targets for such housing, and the time period in which the City seeks to realize the pertinent construction targets.

The EIR must analyze each and every potentially significant impact on the environment which could result from any and all proposed changes in implementation measures which were not approved in the 1990 Residence Element, proposed zoning, proposed area plans, area plans approved between May 13, 2004 and the date of issuance of the notice of preparation of this EIR

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and any zoning approved between May 13, 2004 and the date of issuance of the notice of preparation of this EIR that relates to residential or mixed use housing. The EIR must identify each area plan or rezoning which the City approved after May 13, 2004 in which the City relied in whole or in part on any change from the 1990 Residence Element.

Is the project which the City proposes to approve or carry out intended only to produce enough new housing units to meet the City's share of the regional housing needs allocation ("RHNA") as determined by the Association of Bay Area Governments ("ABAG") or the California Department of Housing and Community Development ("HCD") or other applicable government agencies, and, if so, for what time period does the proposed project seek to achieve that goal? If not, what is the goal of the proposed project and amendments to the housing element at issue, including without limitation the quantified objectives for the new housing unit goal which the project seeks to achieve? If the proposed project and housing element amendments seek to increase the City's capacity for housing through measures such as zoning changes or new area plans, the EIR must clearly state the amount of increased capacity which is sought and identify the areas of the City which the City may seek to rezone or subject to new area plans to achieve increased capacity.

The EIR must specifically identify each area of the City, including each neighborhood, neighborhood commercial area, transit corridor, or other area which could be subjected to the changes from the 1990 Residence Element embodied in the enjoined 2004 changes or 2009 changes to the Housing Element or proposed project.

The EIR must contain a description of each and every subsequent project that would be within the scope of the program EIR for the enjoined 2004 changes, 2009 changes or proposed project, and provide sufficient information with regard to the kind, size, intensity and location of the subsequent projects, including but not limited to, all of the following:

- A) The specific type of project anticipated to be undertaken.
- B) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential or mixed use development, and with regard to a public works facility, its anticipated capacity and service area.
- C) The anticipated location and alternative locations for any development projects.
- D) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.

The EIR must analyze each and every potentially significant environmental impact which could result from the changes from the 1990 Residence Element that are embodied in the proposed project that the City proposes to approve or rely upon (herein "changes"). Depending

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upon what the City proposes to approve, such changes would include without limitation the changes embodied in the 2004 Housing Element, the proposed 2009 Housing Element and/or 2009 Housing Element B. Such changes include the language of changed objectives, policies, interpretative text, implementation actions, work programs, data, needs analysis, narrative discussions, and all other changed language contained in the proposed housing element amendments which the City proposes to approve.

The EIR must contain a description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the program EIR. (Public Resources Code §21157) The EIR must state whether will be used as or serve as a master EIR under Public Resources Code §21157. If environmental assessments for any anticipated subsequent projects would tier off the EIR for the enjoined 2004 changes, proposed 2009 changes or the proposed project, the EIR must identify all such anticipated subsequent projects.

REASONABLE RANGE OF ALTERNATIVES

Under the California Environmental Quality Act ("CEQA"), Public Resources Code §21,000 *et seq.*, a public agency is prohibited from approving a project which would have one or more significant impacts on the environment if there are feasible mitigation measures or alternatives which could lessen or avoid those impacts. So, due to these action-forcing requirements of CEQA, CEQA does not merely require a disclosure of impacts. The EIR must analyze and mitigate or avoid each and every potentially significant environmental impact which could result from each of the changes from the 1990 Residence Element that are embodied in the enjoined 2004 changes, proposed 2009 changes or the proposed project and all potential implementations of those changes.

The EIR must analyze a reasonable range of alternatives to the proposed project, including without limitation an alternative which would produce enough housing to meet but not substantially exceed the applicable RHNA target. The EIR must disclose and analyze all potential zoning changes or area plans that would implement the housing element policies, objectives and implementation measures which the City proposes to approve or carry out and state the number of new housing units which the City anticipates could result from each such change.

The City must disclose the portion of the RHNA target which is intended to shift growth from suburban or other areas to the City in order to attempt to discourage suburban sprawl. The EIR should analyze the alternative of not taking steps to encourage development of housing units in the City to accommodate that component of the RHNA and, instead, to accommodate only the number of housing units which would likely be needed in the City to accommodate normal anticipated growth without the additional component of growth expected elsewhere which

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ABAG or HCD has allocated, or attempted to shift, to the City.

SIGNIFICANT IMPACTS

The EIR must analyze in detail all significant effects on the environment that could result from the changes to the 1990 Residence Element; any significant effect on the environment that cannot be avoided if the project is implemented; any significant effect on the environment that would be irreversible if the project is implemented; mitigation measures proposed to minimize significant effects on the environment, including but not limited to, measures to reduce the wasteful, inefficient and unnecessary consumption of energy; alternatives to the proposed project; the growth-inducing impact of the proposed project and an explanation of any reasons for determining that various effects on the environment of the project are not significant and consequently have not been discussed in detail in the EIR. (Public Resources Code § 21100)

The EIR must analyze all cumulative impacts of the project together with past, present and probable future projects and analyze whether the project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals. The EIR must analyze whether the impacts of the project are individually limited but cumulatively considerable. The incremental effects of an individual project are cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects. The EIR must analyze the effects of the changes from the 1990 Residence Element embodied in the proposed project's work programs, implementation actions, objectives, policies, goals and other changes.

TRAFFIC IMPACTS AND PARKING REDUCTION IMPACTS

The EIR must analyze the potentially significant impacts on traffic flow and intersection conditions which could result from the project's proposed concentration of new residential construction in neighborhood commercial areas, along transit corridors, and in the areas described in the 2004 Housing Element work programs, proposed 2009 housing element implementation actions or proposed project implementation actions. The EIR must provide data as to the baseline conditions existing on the date of issuance of the notice of preparation of this EIR as to traffic flow conditions and traffic conditions at intersections in the morning and afternoon peak periods in each area described in the 2004 Housing Element work programs, proposed 2009 Housing Element implementation actions, proposed project implementation actions or in areas which could receive rezoning or new housing construction utilizing the project's proposed increased capacity or parking reduction construction standards or any proposed changes from the 1990 Residence Element. The EIR must analyze and mitigate all

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potentially significant impacts on traffic flow and intersection conditions in each such area and adopt feasible measures to mitigate or avoid all such impacts or adopt feasible alternatives to project implementation actions which could cause such impacts.

The EIR must analyze the potentially significant impacts on traffic flow and intersection conditions which could result from the project's addition of the total number of new residences expected to be constructed using one or more project development standards that have changed from those embodied in the 1990 Residence Element. The EIR must provide data as to the baseline conditions existing on the date of issuance of the notice of preparation of this EIR as to traffic flow conditions and traffic conditions at relevant locations in the City, including intersections in the morning and afternoon peak periods in each area which could receive construction using such development standards. The EIR must analyze and mitigate all potentially significant impacts on traffic flow and intersection conditions in each such area and adopt feasible measures to mitigate or avoid all such impacts or adopt feasible alternatives to project implementation actions which could cause such impacts.

The EIR must also analyze mitigation measures for the "Transit Oriented Neighborhood Commercial District (NC-T) Zoning" and for all proposed Housing Element work programs and implementation actions that could utilize less than one on-site parking space for each new residential unit. In connection with its Market Octavia approvals, the City approved a new NC-T zoning classification that contains a maximum parking limitation of one parking space for every two residential units, with parking sold separately from the unit as to new structures of ten (10) dwelling units or more. (See SF Planning Code §§ 151.1 and 167) Mitigation measures for such impacts, which the EIR must evaluate and adopt, if feasible, include consideration of retaining the traditional requirement of at least one parking space per residential unit to mitigate the potential impact on City traffic conditions and air emissions from displaced cars cruising for parking that could result from implementing the City's change in parking policy. (See attachments to my November 12, 2008 scoping comment letter) There is a greater likelihood that alternatives and mitigation measures will be adequately presented in the citywide EIR process on the important Housing Element revision than if the City were permitted to pursue a divide and conquer strategy of implementing the new parking reduction strategies area by area, where citizen groups likely would possess less resources to adequately participate in the environmental review process. (*Ibid.*)

The EIR must analyze whether providing one off-street parking space for each new residential unit is a feasible alternative or mitigation measure which could reduce or avoid any significant impact which could result from the proposed changes to the housing element or proposed project.

The EIR must also analyze the adverse visual impacts from vehicles parking on sidewalks

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that could result from parking deficits potentially caused by changes from the 1990 Residence Element embodied in the enjoined 2004 changes, proposed 2009 changes or proposed project.

Also, the City's argument that increasing residential densities in urban areas well served by transit might significantly decrease impacts from suburban sprawl is questionable. (See attachments to November 12, 2008 scoping comments - Golick Dec. ¶ 30 (herein "Golick")) The City has not submitted any data indicating that such strategy has successfully persuaded significant numbers of families to give up the "suburban home with the white picket fence." (*Ibid.*) It is highly unlikely that the types of families whose values lead them to live in large residences in outlying suburbs such as Brentwood would choose to live in a densely populated urban area such as San Francisco. (*Ibid.*) Such a family would more likely choose to live in an alternative suburb closer to employment rather than in a densely populated urban area. (*Ibid.*) The City has not pointed to any data showing that substantial numbers of people have migrated from outlying suburbs to densely populated urban areas or changed their preference for suburban living as a result of an opportunity to locate in dense housing in an urban center. (*Ibid.*) The EIR must analyze whether the idea of constructing substantial numbers of new residences in the City will likely have a significant effect on reduction of suburban sprawl and present any data that supports that theory.

The 2004 Housing Element's work programs include new area plans and rezonings for downtown areas such as the Transbay Terminal and Rincon Hill areas. The EIR must analyze all potential impacts on traffic from the construction of new residential units or mixed use developments in these areas, including potential impacts on bridge approaches and arteries leading into the downtown in both the morning and afternoon peak traffic periods.

The EIR must analyze all potential impacts on traffic from the construction of new residential units or mixed use developments in these area plans anticipated to approved in connection with the proposed 2009 changes or the proposed project, including potential impacts on bridge approaches and arteries leading into the downtown in both the morning and afternoon peak traffic periods.

AIR QUALITY AND NOISE IMPACTS

The EIR must analyze the adverse impacts on air quality and noise which could result from the changes in the 1990 Residence Element embodied in the enjoined 2004 changes, proposed 2009 changes or the proposed project, including without limitation from the additional population which would likely be added to the City as a result thereof and the increased vehicles miles traveled and increased noise generated by such increases in population or traffic.

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VISUAL IMPACTS

The EIR must analyze the adverse visual impacts which could result from the changes in the 1990 Residence Element embodied in the enjoined 2004 changes, proposed 2009 changes or the proposed project. These include adverse impacts on neighborhood character resulting from the construction of new structures of discordant height or bulk, or containing reduced setbacks or reduced private open space in residential neighborhoods, neighborhood commercial areas, along transit corridors, in areas covered by new area plans and all other potentially impacted areas. The EIR must analyze and adopt feasible measures which would mitigate and avoid all such impacts.

The EIR must analyze the potential adverse impacts on neighborhood character, architectural quality and historically significant structures caused by the incentives to tear down existing structures which could result from the increased capacity measures contained in the changes from the 1990 Residence Element, including without limitation the increases in heights or densities and reductions in on-site parking requirements or private open space or set back requirements the could result from the zoning changes and area plans described in 2004 Housing Element work programs, proposed 2009 implementation actions, proposed project implementation actions or other means which could implement the changes from the 1990 Residence Element.

WATER, PUBLIC UTILITIES AND PUBLIC SERVICES

The EIR must analyze the amount of water potentially needed by the project which the City proposes to approve or carry out and whether the SF water system has the capacity to adequately supply the project's water needs, given the demands for water expected from increased population of the City and the demands for water expected from the City's customers, including the suburban jurisdictions having contracts for water delivery from the SF PUC and any and all likely increases in those contractual commitments to suburban customers as discussed in applicable environmental impact reports or documents relating to negotiations for contractual water supply extensions or revisions. The EIR must state the amount of water needed by the likely number of new residential units that could be built in the City pursuant to the rezonings, area plans and other implementation measures described in the 2004 Housing Element work programs, proposed 2009 housing element implementation actions and work programs, proposed project implementation actions and work programs and through all other potential implementations of changes to the 1990 Residence Element embodied in the enjoined 2004 changes, proposed 2009 changes, or the proposed project. The EIR must analyze whether the City likely can supply the water needed to serve the expected number of new residential units that could be constructed in the City in connection with the project which the City proposes to approve or carry out using development standards that are different from those described in the 1990 Residence Element and analyze the efficacy of any measures proposed to increase the

City and County of San Francisco
October 5, 2009
Page 9

City's water supply or availability.

The proposed project calls for the construction of a substantial number of new residential units, which will cause a potentially significant increase in demand for schools, police, fire, medical emergency, power, water, sewer, landfill, MUNI and BART services. The EIR must analyze the potential increase which the proposed project could have on each of these City services and other utilities and whether the City has the means or funds to supply the anticipated increased demand for such services and utilities.

