COMMENTS AND RESPONSES ON DRAFT EIR

San Francisco 2004 and 2009 Housing Element

PLANNING DEPARTMENT
CASE NO. **2007.1275E**

STATE CLEARINGHOUSE NO. 2008102033

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DEPARTMENT

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2004 AND 2009 HOUSING ELEMENT

Comments and Responses on the Draft EIR

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COMMENTS AND RESPONSES

A. INTRODUCTION

PURPOSE OF THE COMMENTS AND RESPONSES DOCUMENT

This Comments and Responses (C&R) document responds to comments on the 2004 and 2009 Housing Element Draft Environmental Impact Report (Draft EIR). This document was prepared in accordance with the California Environmental Quality Act (CEQA*) Guidelines* and presents a summary of all comments, the City's responses to comments, copies of the letters received, a transcript of the public hearing, and the final draft of the 2009 Housing Element policies. Responses are provided to all comments regarding whether the Draft EIR identifies and analyzes the possible environmental impacts, identifies appropriate mitigation measures, and alternatives to the projects analyzed in the Draft EIR. The Draft EIR, together with this Comments and Responses document, will be considered by the Planning Commission in an advertised public meeting, and then certified as a Final EIR if deemed adequate.

ENVIRONMENTAL REVIEW PROCESS

A Notice of Preparation (NOP) of an Environmental Impact Report for the 2004 Housing Element was distributed on October 8, 2008. Written comments on the scope of the EIR were accepted until November 12, 2008. A second NOP was circulated on September 2, 2009 that expanded the project description to include the 2009 Housing Element. Written comments on the scope of the EIR were accepted until October 5, 2009. Comments regarding the scope of the EIR were considered during the preparation of the Draft EIR. The Draft EIR was distributed for public review and comment in accordance with CEQA on June 30, 2010. The public review period for the Draft EIR began on June 30, 2010 and ended August 31, 2010. During the public comment period, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Letters were received from several local housing groups as well as State agencies including, but not limited to, the Department of Toxic Substances Control and Caltrans. A public hearing before the City's Planning Commission was held on August 5, 2010 to obtain oral comments on the Draft EIR. During the public hearing, oral comments were offered by Calvin Welch, Rose Hillson, John Vargas, and Bob Friese. This Comments and Responses document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on March 24, 2011.

ORGANIZATION OF COMMENTS AND RESPONSES

This document contains the written and oral public comments received on the Draft EIR prepared for the proposed 2004 and 2009 Housing Element, and responses to those comments. Also included in this document are staff-initiated changes to the text of the Draft EIR.

Following this introductory section, Section B presents a list of all persons and organizations that provided written comments, and the date of their communications or oral testimony at the public hearing on the Draft EIR before the San Francisco Planning Commission held on August 5, 2010.

Section C contains excerpts from the text of original comment letters and comments made orally on the Draft EIR during the public hearing and received in writing during the public comment period, from June 30, 2010 through August 31, 2010. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. The name of the commenter is indicated following each comment summary. In instances where multiple commenters made similar statements, those comments have been grouped together and are responded to only once. The comment letters received and the transcripts of the public hearing are reproduced in Appendices A and B, respectively.

Section D contains text changes to the Draft EIR made by the EIR preparers subsequent to publication of the Draft EIR to correct or clarify information presented in the Draft EIR, including changes to the Draft EIR text made in response to comments.

Some of the responses to comments on the Draft EIR provide clarification regarding the Draft EIR; where applicable, changes have been made to the text of the Draft EIR, and are shown in underline for additions and ~~strikethrough~~ for deletions.

Several comments made both in writing and at the public hearing were directed towards the perceived merits or demerits of the project and not the adequacy or accuracy of the EIR. Such instances are noted in the responses. These comments will be available to decision-makers as they consider project approval.

The comments and responses to the Draft EIR will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated in the Final EIR, as indicated in the responses.