POPULATION INCREASE AND DATA

The project under evaluation in the EIR must base its assertion of the need for housing on current population projections given the current economic downturn. The EIR must adjust the projected population increase which it uses as purported justification for additional housing units to account for the decline in demand due to the current recession. The EIR must analyze an alternative consisting of implementing only those actions needed to construct the number of new units that can be expected to be needed to meet such adjusted, or actual, demand.

The EIR must clearly state the estimated number of new residential units that could result from construction using any project construction standards or implementation measures that have changed from those set forth in the 1990 Residence Element, and the estimated increase in population that would reside in those units and the estimated number of motor vehicles that would be brought into the City by such new residents. The EIR must analyze and mitigate or avoid all potentially significant impacts resulting from such population increases.

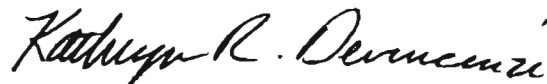
The Housing Element EIR must include the potential impact on the environment of the new language in the Housing Element calling for extracting public benefits in return for increasing the permitted density or intensity of housing, and alternatives thereto and measures which could mitigate those effects. (Golick Dec. ¶ 21) The Housing Element states that "these density increases must be combined with the capture of some of the added development value through the provision of public benefits." (1 AR 211) This statement follows the discussion of the Citywide Action Plan ("CAP") and various areas proposed to receive increased density housing and reduced parking requirements. (Golick Dec. ¶ 21) The approach of extracting public benefits in return for increasing permitted density of housing can create a powerful incentive for the City to increase densities to generate additional revenues beyond the growth that they would permit absent such an economic incentive. (*Ibid.*) An example of the types of significant public benefits that can result from this approach are the new Community Improvement Impact Fees for additional residential or commercial capacity recently adopted for the Market and Octavia Community Improvements Fund in San Francisco Planning Code §§326-326.8 and the fees

City and County of San Francisco
October 5, 2009
Page 10

charged for exceeding the allowable floor area ratio in the Van Ness and Market Downtown Residential Special Use District as recently adopted in San Francisco Planning Code §§249.33, as summarized in the excerpts from the agenda of the April 15, 2008 meeting of the San Francisco Board of Supervisors. (Golick Dec. ¶ 21 and attached collective Ex. F thereto) It appears that the increased housing capacity sought by the 2004 Housing Element, proposed 2009 changes or proposed project is intended to generate substantial revenue for the City rather than meet the RHNA.

At the scoping hearing, Planning Department staff stated that scoping comments on the subject EIR could be faxed to the number above.

Very truly yours,

A handwritten signature in black ink that reads "Kathryn R. Devincenzi". The signature is written in a cursive, flowing style.

Kathryn R. Devincenzi

Attachments

Kathryn Devincenzi (SBA-701-5)
 22 Iris Avenue
 San Francisco, CA 94118
 Telephone (415) 221-4700
 Facsimile (415) 346-3225
 Attorney for Petitioner/Plaintiff
 San Franciscans for Livable Neighborhoods

FILED
 San Francisco County Superior Court

APR 06 2009

GORDON PARK-LI, Clerk

By: [Signature] Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SAN FRANCISCO



SAN FRANCISCANS FOR LIVABLE
 NEIGHBORHOODS,

Petitioner and Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO, and DOES
 I-X,

Respondents and Defendants.

) No. CPF04 504 780

) **PEREMPTORY**

) **WRIT OF MANDATE**

) Action Filed: November 30, 2004

) Hearing Date: January 27, 2009
) Dept. 302, 9:30 a.m.

) Honorable Charlotte W.

TO THE CITY & COUNTY OF SAN FRANCISCO ("City"):

YOU ARE HEREBY COMMANDED immediately upon receipt of this writ to set aside and void the approval of the Final Negative Declaration which you adopted and issued on May 13, 2004 in San Francisco Planning Commission Resolution No: 16786, in connection with your approval of the 2004 amendments to the housing element of the City's general plan and San Francisco Planning Commission Resolution No. 16787.

YOU ARE FURTHER COMMANDED to prepare, consider and certify an environmental impact report ("EIR") pursuant to the provisions of the California Environmental Quality Act, Public Resources Code §§ 21,000 *et seq.* ("CEQA"), concerning any potentially significant effects to the existing environment that may result, based on a fair argument



supported by substantial evidence, from any and all changes in the City's 1990 Residence Element that are embodied in the amended housing element, and to fully comply with the requirements of CEQA by June 30, 2009, concerning said proposed amendments to the housing element of the City's general plan. Among the proposed amendments to the housing element of the City's general plan that will be analyzed as part of the project considered in said EIR are the proposed omission of 1990 Residence Element Policy 2-4 to adopt specific zoning districts that would set density categories (Slip Op. 17, 22; JN 81-84) and the proposed omission of 1990 Residence Element Objective 2 "To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods." (Slip Op. p. 22; JN p. 80)

Until you prepare, consider and certify said EIR and fully comply with the requirements of CEQA in relation to the changes from the City's 1990 Residence Element embodied in the amended housing element, **YOU ARE COMMANDED** to refrain from enforcing, relying upon, approving or implementing the following changes from the 1990 Residence Element, together with the accompanying interpretative text and implementation actions which are stated along with such matters in the 2004 Housing Element:

1. New Policy 11.8 to "Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character" as interpreted by explanatory text providing that the "Department should strongly support projects that creatively address residential parking and open space requirements, resulting in higher densities with a full range of unit sizes" and that the Department will "study the impacts of reduced parking and private open space provisions and will consider revising the Planning Code accordingly." (Slip Op. p. 17-18; 1 AR 284-285)
2. New Policy 11.1 to "Use new housing development as a means to enhance neighborhood vitality and diversity" as interpreted by explanatory text that "[m]inimum density requirements and maximum parking standards should be used to encourage a mix of unit sizes in areas well served by transit and neighborhood retail." (Slip Op. p. 18; 1 AR 276)



3. Modified Policy 11.9 to "Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character." (Slip Op. p. 17, 1 AR 283)
4. Modified Policy 11.6 to "Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit" together with Implementation 11.6 which states that: "The City will continue to promote increased residential densities in areas well served by transit and neighborhood compatible development with the support and input from local neighborhoods." (Slip Op. p. 18; 1 AR 283)
5. Modified Policy 11.5 to "Promote the construction of well-designed housing that enhances existing neighborhood character." (Slip Op. p. 18; 1 AR 280)
6. New Policy 1.7 to "Encourage and support the construction of quality, new family housing." (Slip Op. p.18)
7. New Implementation 1.6 that the "Planning Department will review the following incentives for commercial project developments in the Downtown C-3 District: "no residential parking requirement; and no density requirements for residential projects." (Slip Op. 18-19; 1 AR 220)
8. New Policy 11.7 stating that "Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units." (1 AR 284; 15 AR 4196)
9. New Policy 1.2 to "Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities" including its implementation by a specialized type of zoning called "Transit Oriented Neighborhood Commercial District (NC-T) Zoning" controls that "provide increased housing densities above the ground floor and reduced residential parking requirements on linear shopping streets and along transit corridors." (1 AR 216; 204)
10. New language added to Policy 1.1 to "Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods [sic] support," and accompanying new interpretative text stating that "along transit-preferential streets" "residential parking requirements" "should be, if appropriate, modified," and that there "is a reduced need for automobile use" in "neighborhood commercial districts" where "[p]arking and traffic problems can be further addressed by community parking facilities and car-sharing programs, and other creative transportation programs." (1 AR 215)



11. New Implementation 1.1 which states that a "citywide action plan (CAP) should provide a comprehensive framework for the allocation of higher density, mixed-use residential development in transit-rich areas with stable urban amenities in place. In these areas, specific CAP strategies should include: higher densities and reduced parking requirements in downtown areas or through a Better Neighborhoods type planning process; pedestrian-oriented improvements to enhance the attractiveness and use of transit." (1 AR 215-216)

Notwithstanding the foregoing, with respect to 2004 Implementation 1.6, YOU ARE COMMANDED to refrain from enforcing, relying upon, approving or implementing only the new added language consisting of "no residential parking requirement; and no density requirements for residential projects" and with respect to 2004 Implementation 1.1, YOU ARE COMMANDED to refrain from enforcing, relying upon, approving or implementing only the new implementation added to Implementation 1.1 set forth above.

Your approval of the above-specified policies or implementation actions as amendments to the City's housing element on May 13, 2004 as part of San Francisco Planning Commission Resolution No. 16787 is hereby set aside and revoked until you comply fully with CEQA as set forth herein.

The City need not conduct environmental review "on policies that were evaluated before the adoption of the 1990 Residence Element." (Slip Op. p. 15) Pursuant to Public Resources Code section 21168.9, and for the reasons set forth in the arguments of counsel and as set forth below, the Court finds that:

- a) The policies, objectives and implementation measures of the 2004 Housing Element listed above, are severable from the remaining policies, objectives and implementation measures. This finding is based on the Court of Appeal's holding that environmental review of the entire 2004 Housing Element is not necessary under CEQA and *Black Property Owners v. City of Berkeley* (1994) 22 Cal.App.4th 974 because the 2004 Housing Element makes no changes to many policies and objectives in the 1990 Residence Element; and,

1 (b) The City's reliance on the remainder of the 2004 Housing Element without the
2 above policies will not prejudice complete and full compliance with CEQA. The Court relies on
3 the San Francisco Planning Department Director's sworn testimony that the City has begun an
4 environmental impact report of the 2004 Housing Element in accordance with CEQA, and the
5 Court's continuing jurisdiction of this matter through a return to the writ will assure compliance
6 with CEQA mandates; and,

7 (c) Consistent with the Court of Appeal holding that "[s]everal Housing Element policies
8 incorporated no text change whatsoever from the 1990 Residence Element, and no purpose would be
9 served in conducting environmental review on policies that were evaluated before the adoption of the
10 1990 Residence Element," the Court finds that the remaining policies in the 2004 Housing Element
11 do not violate CEQA.

12 In addition, the Court further finds that consistent with Public Resources Code section
13 21168.9(c) and *Laurel Heights Improvement Assoc. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d
14 376, the Court exercises its equitable powers in fashioning an appropriate remedy under CEQA, and
15 finds that there are compelling public policy reasons to allow the City and County of San Francisco to
16 rely on the remaining portions of the 2004 Housing Element, save for the policies listed above, to wit
17 that the provision of housing, particularly affordable housing, is a "priority of the highest order" as
18 acknowledged by case law and the state Legislature, and that San Francisco must strive to provide its
19 fair share of regional housing needs.

20 YOU ARE FURTHER COMMANDED to certify the environmental impact report and
21 fully comply with the provisions of the California Environmental Quality Act, Public Resources
22 Code §§ 21000 *et seq.*, concerning the proposed housing element amendments described herein
23 by June 30, 2009, and to make and file a return to this Court upon taking action in compliance
24 with this writ, setting forth what you have done to comply, and this Court shall retain jurisdiction
25



1 over this action to determine whether the City's actions have fully complied with the mandates
2 of this peremptory writ.

3 IT IS ORDERED THAT THE COURT SHALL ISSUE THE FOREGOING WRIT:

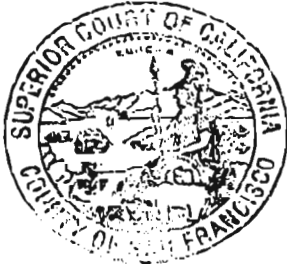
4
5 DATE: 04-06-09

Charlotte W. Woolard
6 THE HONORABLE CHARLOTTE W. WOOLARD
7 JUDGE OF THE SUPERIOR COURT
8
9

10
11 DATE: 4-6-09

GORDON PARK-LI, Clerk of the Superior Court

12 By: [Signature] Deputy Clerk



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ERICKA LARNAUTI



1 KATHRYN R. DEVINCENZI (SB #70630)
2 22 Iris Avenue
3 San Francisco, CA 94118
4 Telephone: (415) 221-4700
5 Facsimile: (415) 346-3225

6 Attorney for Petitioner/Plaintiff
7 San Franciscans for Livable Neighborhoods

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN FRANCISCO

10 SAN FRANCISCANS FOR LIVABLE
11 NEIGHBORHOODS,

12 Petitioner and Plaintiff,

13 v.

14 CITY AND COUNTY OF SAN FRANCISCO, and DOES
15 I-X,

16 Respondents and Defendants.

) No. CPF04 504 780

)

) ~~PROPOSED~~

)

) **AMENDMENT TO**

)

) **PEREMPTORY**

)

) **WRIT OF MANDATE**

)

Action Filed: November 30, 2004

Hearing Date: May 18, 2009

Dept. 302, 9:30 a.m.

Honorable Charlotte W. Woolard

17
18
19
20 TO THE CITY & COUNTY OF SAN FRANCISCO ("City"):

21 In addition to the changes embodied in the City's 2004 Housing Element which this Court
22 restrained in the Peremptory Writ of Mandate issued by this Court on April 6, 2009:

23
24 Until you prepare, consider and certify an environmental impact report ("EIR") pursuant
25 to the provisions of the California Environmental Quality Act, Public Resources Code §§ 21,000
26 *et seq.* ("CEQA") concerning any potentially significant effects to the existing environment that
27 may result, based on a fair argument supported by substantial evidence, from any and all changes
28

1 in the City's 1990 Residence Element that are embodied in the amended housing element, and
2 fully comply with the requirements of CEQA concerning said proposed amendments to the
3 housing element of the City's general plan, YOU ARE FURTHER COMMANDED to refrain
4 from enforcing, relying upon, approving or implementing the following changes from the 1990
5 Residence Element, together with the accompanying interpretative text set forth below:
6

7
8 12. Language added to modified Implementation 1.3 which states with respect to
9 "Downtown areas and areas subject to a Better Neighborhoods type planning
10 process" that "[p]lanning and zoning code changes should include floor-to-area
11 ratio exemptions." (See 15 AR 4187, 1 AR 217, 1990 RE p. 131)

12 13. Modified Objective 11 which states that "IN INCREASING THE SUPPLY OF
13 HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING
14 PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S
15 DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL
16 NEIGHBORHOODS." (See 15 AR 4195, 1 AR 276, 1990 RE p. 106)

17 14. Language added to Modified Policy 4.4 to: Consider granting "parking
18 requirement exemptions for the construction of affordable or senior housing."
19 (See 15 AR 4190, 1 AR 243, 1990 RE p. 97)

20 ~~15. Modified Policy 4.5 to "Allow greater flexibility in the number and size of units
21 within established building envelopes, potentially increasing the number of
22 affordable units in multi-family structures." (See 15 AR 4190, 1 AR 244, 1990
23 RE p. 81)~~

24 ~~16.15.~~ Modified Objective 1, which states "TO PROVIDE NEW HOUSING,
25 ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN
26 APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING
27 NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE
28 HOUSING CREATED BY EMPLOYMENT DEMAND" as interpreted by
modified explanatory text stating "New residential development must be of a
character and stability that enhances the City's neighborhoods and maintains the
quality of life for existing and future residents. How this new residential
development can be accommodated without jeopardizing the very assets that
make living in San Francisco desirable must be discussed. In order to enhance the
city's livability, the supply of housing must be increased and new housing
developments should respect the scale and character of the surrounding
neighborhood." (1 AR 213; 1990 RE p. 75, 15 AR 4187)

1 Your approval of the above-specified objectives, policies or implementation actions as
2 amendments to the City's housing element on May 13, 2004 as part of San Francisco Planning
3 Commission Resolution No. 16787 is hereby set aside and revoked until you comply fully with
4 CEQA as set forth herein.

5
6 The findings and other orders set forth in the Court's April 6, 2009 Peremptory Writ of
7 Mandate, including those beginning at page 4, line 18 and continuing through page 6, line 2,
8 apply with equal force to the proposed changes in the 2004 Housing Element described herein,
9 which the Court incorporates by reference.

10 IT IS ORDERED THAT THE COURT SHALL ISSUE THE FOREGOING WRIT:

11
12 DATE: 05-29-09

13 Charlotte W. Woolard
14 THE HONORABLE CHARLOTTE W. WOOLARD
15 JUDGE OF THE SUPERIOR COURT



19 DATE: JUN 01 2009

20 GORDON PARK-LI, Clerk of the Superior Court

21 By: _____

22 Deputy Clerk

23 Rossaly E. De la Vega Navarro
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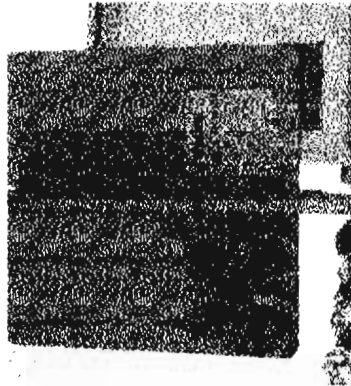
MISUSE DOESN'T HAPPEN IN A VACUUM - ABUSE IS SUSTAINED AND FORTIFIED BY MUNICIPAL NEGLIGENCE

WHO GRANTED PUBLIC EMPLOYEES OR THE S.F. POLICE

THE AUTHORITY TO NULLIFY OUR COMMUNITY CODES OR HUMAN RIGHTS
TO LIVE WITH DIGNITY IN A CLEAN URBAN ENVIRONMENT



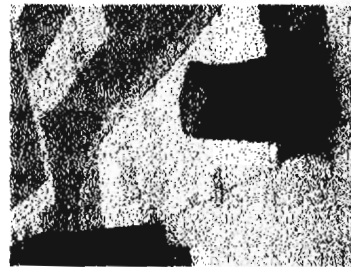
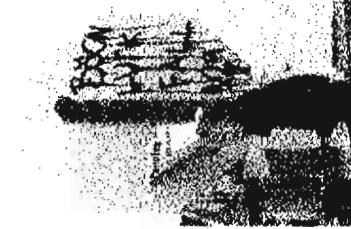
GRAFFITI & ILLEGAL SIGNS



DAMAGED FIXTURES



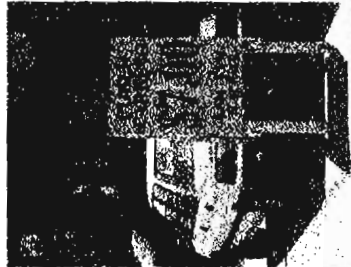
GRAFFITI & ILLEGAL SIGNS



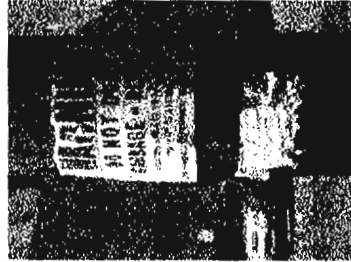
NEGLECTED STREETS



DAMAGED FIXTURES



ILLGAL MINI-BILLBOARDS



BROADCAST DISORDER



GARAGE SALE SIGNS



ILLEGAL SIGNS

THIS ISN'T RIGHT - SO LET'S CHANGE IT!

SURELY THE TASK OF PUBLIC EMPLOYEES IS UPHOLDING THE LAW AND PROVIDING ADEQUATE MAINTENANCE TO AVERT BLIGHT AND DISORDER - WHAT LEGITIMACY DO THEY HAVE AS AGENTS OF BLIGHT AND DISORDER

"Where something isn't working, I say, let's change it"

"This city deserves a government that will move it forward. A government led by men and women who are unafraid to challenge the status quo and who are always willing to innovate."

Mayor Gavin Newsom



"Ferguson, Charles A."
<CFerguson@manatt.com>
10/05/2009 02:46 PM

To <bill.wycko@sfgov.org>
cc <jessica.range@sfgov.org>
bcc
Subject San Francisco 2004 and 2009 Housing Element

October 5, 2009

Mr. Bill Wycko BY E-MAIL
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: San Francisco 2004 and 2009 Housing Element
Case no. 2007.1275E

Dear Mr. Wycko,

In response to the Notice of Preparation ("NOP") of an Environmental Impact Report ("EIR") issued by your department ("Planning") on September 5, 2009 regarding the 2004 and 2009 Housing Element, I submit the following response regarding the scope of the EIR.

The EIR's study of traffic impacts and parking reduction impacts should not only analyze the current and prospective physical environment across the city but should also analyze how the proposed policies may coordinate with those of in-progress state and federal government efforts to control climate change and with those of the rapidly evolving transportation and energy industries. I have repeatedly stated during meetings held by the Planning Department and in direct discussions with John Rahaim, Doug Shoemaker and other officials in charge of shaping the Housing Element that the clear direction of energy and transportation is toward plug-in, all-electric and plug-in, hybrid-electric vehicles. The general concept is to charge such vehicles up at home during the night when electricity demand is at its lowest levels for the day and when the energy is being supplied mostly from a source (nuclear) that emits no greenhouse gases. Already the San Francisco area has become known as the home of the Tesla, the first all-electric vehicle to reach consumers, but soon it will be followed by GM's Volt. The ecological benefits of such vehicles, particularly when coupled with our state's leadership in installing renewable electric generation, is obvious and should be welcomed and supported by the Planning Department as it is the by the State of California, the electric utilities in the State and the residents of the Bay Area who are signing up to buy such vehicles as they come off the production lines. But, instead of supporting this forward thinking development, the Planning Department seems mired in a backward looking philosophy based on the proposition that the only way to control greenhouse emissions from automobiles is to make it as difficult as possible for San Franciscans to use anything but a bicycle or Muni, hence the Planning Department's opposition to garages and the emphasis on building up housing density around so-called "transit-corridors," i.e., Muni bus lines. Wouldn't it be better to align the foundation of the EIR with the obvious trend in automobile design rather than continue to presume that automobiles

will always be the greenhouse gas emitting machines that they are currently? If so, these vehicles require garages so that they can be plugged-in overnight. Furthermore, there is no need to concentrate high density development around Muni bus lines.

Thank you for your consideration of these important matters.

Sincerely,

Charles Ferguson, Director
Presidio Heights Association of Neighbors

3398 Washington Street
San Francisco, CA 94118

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to <http://www.manatt.com/circ230>

October 5, 2009

Hiroshi Fukuda, President
Richmond Community Association
146 18th Avenue
San Francisco, Ca 94121

Mr. Bill Wycho, Environmental Review Officer
San Francisco Planning Department
1650 Mission St., S.F. Suite 400
San Francisco, CA 9413

Dear Mr. Wycho:

Project Title: San Francisco 2004 and 2009 Housing Element
Case No.: 2007.1275E

Please note in the NOP for the HE 2004 & 2009, the Project Objectives (pg 8) states:

3. Ensure capacity for the development of new housing to meet the RHNA at all income levels;
4. Encourage housing development where supported by existing or planned infrastructure, while maintaining existing neighborhood character.

The scope of the EIR for the Housing Element 2004 & 2009, must include the following issues/considerations:

1. Opportunity sites for development in San Francisco are extremely limited. SF should not allow up to 85% of all new residential housing to be for market rate housing. The term "market rate" housing should be changed to "wealthy housing" since only 10% can afford it. If diversity is important, the City must only allow the type of housing which will maintain and sustain the diversity of San Francisco.
2. The purchasing of housing and cars can be analyzed in the following manner. If one can afford a luxury car there are many options, if one chooses to purchase an economy car, there again are many options. If one can afford market rate housing, there are many options, if one can only afford "affordable" housing, the availability for "extremely low" and "low" income housing are extremely minimal, and for "moderate" and "middle" income, the availability is virtually non-existent. The cost of housing and housing opportunities is one reason that moderate and middle income families are leaving the City. A prime example is Supervisor Chris Daly. San Francisco is becoming a City for the very rich and very poor. How much important is diversity to San Francisco?

3. ABAG projects a 6% increase in population between 2010 and 2020, and a 6% increase in employment from 2000 to 2020, the majority of the new population will have employment in the retail and food service sectors. They will have incomes of approximately \$18,000-\$23,000 per year (HE 2009-part 1, pg 19). Will the HE 2004 & HE 2009 provide housing for the new residents? The ABAG and RHNA would be much more meaningful if it reported the number of rentals needed and number of homes/condos needed for each income category.
4. The City has one of the lowest home ownership in the USA, 39%, and one of the highest percentage of renters, 62%. Please note that this is not by choice. The ABAG projections and Regional Housing Needs Allocation (RHNA) cannot be taken seriously unless they understand the reality of home ownership in San Francisco. They need to include rental housing needs because a very high percentage of the new residents will not be able to afford market rate housing and will require rental housing.
5. We know about de facto demolition, now we need to recognize de facto discrimination against Afro-Americans and families. The Afro-American population in San Francisco has decreased from approximately 13.4% in the 1970s to 6.5% in 2008. The percentage of children under 14 years age is only 12%, which is the lowest of major US city. Both housing affordability and opportunities are a major reason for both of the problems.
6. San Francisco (SF) Planning Department policies acknowledges the significance of garages and parking in regards to how much space is required and how much cost is added to housing. The Market Octavia and Eastern Neighborhood Area Plans significantly reduced parking requirements, and ignores the parking shortage in virtually all areas of San Francisco. The draft HE 2004 and 2009 does not provide data on how many cars and trucks are registered in SF, how many street parking there are for overnight parking, how many off street public and commercial spaces are available for overnight parking, and how many private garage spaces there are in SF. Most importantly, the draft HE 2004 & 2009 does not predict how many more cars will be owned by the new residents and where they will be parked. The increase in the number of commuters to SF is projected to be over 70,000 by 2020, how many will drive their cars, where will they park?

The SF parking policies are discriminatory against poor people because they cannot afford off-street parking, disabled people because parking is limited, and seniors and families because parking is limited and public transit is not wide spread, time consuming, and unreliable. The SFMTA makes an attempt to report data on parking availability in their "Fact Sheet" but their effort is lacking when they do not update the parking spaces from their 2000 data to the 2008 data. New construction during the period required 1:1 parking.

7. The holding capacity of San Francisco must be analyzed in a serious manner. The routine inadequate and incorrect responses i.e. Planning Department's response to water supply in the recent Market Octavia and Eastern Neighborhoods Area Plans are unacceptable.

The infrastructure of San Francisco is inadequate in regards to sewer capacity during the rainy season in the Bayview District. The water supply in the future is certainly questionable because of the binding contracts with neighboring counties, and reduced contracted supply to SF residents.

Another major concern is the number of high rises recently constructed, and the number of high rises in the pipeline when seismic standards are only for safely evacuating a building and not for reoccupying the building. Fire fighting in a single high rise is a major concern, what is to be expected if there are many in the event of a major earthquake? Are there enough emergency services i.e. fire, medical, police to handle a catastrophic disaster?

8. The Housing Element needs to have Policies which can be implemented and enforced. It must not be merely a wish list of unattainable goals and objectives; otherwise, the Housing Element has no credibility and is an exercise in futility.