B. LIST OF PERSONS COMMENTING

Comment Number	Commenter Name (Last, First)	Agency/Organization	Date	Media
1	Lawrence, Steve		7/6/10	Email
2	Berkowitz, Judith	Coalition for San Francisco Neighborhoods	7/22/10	Letter
3	Lasky, Virginia	Department of Toxic Substances Control	8/2/10	Letter
4	Richen, Noni	The SPOSF Institute	8/2/10	Letter
5	Welch, Calvin	Council of Community Housing Organizations	8/5/10	Letters received at Planning Commission Hearing
6	Choden, Bernard	San Francisco Tomorrow	8/5/10	
7	Warner, Richard	Jordan Park Improvement Association	8/5/10	
8	Hillson, Rose	Jordan Park Improvement Association	8/5/10-updated 8/13/10	Email
9	Hill, Paul	St. Francis Homes Association	8/12/10	Letter
10	Doherty, Timothy	BCDC	8/16/10	Letter
11	Carboni, Lisa	Caltrans	8/16/10	Letter
12	Hill, Paul	St. Francis Homes Association	8/24/10	Letter
13	Fukuda, Hiroshi	Richmond Community Association	8/30/10	Letter
14	Minteer, Amy	Chatten-Brown & Carstens, Representing San Franciscans for Livable Neighborhoods	8/31/10	Letter
15	Venkatachari, MK		8/31/10	Letter
16	Devincenzi, Kathryn		8/31/10	Letter
17	Clay, Jennifer	San Francisco Tomorrow	8/31/10	Letter
18	McMillan, Edith		8/31/10	Letter
19	Bardis, John		8/31/10	Letter
20	Pfanner, Bill	California Energy Commission	11/9/10	Letter

C. COMMENTS AND RESPONSES

1 GENERAL COMMENTS

Comment 1-1

Bernard Choden, San Francisco Tomorrow

The Housing Element EIR and its underlying Housing Element document are deficient and premature in meeting objective professional and legal requirements for state Government Codes 65580 thru 65583. The overarching purpose of a Housing Element is to create and sustain localities capacity to adequately house its present and projected workforce and population, with a balance of housing types, sizes of units, ranges of affordability and land reserves.

San Francisco faces unusual challenges including its relatively high residential density, high costs, and its geographic position in relation to surrounding suburban highly urbanized counties. The existing draft Housing Element lacks reality and is particularly deficient in meeting legal requirements as detailed below. This severely compromises the foundation and adequacy of the environmental review.

An evaluative comparison, as required, of the effectiveness of actions promoted by the Housing Elements of 1990 to the present.

Sufficient data as to the scale and type of diverse housing needs, mitigating resources and institutional means to meet those needs.

Mitigation recommendations, as required, for a five year action plan as to costs, location, scale, diversity, ordinances, codes, resources and intended implementation means.

Infrastructure *and* service resources available for the identified life of the mitigations.

Health, welfare and safety concerns relevant to housing such as structural and life loss through seismic events and an inability of the locality to provide acute hospital care during disasters.

Response to 1-1

The Government Codes cited by the commenter refer to the Housing Element itself, not the Draft EIR or the CEQA process. See Section C.6 (Comments on Housing Element Policies) of this document for comments specifically related to language in the Housing Elements. The commenter does not specifically discuss how the Housing Elements are out of compliance with the Government Codes cited.

The EIR evaluates the potential impacts of both the 2004 and 2009 Housing Elements as compared to the 1990 Residence Element. These potential impacts are discussed on pages IV-23 through 36 (Project Description) of the Draft EIR, as well as each individual technical chapter.

Regarding the commenter's request for data, both the 2004 and the 2009 Housing Elements contain extensive data and an analysis of that data in Part I. Part I of the 2004 Housing Element can be found in Appendix B-2 of the Draft EIR; Part I of the proposed 2009 Housing Element can be found in Appendix B-3 of the Draft EIR.

Part I of the 2004 and 2009 Housing Elements specifically contain details on actual housing production versus the applicable RHNA targets. The following two tables are taken from Appendix B-2 and B-3, respectively, and provide an overview of actual housing production.

2004 Housing Element
Housing Production Targets, 1999-June 2006 and Actual Production, 1999-2000

INCOME CATEGORY	ABAG HOUSING NEEDS PRODUCTION TARGETS	ACTUAL HOUSING PRODUCTION 1999-2000	ANNUAL PRODUCTIONS REQUIRED TO MEET ABAG TARGETS, 2001-JUNE 2006	ESTIMATE OF EXPECTED ANNUAL PRODUCTION,* 2001-JUNE 2006	ESTIMATED ANNUAL SHORTFALL 2001-JUNE 2006
Very Low Income (below 50% AMI)	5,244	203	917	201	716
Low Income (50% - 79% AMI)	2,126	75	373	138	235
Moderate Income (80% - 120% AMI)	5,639	94	1,008	51	957
Market Rate (over 120% AMI)	7,363	2,515	881	901	(20)
TOTALS:	**20,372**	**2,887**	**3,179**	**1,291**	**1,888**

Note:
*Assuming previous 10 years' average annual production is sustained.