The Richmond Community Association urges the MEA to include and consider all of the above issues in the EIR for the House Element 2004 and 2009. An Environmental Impact Report must be accurate, adequate, complete, and sufficient. Hopefully, it will be relevant, and possibly "out of the box" thinking, i.e. the City of San Francisco Health Plan.

Yours truly,

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Case #: 2007.1275E – San Francisco 2004 and 2009 Housing Element

I attended the initial scoping hearing and have submitted prior similar written and verbal comments during the process of the EIR on the proposed 2004 and 2009 Housing Element and meetings with specific groups such as renter's or tenancy interests. The following comments are in regards to the Notice of Preparation document received, and concerns for what has been already eliminated and not addressed as part of these documents. The concern stems from specific language in the SF General Plan, and Citywide action plan, in addition to the 1990 Housing Element that note specifically the need to protect, preserve, and provide for "**AFFORDABLE RENTAL HOUSING**" as an "**OPTION**" and choice for residents of the city and county of San Francisco.

The lack of sound rental housing being constructed with transit, amenities, and significant open space, has been a severe negative condition for families, and longer term working class citizens with the current financial impacts, and lack of options when job changes and housing changes occur consistently. The consistent approach noted by planners, and developers in the projects and proposals of numerous "better-neighborhood-plans" and other similar developer based projects have consistently ignored the lack of, and consistent loss in rental housing units citywide. Alone in district 7 we have lost over 1,000 units of rental housing to institutional growth at SFSU/CSU, in the purchase of University Park South, and Stonestown Apartments coupled with consistent increased inhabitation of students in Parkmerced one of the largest rental apartment communities in San Francisco, that primarily served as low-cost rental housing for families, seniors and working class citizens. The consistent lack of new rental housing that provides a significant amount of units, at an initial base rent, under rent control laws and with significant vacancy decontrol laws that are non-existent currently, and which end up being "flipped" by owners of sites, causes a huge problem for families, and working class citizens.

Parkmerced was the solution initially to such long-term needs, and to date there has not been a significant sized project that provides adequate quantity and quality of designed units, with amenities since world war 2. Parkmerced represents the ideal effort required to achieve this current need for rental housing, however we do not see at the city or statewide level any significant efforts to provide architects, developers and community organizations the tools financially and physically to promote, preserve, enhance and protect these properties from redevelopment. I therefore am submitting comments as a concerned architect and local community tenant advocate to ensure that the rent-

control status our city has always provided is made to address the current lack of rental units and OPTIONS being provided in the current housing market.

Regardless of the changes made in the 2004 and 2009 documents, the city and county of San Francisco has been negligent, and non-effective in enforcing the need for equal development of options being the rental housing that so quickly has disappeared, and become ghost like in concept and generation in the ongoing construction booms in SF. I strongly urge the SF Planners responding to this memo, to place this issue and memo, into the public eye, to ensure that ALL San Franciscans are provided the opportunity and option afforded to them based on the premise of equal housing, and the right and need for essential rental housing currently in SF. The initial comments follow the EIR notification pages and sections, and I will try to consistently point out the section so that it is properly identified.

Initial EIR Section Entitled "Project Description": ABAG and HCD are noted as the organizations that determine the Bay Area Housing needs based on regional data. Well this is negligent since the bay area has a distinct micro-climate of being a) surrounded on three sides by water b) being a city with over 60% renters. To allow outside regional areas, that have been in-undated by sprawl and in-appropriate developer/bank based growth to determine the future needs of the city, immediately draws questions to whom the ABAG and HCD are beholden to as representatives of our city, and in what methods are they influenced in terms of making a determination for a city they have no physical connection to? The city is limited in its ability to absorb new units of housing, and already has become imbalanced due to developer based profit models, and institutional growth that has occurred un-checked in terms of how it affects neighborhoods and existing communities in gentrification, and displacement. There is nowhere in the project description any discussion of how affordability, density, and their significant environmental impacts, and the additional issues of how transit, transportation, and the destruction of cultural resources (Parkmerced is an example) affect neighborhood character scale, and aesthetics. The lack of rental housing being built, and the impacts on the communities based on a "0" increase of rental housing at affordable levels is what is missing from the details of this document. These are large scale significant environmental impacts which are ignored in the project description and scope.

Per state CEQA guidelines sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance) this project is negligent and does not include EQUALLY the issue of RENTAL HOUSING as an OPTION and HOUSING TYPE that needs to be a part of the 2004 and 2009 Housing Element EIR. Until the inclusion of Rental housing is given equal billing in the EIR, by reviewing past-present and future needs and effects on our rental housing stock, the city and county of San Francisco, is legally and technically responsible for ignoring families with children which are a "protected class" under HUD whom require rental housing as an option of housing unit types.

Page 1 – Government Code Sections 6558- et seq.

- 1) Local jurisdictions to adequately plan for and address the housing needs of ALL segments of its population, such that all communities contribute to the attainment of the state housing goals.
- 2) Meet its “fair-share” of housing needs for ALL income groups. (Those that can afford a “down-payment” and those that “cannot” would fall under this category. It could be termed red-lining of rental communities in how neighborhoods with rental units typically low-middle income, and with minorities and immigrant populations have been targeted as redevelopment sites throughout the city.
- 3) Replace expected demolitions and conversions of housing units to non-housing uses, and achieve a future vacancy rate that allows for the “HEALTHY” functioning of the housing market.
- 4) No mention is made of the need to provide rental housing, amend for the total loss of units citywide, or provisions to measure and review vacancy rates of rental units, and the un-healthy situation that has occurred in the design and development of rental housing citywide for “affordable” units.

Page 2 – Type of EIR

- 1) It is noted that this EIR is a “draft” EIR, per Section 15168 of CEQA, which further down is noted need only review or analyze “CHANGES” from the previous adopted element.
- 2) This is negligent as it ignores project specific impacts on neighborhoods, city character, population growth, citizen health, and well-being, and the need to accurately review housing vacancy, and prices to determine the affordability level of existing housing that is available citywide.

Figure 1 – City and County of San Francisco Regional Map

- 1) This map shows the limited boundaries and area of the EIR Housing element this document attempts to provide input on. In looking only at the city urban area, it does not take into account regional changes and types of housing being built and the costs of such housing and suburban sprawl with coupled with the lack of infrastructure to get people into urban areas for jobs and reduction in commuting.
- 2) It ignores the types and density of housing in numerous surrounding counties that have more land and area in which to provide denser housing models.
- 3) It ignores the safety, and health factor of consistently requiring San Francisco to provide equal density as outlying areas when the physical and geological issues clearly dictate that we are limited in growth and density citywide, and are the impact area of multiple natural hazard zones such as earthquake, tsunami and flooding due to rising sea levels.

Figure 2 – San Francisco Neighborhoods

- 1) This map is inaccurate based on the shown outline of Parkmerced's boundaries as a master planned community eligible for national landmark status based on the initial historic resources analysis by page and turnbull.
- 2) The Lands purchased by SFSU are not shown in terms of the LOSS of over 1,000 units of rental housing (prior affordable social/community shared garden apartment complexes of stonestown and parkmerced).
- 3) Density levels of the western side of the city are not shown in the Richmond, Outer Sunset, Inner Sunset, and Ingleside neighborhoods. This information is critical along with transit routing and speeds, to show accurately the problems of density development without adequate light-rail, and transit direct connections to major transit hubs.
- 4) The portion of land not shown as part of SFSU or Parkmerced on the western side sandwiched between SFSU and Parkmerced is the prior OPEN SPACE and recreational areas of Parkmerced, the 800 Brotherhood Way site is also not shown, and is a site that could be used for additional park and recreational opportunities. The Cambon Drive shopping area along 19th avenue and also a part of Parkmerced is not shown as a specific developable area that could provide density options that counter the proposed tear-down of parkmerced's low-scale character neighborhood.

Page 7 – Purpose of the EIR

- 1) It states clearly to inform the public of any potential significant environmental effects, and provide mitigation measures and reasonable and feasible alternatives. This MUST include the need to build affordable rental housing with amenities (ex: open space) in low scale single family neighborhoods in San Francisco, prior to tearing down denser rental developments per the 1990 Housing Element.
- 2) As cited in sections 15121(a), 15632 of the CEQA guidelines, "and describe reasonable alternatives to a project." To date no alternatives that include large increases in RENTAL housing developments of an equal level to that of "for-profit/sale" housing has been shown as an option to alleviate the housing crunch in the city and county of SF.
- 3) Standards for EIR Adequacy – do not relieve the SF Planning Dept. from adequately addressing the lack of rental housing built in San Francisco, and the increased displacement of families as a protected class from the urban areas of the city. The lack of affordable rental housing with amenities has been one of the leading causes for family displacement and gentrification in numerous areas of the city, and must be addressed due to the consistent lack of building for this unit type, citywide.
- 4) The SF general plan has not followed up on the issues of the lack of rental housing being built citywide, and must provide full disclosure on the numbers of units and rental costs of these units in individual districts. Parkmerced has been influenced negatively due to increased housing demand by institutional growth of SFSU/CSU and this effect has not been reviewed studied or documented by the SF Planning Dept. for adequacy and completeness of RENTAL housing needs in multiple districts in SF.

Page 8 – Project Approvals

- 1) In order to be certified as compliant with state housing element law by HCD, RENTAL housing needs must be addressed in equal measure to for-profit/sale housing development.

Page 8 – Project Objectives

- 1) Per objective #2 “maintain the existing housing stock to serve housing needs”. This has not been followed adequately in terms of the loss of rental units citywide, and the in-affordability of rental units being built and flipped to alternate uses, such as short-term corporate housing, and institutional housing needs.
- 2) Per objective #3+4, the need to review income levels for RENTAL housing, and provide a variety of options in rental units developed (currently only market rate rental has been created). Providing new housing supported by existing or planned infrastructure, has not been achieved throughout the better neighborhoods planning process, additionally private interests are pushing for development which does not serve the best interests of the residential districts where this density is being proposed. Direct lines for infrastructure have not been planned cohesively with neighborhood organizations input on the routing and effects of transit cuts city wide by the SFMTA TEP program. Maintaining Existing Character of the neighborhoods has not been achieved due to a lack of preservation review of western district neighborhoods such as Parkmerced that are national register eligible properties.
- 3) Per objective #7, in order to comply with California Housing Element Law, as determined by the California Department of Housing and Community Development, sincere accurate information and demographics of RENTAL units, development, stock, location, costs, and access to transportation and amenities must be provided to ensure a complete picture of the housing issues not being addressed by the city and county of San Francisco, in the type of housing being developed citywide.

Page 8 - Section D Regulatory Setting

- 1) State Mandated housing element requirements set forth in Govt. Code Section 65583 and federally mandated “Fair-Housing Laws” require that EQUAL opportunity to choose the type of housing is required which is the choice between rental and for-sale housing opportunities. The lack of rental housing has created a deficit of rental housing options for communities in San Francisco and forced many to leave the city. This has benefited real-estate, and developer interests over state mandated housing element laws, which demand EQUAL development of rental and for-sale housing types.
- 2) Per section 65583 identification and analysis of existing and projected housing needs, a program for preservation and improvement and development of RENTAL housing has not been provided per the requirements of the State Department of Housing and Community Development (HCD).
- 3) Local housing elements must meet regional projections even if against local interests, the local interest of real-estate industry and development lobbyists have pushed against the required development of rental housing (example: Lennar’s threats against the city if forced to build rental housing in the bay-view hunters point neighborhood).

- 4) Housing NEEDS Assessment – as noted states clearly to determine the existing and projected needs of the RENTAL housing population of San Francisco, due to its unique majority rental unit status. The need to review “overcrowded conditions” due to densifying neighborhoods like Parkmerced without “equity-density” of other sections of the city.
- 5) A Site inventory and analysis must include evaluation of the suitability, availability, and REALISTIC development capacity of the sites to accommodate new housing based on projections of income level, which in the case of San Francisco, income has not improved versus the costs of living, so adequate development of affordable rental housing and options must be accounted for and provided for in the analysis, based on mid-income levels that have been stated as missing in the development type of the cities needs.
- 6) Housing Programs – notes the need to promote EQUAL housing opportunity which includes again the need for low-mid range rental housing and introductory levels of rent for people moving into the neighborhoods around the city.

Page 11 – Regional Housing Needs

- 1) “Existing needs” in terms of RENTAL housing is not broken down in the table 1 and 2 of the shown 2004 and 2009 housing elements. There is no noted impact on loss of units and the increased costs of the rental housing market, nor any information on the lack of priced range alternatives in rental housing citywide, where only new market rate rentals have been placed on the market after the developments failed to sell under market conditions.

Page 12 – 2004 Housing Element Court of Appeal Decision

- 1) The 2004 housing element eliminated housing protections for rental housing units, and in the case of the EIRs for both SFSU/CSU and Parkmerced’s masterplans both of which were issued and had impacts due to the initial purchases of Parkmerced and Stonestown in 2001-2003 should have been included based on possible future development projects area plans, and proposed re-zoning that was shown in the planning documents.
- 2) The elimination of rental housing protection, provisions, and sections under the 1990 element are eliminated further in both the 2004 and 2009 elements and thus continue to make the proposed revisions by the SF Planning Department as inadequate in planning for future rental housing needs of SF.

Page 12 – Section E Background

- 1) Demographics fail in the proposed changes to show adequately the impacts on RENTAL housing citywide and the effects of employment trends and layoffs in the city, which have created more problems for renters due to loss of income, and increased rental levels. The federal provisions for home-owners was not provided for in terms of renter’s and therefore exacerbated the financial problems of renter’s without adequate provisions for protections. Any shown increase in vacancy is a result of financial hardship and renter’s being forced out of the urban areas.
- 2) Table 3 does not show any data on the effects on renters versus home-owners in the data trends and projections shown from 1990-2030 based on the primary rental character of SF.

- 3) Incomes are noted to have remained relatively flat, however no data is provided on how this correlates to rental housing conditions, vacancy, and the need for new rental housing since many home-owners who lost their homes were forced to move into rental housing units reducing the availability of units for existing renter's citywide.

Page 14 – Proposed Housing Elements Analyzed in this EIR

- 1) No updated data has been provided on the needs analysis for regional or local needs of rental housing.
- 2) An assessment based on loss of rental housing, and lack of rental development citywide requires review and analysis in terms of the initial costs and initial rental prices of these units and how many people cannot afford the basic rents of new rental developments due to market rate conditions.
- 3) 2009 Housing Element B – noted comments were not integrated from the scoping hearing documents into the housing element sections edited in this document. Specific sections dealing with rental housing its protection, preservation, and encouraged development, while protecting neighborhood scale and character, was eliminated against the comments submitted prior to the SF Planning Dept. under the scoping hearing held on this EIR.
- 4) Existing Capacity – there has been no quantifiable data on the existing capacity of neighborhoods like Parkmerced, due to the lack of any data on open-space per unit data, of this development and the proposed loss of acres of open space to developments and sell-off of open space for institutional growth. The capacity and livability of Parkmerced based on the proposed density increases puts into question the data on how many people per acre is an acceptable max. Level of density for outlying neighborhoods. We meet or exceed the 283 acres per dwelling unit due to the sell-off of our open space areas which are not shown or provided for information wise in this analysis info. Parkmerced as one of the largest and densest rental neighborhoods in San Francisco should be provided in terms of data, and numerical info. To review how density proposals affect neighborhoods negatively, and what methods or strategies should be used to provide equity density in adjoining neighborhoods along major transit arteries.
- 5) Existing Zoning – must take into account the development potential of single family neighborhood home areas, due to limited options and land areas for development. Equal provisions for eminent domain and the purchase of single-family home lots must be required to ensure equal density development of ALL neighborhoods in San Francisco and not just targeted growth of existing denser zoned neighborhoods for redensification.

Page 17 – Figure 3 Housing Densities by Zoning District

- 1) Again this image improperly shows Parkmerced's density and that of Stonestown in relation to adjoining neighborhoods. Due to land-sales, and the initial density level of Parkmerced, information needs to be accurately shown in terms of general housing and rental housing to show the disparity between where rental housing is located and the need for equal development on more northwesterly portions of the city areas for urban density.

- 2) Updated zoning controls for many of San Francisco Neighborhoods – are again improper changes in zoning of existing dense neighborhoods to meet the provisional requirements for housing, without addressing the need for equity-density of development in single family neighborhoods.
- 3) Table 6 clearly shows the (3) undeveloped sites adjacent to Parkmerced and shows a huge increase based on rezoning, without provision of any information on open-space to density ratios, and effects on the existing neighborhoods character and scale.
- 4) The majority of areas proposed for maximum density, are low-income neighborhoods, in areas where gentrification, and displacement of working class citizens are a major issue.
- 5) The Areas noted MUST include low-scale neighborhoods for re-zoning so that existing low-income neighborhoods are not affected disproportionately due to development pressures and increased costs for rental units in these neighborhoods.
- 6) There is also in Table 6 no information on the LOSS of rental units, and the un-affordability of rental units built, or market rate units switched to rental that remain un-sold, or un-rented currently due to unfeasible costs for families, seniors, students, and working class communities of these existing noted area districts.
- 7) Table 7 shoes only the no. of units, with no breakdown of rental versus for-sale units, or based on income levels. This information is required to make a sound judgment on the housing areas needing units.
- 8) Figure 4 shows 6,000 units in Parkmerced, No noted numbers are provided for in the SFSU area, and surrounding neighborhoods show only an increase in approx. 100 units. This shows directly the disparity in density being created in some neighborhoods, and the need to adequately provide projects and rezoning in low-density neighborhoods with few planned projects for development of low-mid income rental housing.

Page 23 – 2004 Housing Element

- 1) It notes the themes of the 2004 housing element included “housing choice” which is the focus on provision of both rental and for-sale OPTIONS of housing for all ranges of income. To date the 2004 and 2009 updates ignore this provision and eliminate the requirements to build rental housing as “housing choice” in the Housing element updates. This is a direct point of negligence on the part of the city based on the 1990 Housing Element and Federal Housing Laws that state clearly the need to provide HOUSING CHOICE in the types of projects, locations, and amenities provided.
- 2) Housing quality in terms of open-space and the physical environmental impacts of DENSITY on existing dense neighborhoods is not analyzed, and is only given short input with no analysis on how this density affects neighborhoods already impacted by job-loss, housing market loss, and increased density in rental areas of the city.

Page 24 – The following sections noted as removed from the 1990 Residence Element in the 2004 Housing Element are direct violations of the need to promote HOUSING CHOICE and should be placed back into the revised versions. Many of the proposed changes in the new policies are developer/real-estate biased changes that promote density in existing housing developments that affect neighborhoods negatively.

- 1) Policy 1.6 - this needs to be changed included remaining with provisions for providing housing in single-family home owner neighborhoods to promote density in ALL areas of the city. Many neighborhoods have prevented development in their areas, based on the location to historic districts, or adjacency to national park, or institutional growth zones. The issue needs to be clear on the review of housing worthy of retention based on “soundness” reports of existing condition, and adequate Historical review prior to proposed density increases.
- 2) Policy 9.3 – needs to retained to include the need for RENTAL affordable housing priorities and very-low, low, middle, and the full range of rental housing levels required.
- 3) Policy 12.6 – needs to be retained so that the city maintains its ability to modify institutional and large scale development plans that conflict with SF Planning codes and the general plan elements. (Ex: Parkmerced) and the huge adverse environmental effects on a master planned community based on a total tear-down of the residential, and landscape open space amenities.
- 4) Policy 6.5 – needs to be implemented in terms of the RENTAL units affected, and the need to accurately provide data and analyze the recent past changes in rental housing conditions citywide.
- 5) Policy 11.1 – needs to be changed to protect neighborhood quiet, residential scale, and concerns for “vitality” being used to promote commercial, and in-appropriate sized development. Effects on neighborhoods such as noise, light, traffic, hours of operation, must take into account the difference between residential and commercial areas and not integrate the two without review of their impacts.
- 6) Policy 11.7 – This must be linked to transit first policies and direct funding and provisions for mass-transit access, and connections, or new rail development routes to commercial centers. Parking is a severe issue in Parkmerced, and directly is affected by Institutions (SFSU/CSU) which have ignored impacts on our community for years. Provisions that protect neighborhood character, and require institutions, and businesses to provide for parking based on increased density changes must be amended under this policy to address impacts on residential communities.
- 7) Policy 11.8 – This needs to be amended to ensure that SUSTAINABLE PRESERVATION is promoted and financial incentives given to promote density, while retaining neighborhood character. Provisions for adaptive re-use under AB-093 must be provided in addition to larger funding for district wide improvements and neighborhood defining priorities to promote better respect for existing neighborhoods.
- 8) Policy 12.4 – This must include information on the need for rental housing, as a step-up to market sale purchases of housing. The need to inform the public on the need for rent-control, vacancy decontrol, and provisions for new rental housing in ALL neighborhoods should be included in this policy.

Page 25 – 2009 Housing Element

- 1) “Strategies for further review” sounds more of a delay tactic in addressing EQUAL HOUSING OPPORTUNITIES citywide. The delay in reviewing neighborhoods like Parkmerced for local, state or national level historic conditions has led to construction and rehabilitation that changed the scale and character of an entire neighborhood without adequate review. The need to look immediately at transit and infrastructure needs such as a direct link from SFSU/Parkmerced to Daly city Bart, and the 1952 interchange at Junipero Serra Blvd. and Brotherhood Way, are immediate concerns that pre-date the 2009 housing element and must be addressed prior to any development plans. This item shifts the decision making, and ignores the need to immediately address longstanding lack of infrastructure improvements in the city.
- 2) Similar to the 2004 Housing Element changes, protections for rental housing, and neighborhood character are removed, and new policies placed that unequally affect rental neighborhoods like Parkmerced, in direct conflict with what was stated at the prior scoping hearing submitted comments.
- 3) Policy 2.1 – this MUST be included so that density data and the compatibility of prevailing neighborhood character in denser neighborhoods are preserved over the protection of single family home neighborhoods. There is a need to review density levels citywide and the elimination of this policy removes protections for any analysis for density citywide.
- 4) Policy 2.2 – does not discuss the rent-control laws, and effect of new rental housing built, since the new units are not included in the rent-control laws as written. The provision of new rental units is currently being reviewed legally by decisions on affordable housing, and the need to review how permanently affordable rental and for-sale housing is created is required.
- 5) Policy 2.3 – is a negative impact due to the use of this statute to reduce sizes of replacement units for profiteering. There is a need to change this and include it so that flexibility is provided along with requirements for basic open-space, light, air, and max. Density levels based on unit mix. Over-crowding occurs when review of the mix-of units is not included.
- 6) Policy 12.5 - removes protections on land-use controls to regulate appropriate scale for new and existing neighborhoods, this un-equally effects low-mid income level neighborhoods and especially rental districts like Parkmerced.
- 7) Policy 4.2 – must be retained to ensure institutional control of housing areas, (Stonestown and UPS in SFSU/CSU) are forced to maintain and provide for seismic reinforcement of buildings purchased. Seismic improvements or the removal of un-sound housing buildings especially towers, and larger rental units (towers in parkmerced as an example) need to be addressed due to a general lack of information on their condition and need for retrofit, or removal.
- 8) Policy 7.2 – needs to remain and include a portion on rental housing.
- 9) Policy 9.1 – uniform definitions of permanently affordable must be included so that housing stock built at initial rental levels, can be retained to provide stepping stones towards home-ownership, or provide limited increases, and definitions of affordability for renters.
- 10) Policy 9.3 – must include affordable rental housing priorities, and the need for rental housing as a priority.

- 11) Policy 10.4 – The elimination of this is again a direct threat to rent-control laws, and the need to protect tenants from excessive rent increases, by landlords due to deferred maintenance. Predatory Equity Lending is also part of this section, and needs to be included to adequately review effects to rent-controlled units based on landlord’s unfair practices on passing through general costs to tenants on implemented work, which is both unnecessary and cosmetic only.
- 12) Policy 12.5 – needs to be retained to allow for addressing concerns and conflicts with the SF General Plan.
- 13) Policy 16.4 – should be retained to include addressing an “affordable rental housing plan” statewide.

Page 25 - 2009 Housing Element polices included many disproportionately affect again rental housing and existing neighborhood character in a negative way.

- 14) Policy 1.3 – The better neighborhoods planning process, excludes neighborhood and community input, inadequate notification and translation prevents community members from participating in the design changes being implemented. Addressing the need for community planning with representatives from a cross-section of community representatives is required in all projects.
- 15) Policy 2.3 – This must include the removal of parking structures, in institutional growth that negatively affects surrounding neighborhoods (SFSU/CSU) and promotes redevelopment and the reduction of existing rental housing stock.
- 16) Policy 5.2 – should include increased access to rental housing stock, and awareness of the right to options, and choice in the type of housing being built, and provided for citywide.
- 17) Policy 5.4 – should include a range of unit rental types, and prices, for all economic segment needs, and to assist in programs to help move families and seniors into and out of home purchases and sales, to provide better transitional living situation, and housing opportunities for density citywide.
- 18) Policy 7.6 – should include rental housing, and the need to promote preservation as a sustainable alternative to redevelopment.
- 19) Policy 8.2 – should include the requirement to provide rental housing opportunity for existing employees, and provisions for providing general housing increases in new developments proposed for institutional growth that effects neighborhood housing stock negatively in MOU’s and decisions made, to also include neighborhood organizations.
- 20) Policy 9.2 – affordable preservation of rental units, and communities, eligible for state or national funding and preservation incentives, as the most effective sustainable, green means of rehabilitation of sound rental housing.
- 21) Policy 11.3 – REQUIRE the inclusion of neighborhood organizations in ALL city, and institutional planning, and MOU’s Memorandums of Understanding, so that community input and changes are made based on concerns, that will positively affect the architectural design, and promote community based planning and interaction.
- 22) Policy 11.6 – REQUIRE the review of local culture, rental housing concerns under needs and values of the existing communities, and inclusion of the communities input on the need to preserve or protect, enhance or rehabilitate the sense of each neighborhood and community and its historical and unique qualities including landscape, cultural issues, and open space.