2004 Housing Element
Housing Production Targets, 2007-2014 and Actual Production, 2007 - 2009
Including Acquisition and Rehabilitation of Existing Units as Permitted by HCD Guidelines

	ABAG/HCD REGIONAL HOUSING NEEDS DETERMINATION (RHND) PRODUCTION GOALS 2007-JUNE 2014		ACTUAL NEW HOUSING PRODUCTION AND ACQUISITION/REHABILITATION 2007 - 2009		
INCOME CATEGORY	NO. OF UNITS	% OF TOTAL	NO. OF UNITS	% OF ACTUAL PRODUCTION	% OF RHND RELATIVE TO 3 YEAR GOAL
Extremely Low (<30% AMI)	3,294	11%	855	9%	65%
Very Low (< 50% AMI)	3,295	11%	967	10%	73%
Low (50-79% AMI)	5,535	18%	449	5%	20%
Moderate (80-120% AMI)	6,754	22%	825	8%	31%
Market (over 120% AMI)	12,315	39%	6,780	69%	138%
TOTALS	**31,193**	**100%**	**9,876**	**100%**	**79%**

According to the CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. City services have been analyzed and considered in Section V.L (Utilities and Service Systems) and V.M (Public Services) of the Draft EIR. The Draft EIR found impacts on City services to be less than significant. The Draft EIR found that both the 2004 and 2009 Housing Elements could have a significant and unavoidable impact on the City's transit network and no feasible mitigation measures were identified. The Draft EIR also found that the 2004 and 2009 Housing Elements could have a significant noise impact and identified mitigation measure, M-NO-1, to reduce the impacts of interior and exterior noise on new residential uses. Mitigation measure M-NO-1 would be implemented by the Planning Department as part of the project entitlement process. During environmental review, housing development projects proposed in areas that exceed 75Ldn would be required to comply with M-NO-1. The Planning Department would require the project sponsor to

prepare a noise analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site. In addition, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. Additionally, the Planning Department will, through its building permit review process, in conjunction with noise analysis discussed above, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this mitigation measure is feasible, will be conducted through the Planning Department's existing entitlement process, and would not affect the Department's ability to provide other services. No infrastructure or service constraints were identified by implementation of this mitigation measure.

Hazards and Hazardous Materials are discussed in Chapter V.Q of the Draft EIR. Seismic Hazards are discussed in Section V.O of the Draft EIR. The commenter does not specifically state how these analyses are deficient. The availability of acute hospital care during disasters is beyond the scope of the CEQA analysis. No further response is required.

Comment 1-2

Bernard Choden, San Francisco Tomorrow

The draft must be in accord with the General Plan (GP); however, this plan is both obsolete and lacks integrated planning and implementation actions especially with regard to the Capital Program and Economic Program. Further, the GP is not consistent with the city's zoning code. This GP is now under legal challenge with regard its applicability to the Market/Octavia BNP. Piecemeal additions to the G.P. have no cumulative impact analysis or mitigations and, therefore, lack legal substance with regard integration with the Housing Element.

Response to 1-2

Section V.A (Plans and Policies) of the Draft EIR discusses consistency of the Housing Elements with the remainder of the San Francisco General Plan. Compliance with Plans and Policies is discussed in the Draft EIR for informational purposes, but is relevant to environmental review only to the extent that there would be physical environmental impacts that would result from conflicts with a plan adopted for the purpose of avoiding an environmental effect. State law requires that a housing element be updated periodically, usually every five years. Other general plan elements are typically on a longer-term horizon, as is the case with elements in the City's General Plan. As the City deems it necessary, in accordance with State law, the General Plan will be updated. The adequacy of the City's General Plan is beyond the scope of this Draft EIR.

Comment 1-3

Bernard Choden, San Francisco Tomorrow

The draft needs a "best practices" data abstract to be added to lessons learned from prior year comparisons. How do other entities achieve housing betterment?

Response to 1-3

This Draft EIR assesses physical environmental impacts resulting from implementation of 2004 and 2009 Housing Element policies. Appendix A of the Housing Elements provides an evaluation of previous Housing Elements as required by Government Code Sections 65588(a) and (b), including their effectiveness in meeting goals and objectives.