- 23) Policy 13.3 – Require that the noted land-use and transportation reports and policies, are adequately and properly reviewed for accuracy. Legislation 081281 at the SF Board of Supervisors did not include adequate review or public, community time to provide notice and 30 day review. The ABAG/FOCUS information was not provided to the SF Board of Supervisors, and information included was filed incorrectly on subsections of this document. Adjacent institutional mast plans (CSU/SFSU) and concerns for other EIR's were not included in the review of adequate transportation and integration with existing transit systems. Currently the developers push for transit adversely affects the need for a direct link to daly city bart in Parkmerced. Promotion of sustainable land-use patterns must include and integrate COMMUNITY input on transit options and new transit routing and connections that adequately address inadequate infrastructure prior to density provisions.

Page 28 – Public Scoping Hearing Nov. 6, 2008

- 1) Issues I had addressed regarding open-space, density, rental housing and the need for a thorough analysis and review of rental housing data, and needs analysis were not included in the provisions for this EIR of the 2004 2009 housing element updates.
- 2) Many of the noted issues we raised have been eliminated in provision and policy changes proposed, and directly are attestable to sponsors, and developer interests that are swaying the provisions and policies of the 1990 Housing Element and will adversely affect our neighborhood character, density, and amenities. It is essential that all public comment at the Nov. 6, 2008, and Oct. 8, 2008 notice be reviewed due to changes in the UPN notification project, and the lack of communities, of varied ethnic and financial backgrounds be included in any and all updates, so that future housing element updates, are noticed properly to all communities affected, and that time and notice are given properly to engender comment and participation in these processes.

Page 29 – Table 8 Policies with Potential for Environmental impacts

- 1) Corresponding 1990 Residence Element Section on Retention of Existing Housing, Section 3.4 Prohibit the conversion of rental housing to time share, and corporate suite or hotel use. This needs to be included and reviewed as part of the impacts on institutional growth, and the illegal transfer of affordable rental units to a deregulated decontrol situation of rental affordable housing. Parkmerced has corporate housing, and SFSU/CSU also has promoted such changes which make units more un-affordable to existing residents due to a lack of vacancy decontrol laws.
- 2) 2009 Housing Element – Conserve and Improve housing Stock Section 2.1 notes inappropriately to allow for demolition if a net increase occurs. There must be language here that addresses the tear-down of sound units, and the need to provide rent-control laws for new units constructed, to provide for new rental housing stock, and not at the costs of existing stock, based on our current laws that de-regulate new construction of rental units. This must be also reviewed in terms of the existing sound housing, and its amenities, such as open space, and density, to prevent un-equal displacement and gentrification of existing rental housing areas, due to targeted policies that promote density of rental neighborhoods that serve a larger segment of working class, seniors and students in all neighborhoods of the city.

- 3) 2009 Housing Element – Maintain the unique and diverse character of SF neighborhoods, there is not noted provisions and effects under this in that by protecting single family home districts other neighborhoods are affected disproportionately.
- 4) Accessibility 13.7, and Housing Choice, and Equal Housing opportunity, show no impact on the issues of expanding home-ownership opportunity and the need to provide rental housing and equal opportunity in rental housing. The affects of this are seen in suburban sprawl and outlying areas where home-ownership in urban and outlying areas has prevented sound policies on the equal development of rental housing regionally.
- 5) Housing Density – setting allowable densities does not impact the environment of those existing communities, it allows for a respectable level or balance of open space to housing density, regional needs in this issue in regards to environmental impacts must be tempered with true data on what types of housing and impacts have occurred in the valley of California, and other regional districts, where a lack of transit and proper infrastructure development has led to imbalanced and environmentally negative impacts. Protection of existing sound dense neighborhoods in San Francisco must be allowed to regulate the need to require outlying areas to provide and finance density, and infrastructural connections to the city of San Francisco. Infrastructural improvements must include quality of life improvements such as open-space, playgrounds, neighborhood services such as hospitals, schools, libraries, and funding for our increasingly dense urban areas in SF. Fair-share impacts must be assessed to outlying areas and regional partners, to ensure that SF and its denser urban neighborhoods are equally provided financing to ensure infrastructural improvements are done in a timely manner, to allow outlying access to urban areas.

Page 33 – Appendix A – Summary of 1990 Residence Element Objectives and Policies

- 1) It is key to emphasize the 1990 segments proposed for removal, or changes in the 2004-2009 updates, since these provisions protect and enhance rental housing and are being affected negatively by this EIR.
- 2) Housing Density Objective 2 – increasing the supply of housing (rental or for-sale) without over-crowding or adversely affecting the prevailing character of existing neighborhoods. This is critical to setting density levels also at an increased level in single family home areas, so that equity density is achieved throughout San Francisco regularly increasing allowable density, and provisions for equal development of rental and for-sale units of varied income levels.
- 3) Retention of Existing Housing Obj. 3 Policy 1 – Discourage the demolition of sound existing housing. – There is a distinct need to require ALL demolition of rental housing to undergo soundness reports, and review environmentally of the tear-down of existing rental units versus adaptive-reuse and rehabilitation citywide. This should not only be triggered by DR review but should be made policy that includes institutional growth and impacts on existing master planned neighborhoods or protected or eligible districts, so that developers and institutions are not allowed to “prey” on neighborhood areas and communities that cannot fight back against the proposed demolition of their neighborhoods. The need to provide independent review and analysis of housing stock, and there durability or need to preserve, and rehabilitate should be

made a requirement of the AB-093 citywide legislation to promote sound decisions on development projects, and effects on neighborhoods.

Thank you for addressing these issues raised in regards to the EIR on the SF Housing Element(s) of 1990, 2004, and 2009. I strongly believe that the SF Planning Department will try its utmost to include rental housing provisions and protections and want to emphasize the need to pro-actively engender discussion, and review of rental housing policies, and the desperate need for affordable rental housing with amenities such as what was created in the last major housing crisis post world war two that developed such admirable projects as Parkmerced. The need for future housing projects that amplify the need to develop in ALL city neighborhoods, and promote affordable rental units as stepping stones for home purchases, and affordability for all citizens, students, seniors, families (as a protected class), and proper notification, and inclusion of comments and input in MOU's and negotiation with the city and institutions promoting density plans within the city and county of SF, must be made more public, and create a better dialogue with community organizations for the benefit of all current and future residents and rental tenants, and home-owners of San Francisco.

Sincerely

Aaron Goodman (District 7)

Email : amgodman@yahoo.com

Home Tel: 415.452.8745



THE PARKMERCED RESIDENTS' ORGANIZATION

P.O. Box 27609, San Francisco, CA 94127-0609

Voice Mail: 415-267-3961

September 30, 2009

San Francisco Planning Department

Attn: Bill Wycko
1650 Mission Street, Suite 400
San Francisco, CA 94103

Case #: 2007.1275E – San Francisco 2004 and 2009 Housing Element

The following comments are being submitted on behalf of the Parkmerced Residents' Organization (PRO) Board of Directors. Parkmerced is the largest rental community in San Francisco. PRO represents over 3,500 units and housing, and an estimated 8,000 to 10,000 residents living in one of the densest neighborhoods of San Francisco.

The communications committee was not able to review the entire document and come to a consensus on the numerous issues and impacts on our district and community based on the large number of changes and effects of noted policy changes included in the initial NOP for the EIR on the 1990 Housing Element of the SF General Plan and proposed 2004 and 2009 updates, part of which in 2004 were found to be inadequate based on legal action taken by neighborhood organizations. Our concerns stem from the following issues and these do not represent all concerns of our neighborhood but a couple of important points in regards to the changes being made in policies that are complex, and have major impacts on our neighborhood;

There is a need to address institutional growth into existing neighborhoods, addressing transit, parking, and housing impacts, and "fair-share" remuneration that was ignored in prior negotiations with city agencies in regards to the impacts on Parkmerced's original layout as a masterplanned community.

There is a need to review demolition policies to mandate adequate environmental review of tear-downs, based on soundness reports, and independent review of the condition of rental housing units prior to redevelopment approvals.

There is a need to ensure community input is realized in the planned developments, respecting neighborhood input, adequate notification, and multiple meetings must be held. There is also a need to ensure that translation is adequate in neighborhoods, and translation of documents due to cultural needs.

There is a need to ensure adequate transportation, infrastructure, emergency facilities hospitals, fire, police, ambulance, and disaster services are available for the density of the increased housing proposals.

There is a need to mandate a maximum density level allowable level per acre in San Francisco, so that adequate equity in density is promoted in all districts of San Francisco, and low-middle income and rental neighborhoods are not singled out unfairly for re-densification prior to looking at alternatives to promoting all the density in neighborhoods that have unique characteristics that provide urban change, scale, and quality to our residential districts.



Daniel W. Phillips
PRESIDENT

Aaron Goodman
1st VICE PRESIDENT

Susan Spector
2nd VICE PRESIDENT

Melissa Babick (non-voting)
RECORDING SECRETARY

Jim Coppfer
TREASURER

Dorothy Lefkovits
SERGEANT AT ARMS

Terence Faulkner
Annamarie Hewson
Dorothy Lefkovits
Cathy Lentz
Marlene M. Madell
Jean Moore-Woods
Barbara J. Olsen
Robert Pender
William F. Thomas
Lora M. Traveler
C. Henry Tyldsley
Ralph Weddington

Genevieve Callejo (Emeritus)
Carolyn Cahn (President Emeritus)
Lora M. Traveler (President Emeritus)
Robert Pender (President Emeritus)

PRO reserves the right to amend or reverse position statements.
VISIT OUR WEBSITE www.parkmercedresidents.org

There is a need to adequately review multiple developments in our neighborhoods with community input, and multiple options being provided so that alternatives are visually selectable and can be changed based on input by neighborhood/community organizations in coordination with and in communication with landlords and developers in relation to the changes they propose.

There is a need to provide for new affordable rental housing in all districts of San Francisco, to ensure equal opportunity, and access to rental housing as the primary option to for-sale home purchases in San Francisco.

There is a need to ensure healthy, and respectable density levels in all neighborhoods, and prevent an imbalance of density occurring in targeted neighborhoods. There is a need for sound, balanced development policies that promote adequate transit improvement, new transit implementation, and adequate provisions for open-space, based on limits to density in existing rental neighborhoods.

Thank you for addressing these concerns in relation to the Housing Element EIR, and the effects it has on the creation of sound new affordable rental units in San Francisco, and the amenities that made Parkmerced one of the ideal locations, for families, seniors, and working class families for generations.

Sincerely,

Aaron, First Vice President,
The Board of Directors,
The Parkmerced Residents' Organization

cc: file

September 30, 2009

RECEIVED

Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

OCT 01 2009

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

via First-class Mail & Hand-delivered

Subject: Case No. 2007.1275E: SF 2004 and 2009 Housing Element

Dear Mr. Wycko,

Please change the "Tree Disclosure Statement" in the Housing Element document so that, for Category B, Landmark Trees, the third option reads, "Trees on adjacent property" rather than "Trees on adjacent property overhanging the project site." Not all trees overhang and may still be on adjacent property.

One should also add another option which reads, "There is/are landmark tree(s) located within the Block on Lot(s) X and Y, etc. Z feet away." The Urban Forest Department should sign off on it and there should be a place for the signature of the landmarked tree owner's arborist

Some landmarked trees do not fall into any of the categories you show on this "Tree Disclosure Statement" and therefore will be overlooked and projects may be approved that may potentially damage such trees.

I also feel that the Planning Department should not be the sole City department to make the decisions on trees. It is important to let the Department of the Environment, Urban Forest Council, Landmark Tree Committee, to weigh in on this part of the Housing Element revisions.

I communicated to you earlier on September 4, 2009 about this as well. The link to the "Tree Disclosure Document" is :

http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/treediscl.pdf

Please accept this as official written comment for the Housing Element Meeting to be held September 30, 2009, 6:30PM – 8:00PM, 1650 Mission St., Suite 400, SF, CA 94103, Room 431. Thank you for your time and serious attention to this matter.

Sincerely,



Rose Hillson
115 Parker Avenue, SF CA 94118
Jordan Park Improvement Association

cc: ✓ Jessica Range, Major Environmental Analysis, SF Planning
Monica Fish, Urban Forest Council Secretary



"Steve Lawrence"
<splawrence@sbcglobal.net>
09/17/2009 01:20 PM

To <bill.wycko@sfgov.org>, <jessica.range@sfgov.org>
cc
bcc
Subject EIR for Housing Element of 2004 and 2009: enough water?

Bill and Jessica:

I wish that you would seriously look into whether there is enough water to support the housing development and population it will bring to the City.

This year we are in a very different place than we were in 2004. Then SFPUC planned to provide 300 mgd capacity by 2015. (Mgd = million gallons per day, a volume measure.) Then, the city used about 91 mgd; it expected that demand to continue, or perhaps it expected a slightly larger demand in the "teens" (2013-). (The rest of the water system's water goes to what may be called the suburbs. This year the suburbs gained a rather firm contract, and under it they are entitled to take even more water than they were taking, or have ever taken.)

Now, as of Fall 2008 when the "2018 Variant" was adopted by SFPUC, the City is by 2018 to receive less than 75 mgd from our regional water system. So the City needs to use a lot less water than it was using in 2004. At the same time, you hope to accommodate 31,000 housing units, or perhaps 62,000 more people. Or who knows, more: I've noticed that as the economy tanks, and as housing gets more expensive, people will live more tightly packed than they had--more people to one "housing unit".

How does the City use less water while growing its jobs (hopefully), and its housing units and population? Answer: by using less water per person. Quite a lot less.

And we are using less water per person, thanks to low flow devices, and thanks to cooperative people who "get" the need to conserve water to preserve fish and habitat.

But, while fish, habitat, and conservation has received lots of attention, and the people of our great city have responded in spectacular fashion to pleas, will this fade over time as it becomes just another familiar voice in the cacophony?

Moreover, demand is hardening. Hardening is when it becomes harder and harder to reduce water usage. (Hard water is something else entirely; don't confuse.) Homeowners used to be able to not water lawns and landscaping during drought; now they've planted drought resistant yards and use drip irrigation, using much less water in normal times. That is good, but there is less to save in an emergency. People have low flow toilets; you can't just throw a brick in the back and use less water. Low flow washing machines may be fine, mostly, but when flu breaks out, sheets may need to be washed twice. It is harder to reduce by 10 mgd, as we used to do.

Also, the water system has less storage. In 2001 state dam safety made us reduce Calaveras Reservoir to less than 40% capacity. That reservoir is the system's largest local storage, about 40% of it. In 2004 the repair project was to be completed by 2010, or 2011 at latest. Now the repair will not be done until December 2015, according to schedule. In 2004 perhaps we were still increasing storage, such as building more at Sunol Quarry. By late 2005, though, that project had been dropped, and today it is long dead.

The Water System Improvement Program's regional work is recently said to be 16.6% done. It is \$4.6 billion in size. That is a lot of work remaining to be done. Until just recently, all of that was to be done by 2014; now all by 2015. So during the relevant five years, something over \$3 billion of work is to be done

on the pipes, tunnels and facilities that bring our water 167 miles from Yosemite. That is a lot of work, and risk. Ninety-six shutdowns are required (as now planned ideally). This for a system that must supply water 24/7. So not only must the City reduce its water usage, it must do so with less storage, and while doing much construction. Sound risky and uncertain? It should.

I'm all for providing more housing, so people can live close to their jobs, and in a green city where greenhouse gas emissions are minimized, but I also want to do so comfortably. How much less water per person can we use? Already SF residents use less water per person than federal authorities claim is minimum for good public health.

And we are going lower. How low can we go? Remember that California's nature is feast or famine: There will be droughts. About twenty percent of the time if the beneficent history to date continues to prove true. During drought the water system cannot provide San Francisco with nearly 75 mgd; we will need to cut back up to twenty percent more. So then each San Franciscan will get something under 45 gallons per day instead of today's about 57.

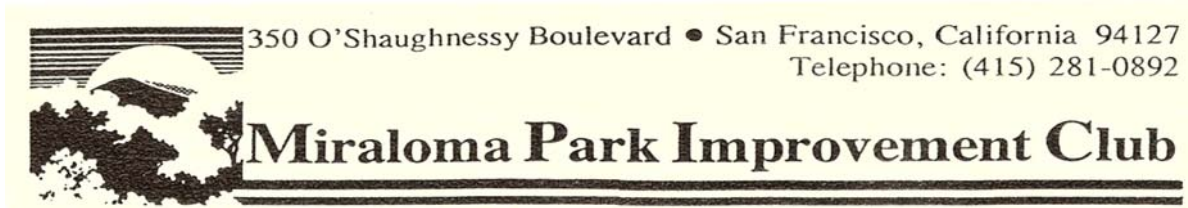
And then there are earthquakes. Not only must the water system survive these events--sizable ones happen about once each thirteen years, and we are overdue--but also they tend to shake things up and make things leak. That means more demand for water; water is leaking away before it gets to your tap.

Not that I've covered all risks at all. Public health crisis, terror, aging population, fire...all of these can also suck water. Remember what was learned in 1906: when it comes to water supply, it is the extraordinary that must be planned for in a city like San Francisco.

So please consider whether there is sufficient water to support the housing planned in the Element. Previously a simple statement from Michael Carlin that the water system has it covered has sufficed. May I suggest that this time that is not enough? While the matter is complicated, it is important that we not over-commit limited water resources.

Thank you for your attention to the matter of water sufficiency.

Steve Lawrence, resident of San Francisco



October 5, 2009

Jessica Range
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103 - 2479

Dear Jessica Range:

In response to the request for public input as to the scope of the EIR for the 2009 Housing Element (HE), the Board of the Miraloma Park Improvement Club (MPIC), a neighborhood organization that represents 2200 homes on Mt. Davidson, requests that the EIR study address:

- The impact of increased housing density on "social cohesion" as used in the HE Plan. What level of density would be too high and thus adversely affect social cohesion, and what would these adverse effects be?
- The impact of the reduction, restriction, and removal of destination parking before the public transit system is fully functional and all areas of the City are adequately served and connected to the "24 hour Rapid Network" referred to in the HE Plan?
- The impact of secondary units on residential neighborhoods, including:
 - The extent of reduction of single-family housing stock that will occur if secondary units are allowed.
 - A clear definition of what is required to meet the criterion of "community acceptance" of secondary units aimed at preventing stacking with outsiders of community meetings voting on acceptance and assessment of the potential adverse effects on the community of such misrepresentation .
 - Clear information for property owners who develop secondary units with respect to the legal protections the tenants will have once the unit is rented, and the restrictions the current and future owner would face if they want to remove the secondary unit and reconvert the building back to a single family home.
- Whether the assumptions of ABAG regarding the amount of new housing needed are valid in light of the latest American Communities Survey (ACS) report showing that San Francisco has the second highest vacancy rate in the United States.
- The assumption that 30% is the correct estimate of the percentage of income to be spent on housing. The impact on the built environment and our social system could be significant if that number were acknowledged to be higher, which it no doubt is.
- The HE Plan calls for all neighborhoods to accept increased density and fair distribution of growth. The environmental impact of this policy must be assessed, and the impact on areas of the City that are zoned RH-1 and do not accept increased density, their "fair distribution of growth" or "fair share of affordable housing." This includes assessment of forced infill in areas that are already fully developed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Liberthson", with a long, sweeping horizontal line extending to the right.

Dan Liberthson, Corresponding Secretary

ADENA ROSMARIN
566 GELLERT DRIVE
SAN FRANCISCO, CA 94132
ADENAROSMARIN@HOTMAIL.COM

October 5, 2009

Mr. Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

BY E-MAIL

Re: San Francisco 2004 and 2009 Housing Element
Case no. 2007.1275E

Dear Mr. Wycko,

In response to the Notice of Preparation (“NOP”) of an Environmental Impact Report (“EIR”) issued by your department (“Planning”) on September 5, 2009 regarding the 2004 and 2009 Housing Element, I submit the following response regarding the scope of the EIR.

Most generally, given that this EIR is the first thorough analysis of the physical environment of San Francisco since the EIR prepared for the 1990 Residence Element and given that this EIR will serve as a reference document for EIRs prepared for Housing Elements in the decades to come, it is more that usually crucial that the scope be as comprehensive as possible and that the analyses of the physical environment and the potential impacts thereon be as detailed as possible.

In the project description that introduces your NOP, you note that the project could result in impacts to “transit, transportation and cultural resources” and to “neighborhood character and aesthetics.” While analyses of these potential impacts and their mitigation are properly within the scope of the EIR, the EIR should also delve both more broadly and deeply and analyze each of the impact areas designated in the CEQA Appendix G: Environmental Checklist as well as their inter-relationship both with each other and with state and federal policies.

For example, the EIR’s study of traffic impacts and parking reduction impacts should not only analyze the current and prospective physical environment across the city but should also analyze how the proposed policies may coordinate with those of in-progress state and federal government efforts to control climate change and with those of the rapidly evolving transportation and energy industries.

Further, the proposed changes to existing traffic, parking, and housing density patterns will themselves have synergistic impacts in the areas of air quality, noise, visual, water, public utilities, and public services, each of which factors must be thoroughly analyzed and any impacts mitigated. The impacts of the proposed policy changes on emergency services—fire, police, ambulance—will doubtless be particularly significant. Given the predictions of a major earthquake in San Francisco within the next 30 years, it is especially crucial that the EIR consider the impacts of the proposed policies on evacuation and emergency services in the event

of a major quake. Similarly, geology and soil analyses will be required to map and to assess the *in situ* impacts of increased housing density.

Further, as has been well documented, the city is biologically both rich and fragile. The proposed policies must be analyzed to determine potential impacts on the flora and fauna of the city and to define in advance of development how impacts might be mitigated or, preferably, avoided.

Further, the EIR must analyze all cumulative impacts of the project, including those aspects of the project which may appear to be individually limited and to have short-term benefits but which may accumulate considerably over the long term and thus result in the consequential and irreversible deterioration of the city's environment.

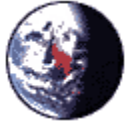
Finally, although this EIR has been designated a "Program EIR" (NOP, p. 2), the analyses therein should not avoid the detail and comprehension that is required of a rigorous EIR, one that may reliably serve as an accurate guideline for project level implementation of the proposed policies. To take just one example, it is both possible and desirable at the program level to inventory the city's resident and migratory species and to map their migration routes and intra-city movement patterns so that future projects can be sited and designed to avoid potential avian impacts. Each of the CEQA areas should be similarly analyzed so as to render this program EIR a fully formed pragmatic tool useful to developers, planners, and environmentally concerned citizens alike.

Thank you for your consideration of these important matters.

Sincerely,

Adena Rosmarin
Board of Directors, Lakeshore Acres Improvement Club
(member, San Franciscans for Livable Neighborhoods)
566 Gellert Drive
San Francisco, CA 94132
adenarosmarin@hotmail.com

cc: Jessica Range, San Francisco Planning Department



"carolyn squeri"
<csqueri@sbcglobal.net>
10/05/2009 11:31 PM

To <bill.wycko@sfgov.org>, <jessica.range@sfgov.org>
cc "'St. Francis Homes Association'" <sfwood@mac.com>
bcc
Subject Scope of EIR- 2004 and 2009 Housing Element

October 5, 2009

Mr. Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: San Francisco 2004 and 2009 Housing Element
Case no. 2007.1275E

Dear Mr. Wycko,

In response to the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) issued by your department (Planning) on September 5, 2009 regarding the 2004 and 2009 Housing Element, I submit the following response regarding the scope of the EIR.

Our concerns regarding the preparation of an EIR relative to the Housing Elements center for us, as a neighborhood, on three main issues.

First, the EIR should fully explore the ramifications of policies such as increased density and the encouragement of in-law units on the infrastructure of each neighborhood and section of town to which the Housing Element applies. The environmental impact of increased density on neighborhoods will certainly be great because existing infrastructure elements, such as water, utilities, transportation, police, and fire department are barely adequate now. We have very poor water pressure on the west side of the City. The Muni is not dependable. There are not enough cars and those we have do not run on a predictable schedule. Our police station has only two motorcycle cops to give traffic/speeding tickets throughout our entire district. All of the residential neighborhoods suffer from cut-through traffic for which we are appealing to the City for traffic calming measures. Your EIR review should ask your people in traffic calming about the impact of increased Muni and cars on the streets they are trying to calm. The City's current policy to discourage cars in general by allowing limited to no new off-street parking and increasing meter revenue is ill-informed and ill-advised. It discriminates against businesses and families that we should be trying to encourage to stay in San Francisco. Provide good mass transit for the City first, then you can consider policies discouraging cars. Most major cities of the world have better mass transit that gets people to all corners of their cities quickly - NY. Chicago, Washington DC, Paris, London, Rome, Berlin, Moscow, Tokyo, etc. We can get nowhere except downtown quickly. Until you make major improvements to our transit system, families and most people who want to enjoy our city and the surrounding Bay Area need a car. The only ones who don't are the young single people who come up with these policies.

Second, our neighborhood, cares deeply about “neighborhood character.” We greatly value the trees, birds and wildlife that live on our side of town. Residents enjoy and patronize the family-run restaurants and businesses that we have on West Portal. Any policy that might encourage developers to “max-out” on their property, building up, densifying, and going for the “big bucks” by squeezing out mom and pops in favor of wealthy generic chains would kill the life of the street. The EIR should fully explore what the recommended policy changes in Housing Elements would do to the physical environments of our small neighborhoods. San Francisco should be preserving our neighborhoods and their character. There are plenty of places in San Francisco that would love to be developed to have their own little community like Laurel Village, Clement Street, Polk Street, North Beach, SoMa, Noe Valley, the Castro, 24th Street, Mission Street, West Portal, Irving Street, etc. By the way, people in these neighborhoods do walk to their commercial streets. Please explore impact on pedestrian safety and our senior citizens if density swells along these transit corridors. You could build out Third Street, all along the Bay and east side, and on the eastern slope of McLaren Park and give these new communities bike paths to downtown, restaurants, bookstores, hardware stores, groceries, coffee shops, studios, workshops, artisans, and businesses – not to mention views and access to transit. You could have ‘green’ transit villages that would enhance the lives of the residents and add to the fabric of the City, not to mention tax rolls, etc – without spoiling our existing neighborhoods.

Third, and somewhat related, is that we have Covenants, Codes and Restrictions (CC&R’s) that have preserved the quality of life and neighborhood character that we value so highly. Homeowners are bound by these CC&R’s and rely on them to protect our neighborhood. I have been led to believe that the City is not interested in blanket, one-size-fits-all policy changes that would forever damage our neighborhood by countervailing our CC&R’s. Elements such as secondary units, less than 1-1 off-street parking (which we will need to plug in our electric cars), smaller setbacks and higher height allowances would all go against our CC&R’s. If there is a chance that any of these practices would be forced on our neighborhood, the EIR should fully explore all the negative environmental impacts that would occur to our land, parks, parkways, trees, wildlife, and birds – and the subsequent damage to the quality of our air. Our little wooded community provides much more to the City with our trees removing carbon from the air than would be realized from an assault on our CC&R’s. As I said, I have been reassured that we will not find ourselves having to defend our CC&R’s against the City. I only mention this now – if there’s a chance that somewhere in the Housing Elements – someone will find a justification for going against our CC&R’s – then EIR must fully explore all the environmental impacts that would follow.

Finally, this is earthquake country. The natural geology of the west side is that it was mostly sand dunes all the way from Ocean Beach up to the hills, where we do have bedrock, I believe, but we also have major drainage and run-off issues when it rains. During the Loma Prieta earthquake, the sandy soil on the west side liquefied, causing major damage to taller houses. I know because I lived in one of them and got this evaluation/assessment from FEMA which yellow-tagged our house. We were a three story house. The EIR should fully explore the environmental impacts of what might happen to the neighborhood if buildings were higher and we had a lot more people and we have an earthquake – and the sand liquefies again – and NERT’

s have to do search and rescue, emergency vehicles need access, and people need to evacuate.

You should know and advise those doing the EIR, that we have many migratory birds that come through our neighborhood and linger for quite a while. Over the last few years we have hosted red-tailed hawks, owls, woodpeckers, mourning doves, blue jays, robins, ravens, hummingbirds, and songbirds.

I urge you to take the high road and do a thorough, fully scoped EIR that will inform the City and its residents how best to proceed with planning, development and the preservation of neighborhood character, as well as handle any environmental situation. Should the EIR recommend improved infrastructure, we urge you to bring the improvements with any development – and not try to figure out and remediate afterwards. Forewarned is forearmed and the City would be well advised to meet the needs of its current residents before seeking to increase its population geometrically.

Thank you for your consideration,

Very truly yours,

Carolyn Squeri, president
St. Francis Homes Association (St. Francis Wood)
Member, San Franciscans for Livable Neighborhoods
101 Santa Clara Avenue
San Francisco, CA 94127
415-264-7497 (cell)
csqueri@sbcglobal.net



"M K Venkatachari"
<mkvenkat@sonic.net>

10/05/2009 09:48 AM

To "Bill Wycko" <bill.wycko@sfgov.org>, "Jessica Range"
<jessica.range@sfgov.org>

cc

bcc

Subject Case No: 2007.1275E, San Francisco 2004 and 2009
Housing Element dated September 2, 2009

Dear Sir:

As a concerned citizen of San Francisco, I am deeply interested in the subject matter, and since I could not be present at the recently held public hearing concerning the scoping process of the related EIR, I wish to send you the following comments.

I believe that the entire process is being unduly rushed through, in haste, considering that the relevant notice came out, along with its fifty-page attachment, as late as September 2. Besides, as a result of the scheduled, single and solitary public hearing, a factor well within the letter of the law if not the spirit thereof, all possibility of significant public participation in the process has been effectively shut out on an issue that is of vital importance for all residents of the City. I therefore request that additional public hearing(s) be scheduled and convened, preceded by widely disseminated notices among the citizens. This is the minimum we should do for the sake of transparency and to, at the same time, protect issues of importance from being high-jacked by interest groups who do not necessarily represent community interests.

I would start this note with my overall assessment of the Elements as described in the planning department's documents. We are keenly aware today that people of our country are living in momentous times in many respects with serious concerns being raised on all quarters about the future of the our economy, the environment and the financial well-being of the future generations. Considered in this context, the document seems to have a solitary and single-focussed drum-beat of a discordant and inappropriate theme: build as many house as possible nullifying in the process every code and every rule in the book with respect to housing. This message and or set of conclusions that the document conveys is reminiscent of the gas-guzzler age of the fifties and it is completely inappropriate today. Even a cursory perusal of the long list of policy changes from those of Housing Element 1999 onwards for subsequent and Elements shows how desperate the authors have been to dismantle every check and balance to reckless building of houses. As an example of the unhealthy changes that are contemplated with reference to Policy is the one that removes or dilutes earlier requirement that educational institutions must provide all housing needed for their students and staff out of their own resources. (Table 8, 2004 Housing Element, item 1.9).

Imprudent and excessive investment in buildings would, unfortunately, occur at the expense of other productive investments that our society can make in order to ensure well-paying jobs for our people and thus empower them to compete in the global market. We find that the very mistakes of the recent past--reckless building of houses with borrowed money with disastrous consequences -- is being planned once again as if the agony of the present economic situation were not enough. The prediction in the document that fully eighty five percent of the huge amount of housing said to be in the "pipeline" would be built is enough to spend a chill down the spine of any thinking person.

Moving on a bit more into the details, I find that even a casual reader of the Notice of Preparation and its attachments finds several issues that need clarification and possible re evaluation, in my view. I have listed a few of them in this note.

The document is replete with "statistics" on matters such as the expected job growth, and the number of additional housing needed in San Francisco in the outer years and so on. The very fundamentals of the

current proceedings rest on the dependability of these figures and the predictions that are listed in the document. Unfortunately, I have serious misgivings about the credibility of these figures and hence the conclusions that flow from these figures.

All the predictions in the document are way out of line in the light of current day realities. We all are painfully aware that the country, and California in particular, is suffering, right at this moment, from a economic recession (with unemployment hovering at levels above 12 percent—not counting discouraged job seekers) the like of which has not been seen in more than seventy years. It is also true that until the very moment when disaster struck the economy, in 2008, the authors and the rest of their profession who should have known better, had no clue about the impending free fall of the economy. As such, any figure from these and such sources are deeply suspect. I am particularly concerned about their number for job growth in San Francisco for the decade after 2010 which is shown as a very "fine-tuned" figure of 90,940 in Table 4. How does anyone trust this figure seeing all the suffering around and more importantly caused by recent prediction of this kind of "experts"? Besides, we not in for a paradigm shift in world economy that most serious international economists warn us all about? The chances are that most of the houses built based on these job estimates would remain vacant and all the loan money that went into them would become a burden on the shoulders of the poor taxpayer.

Another obvious question is the assumed sustainability of the increase in housing in San Francisco year after year, Element after Element, with no end in sight. Is there no limit to building? The document does not address this vital issue as well since it is not only the space on the ground that is important in this regard.

It is of deep a concern that, despite the near- unprecedented nature of the current recession, the entire document has no word for it or any reference to its significance in the current planning process. I suspect that the numbers, texts, and conclusions were generated long before the current economic downturn developed and as such the emphasis and focus of the document appears to be deeply flawed, being fully bereft of any lessons learnt from this economic downturn itself has had to offer. There are no references to the foreclosed housing crisis, the banking system that almost crept up to the point of no return, the resulting credit crunch that haunts genuine and worthy home-buyers and the over-all economic malaise that is hurting every segment of the country. There are also no discussions at all on how long the nation's economy might continue to suffer. We all recall that it took a worldwide war to get us out of the last recession of a similar magnitude. In the midst of all this, the document chooses to promote building a huge number of houses in San Francisco in a grand scale, far in excess of author's own figures for the demand which for all intent and purposes appear grossly bloated.

The tone and content of the document seems be designed to rekindle the very frenzy of housing construction, sub prime-loans and threatened bank failures on a massive scale that brought the entire country to its very knees just a few months back. Plans are being made to sow the very seeds that gave us a bitter harvest a few months ago in the form of massive foreclosures, and threatened bank failures that nearly brought the nation to its knees.

Are we to see a replay of the building-mania aided and abetted by one and all, including the willing and obliging bankers with their the sub-prime loans (that were sold, I am told, as "basically prime and only a little bit 'sub') that brought the nation to its knees even before the last nightmare is still playing out?

Besides, the authors do not also seem to have paid any thoughts towards current-day concerns about planetary carbon calculus. It's mind-boggling to think of the impact that the planned and new construction as well as constructive-destruction activities would have on this calculus. We must remember that every pound of concrete demolished and hauled away, as does every pound of cement produced in the mill from limestone and consumed at the building site, represents the emission of several pounds of carbon-dioxide into the environment. Will the EIR address this vital issue? .

One would think that we should review the results of past activities before planing and implementing the next. It is noted that a comprehensive 1990 Resident Element (Page 23) was prepared and presumably implemented. However, if the reader wishes to see a comparison between the objectives and goals of the

1990 Element along side actual achievements, he is badly disappointed. The current document says, "According to the EIR, meeting the housing goals in the 1990 Residence Element would reduce traffic congestion and thus improve air quality because people who work in the City would have shorter commutes." (Page 12) Have these goals been achieved? What does the progress report say on this?

The document on hand seems to make it clear that no factor, no item of code (which all figure under constraints!) or law would be permitted to stand in the way of building more housing. Even the zoning laws are not to be spared; they would be suitably amended. It is sad to note that the powers at the helm in the City seem to be only too willing to sacrifice public good and loosen all rules and codes enacted in the past to protect the residents of the City in order just to accommodate the building industry. For example, Table 5 (page 15) shows that 42, 951 units could be built—far in excess of the estimated needs of 31,193 housing units for the period January 2009 to June 2014 as shown in Table 2 Page 11—at available and potential sites in the city under existing zoning laws (with an additional 11, 800 units potentially in near virgin sites such as Mission Bay, Hunters Point and Treasure Island – Page 19). This being the case why does the City appear keen on changing the zoning laws, particularly in areas sought by developers, areas that are already saddled with some of the highest unit densities in the City?

Another point that need clarification is the apparent disagreement in the figures estimated for household formation in San Francisco given in Table 3, Page 13 for the period 2010 to 2020 at an average value of 1910 per year as against the housing needs under 2009 Housing Element at a far too larger average of 4159 units per year for the period 2007 thru 2014. At the indicated rate, the entire ten-year need of housing could be built up in less than half the time it takes for the household growth to catch up. An explanation on this would be appreciated.

How come there is no mention of rental housing at all in these deliberations? This is very important for a large section of the population of the city.

In short, many responsible and reasonable citizens of the City have many questions and concerns about this Project. The first item of business should therefore be to call further public hearings that could help untangle the situation in a democratic manner utilizing to the full the benefits the synergy that such public meetings would help generate. We need a Product more in tune with realities of the day than the current one that seems to have been imported from a distant planet, completely out of touch with economic and environmental concerns of the City and the nation today..

Thanking you and with warm regards,

Sincerely,

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Statement on the scope of the EIR for the 2004 and 2009 Housing Element (2007.1275 E) 2 October 2009

Overview

As the City's primary producers of permanently affordable housing the members of the Council of Community Housing Organizations strongly urges the EIR on the Housing Element to discuss the primary the policy reasons and environmental impacts of the failure of the City to meet its Regional Housing Needs Allocation (RHNA) targets for affordable housing and the massive over development of market rate housing in the both the 1990 and 2004 Housing Element periods. From 1999 to 2006 the CCSF met only 74% of its very low and low income targets but some 154% of its market rate housing goals. CCHO argues that the two are not separate and distinct but in fact related and must be taken together when analyzing the environmental impacts of a new set of housing policies as proposed in the "project" under environmental review.

This persistent bias in favor of massive preference for market rate over affordable housing is not an "act of nature" but instead a result of persistent public policy preference for market rate housing, most notably in the Planning Department itself.

Therefore the scope of the proposed EIR must address the environmental impacts of this persistent and historic policy and what actions can be taken to mitigate it.

Specific Issues Needed to Be Addressed in the EIR

1. Are there measurable differing environmental impacts of market rate housing as opposed to affordable housing. What are the differing traffic and transit impacts of the population of market rate and affordable housing households. What is the differing energy consumption impacts for the households. What are the typical construction types (wood frame, steel construction, etc.) of the market rate as opposed to affordable housing buildings and what are the environmental impacts of these variations in building types. What portion of market rate developments are re-use of existing buildings and what portion of affordable housing are such types. What portion of market rate residents use public transit and what portion of affordable housing residents use public transit. Are residents of both market rate and affordable housing employed in San Francisco or do they commute? What travel mode do residents of each type of housing use?

2. According to the most recent Housing Inventory (2008, page 4), 80% of the new units added between 2000 and 2008 have been in buildings of more than 20 units. Buildings of this size can only be located in certain portions of the City and are banned in the vast majority of existing neighborhoods. What are the environmental impacts of such large buildings in areas of the city that do not have an existing infrastructure, including public

transit, to support the resultant population increase ? What are the impacts of concentrating housing developments in only a small portion of the City while, in effect, banning significant development in established and already developed neighborhood in western San Francisco. Does the development of these buildings in these locations where few neighborhood serving retail businesses exist require the use of private auto's for every day shopping to a higher degree than market rate housing residents in existing neighborhoods to the west?

3. What are the environmental impacts of meeting the RHNA target by new construction as opposed to rehabilitation or the adaptive re-use of existing buildings? What portion of market rate housing is met by new construction as opposed to the sale of existing market rate housing? How many new market rate housing units would have to be built to lower market rate housing prices so that 50% of them would be affordable to moderate income households (earning between 90% and 120% of SFMI) and where would the City locate these new units?

Submitted for CCHO by Calvin Welch