Comment 1-4

Bernard Choden, San Francisco Tomorrow

The Draft EIR does not provide cost estimates for infrastructure improvements needed for substantial population growth and the constraints on population to the city/county financing such improvements. Further, such finances requires significant front end loading because most such infrastructures are high capacity systems requiring large terminus investments that must be acknowledged by the Draft EIR as requiring funding commitments by various means of mitigation.

Response to 1-4

The Draft EIR analyzed existing infrastructure and, with the exception of impacts to the City's transit system, did not identify the need for specific infrastructure improvements resulting from the proposed Housing Elements. The additional fiscal analysis suggested by the commenter is beyond the scope of the CEQA analysis.

Comment 1-5

Bernard Choden, San Francisco Tomorrow

Comments regarding the 2003 Housing Element are appended (B) and offer the same view as present observations. 2. Mitigation recommendations for the 2010 draft derived from the state Government Code and professional *assessments* submitted to the draft scoping hearing are appended (A) and appear in the Draft EIR CD. These and others previously submitted to this process follow in more detail.

Response to 1-5

This comment contains introductory statements concerning the content of the letter. Substantive comments received from this commenter are addressed throughout this document.

Comment 1-6

Bernard Choden, San Francisco Tomorrow

A "PROSPECTUS FOR AFFORDABLE HOUSING," 2005, is appended (C) as a means to achieve large scale housing rehabilitation and new development using the example of the cities of Boston, Ma, and NYC. Urban Development Corporations (UDC). A corollary to this proposal is the movement of the San Francisco Redevelopment Agency to such an agency, all of which would he under the aegis of the Board of Supervisors as permitted the state Housing and Safety Code 33200 through 33206. As noted in the appended prospectus, this new agency would permit both NGO's and for profit developers to collaborate in mutual assistance for both rehabilitation and new development. In doing so, the following can be achieved:

a.) Pre-development underwriting and insurance that could save up to 5% of costs.

b.) Industrialized construction that could save up to 25% of costs. Further, the construction technique modeled on European practices could establish a local industry with sales throughout the region and a growth in construction employment on large scale projects. The example of Newark's (N.J.) work with TRCOBA of France is offered.

c.) Encourage worker/management joint participation.

d.) Enable economical use and development of public land trusts and REIT's that would provide the following benefits:

   i. Ground rents that provide internal subsidies.

   ii. Environmental and aesthetic placement of construction without hindrance of lot ownerships.

   iii. Long term renewal.

e.) Use of federal Stimulus funding to underpin the above UDC and the seismic safety retrofit through the above organization could provide a means of preserving affordable housing for soft story residential buildings and providing needed employment.

f.) Consideration of the use of the state's New Communities Act should be reconsidered as a means of creating new regional, communities where resources and new job growth exists. Ancillary to this need and antidote to central city infilling is the strengthening of regional planning as to scope and authority including use of inter-governmental redevelopment powers.

Response to 1-6

The comments above do not address the adequacy of the Draft EIR or contain specific comments regarding the Draft EIR. Accordingly, no further response is necessary.

Comment 1-7

Rose Hillson, Member, Jordan JPIA

I had previously incorporated my comments on the 2009 Housing Element (2007.1275) with the 2004/2009 Housing Element Draft EIR (2007.1275E) and turned them into the Planning Commission at their meeting on August 5, 2010. I also emailed my comment document to not only the Commissioners but also the Commission Secretary, Director Rahaim, Bill Wycko and Jessica Range. I erroneously combined both into one document and have attached only that portion which related to the Draft EIR. My submission on August 5th will therefore have comments on the 2009 Housing Element which does not pertain to the 2004/2009 HE Draft EIR. So the final Draft EIR should look only at the pages that go with the 2004/2009 HE Draft EIR. My comments herein on the 2004/2009 Housing Element Draft EIR are the same as what I turned in on August 5, 2010. I plan to bring in a hardcopy of this to the Planning Department reception area on the 4th Floor of 1650 Mission Street on Monday, August 16, 2010, as well. If you need anything further, please let me know. I am sorry. I should have separated the 2009 Housing Element comments from my 2004/2009 Housing Element Draft EIR comments. Sorry for the confusion and I thank you for your time.

Response to 1-7

The commenter has provided an introductory statement that does not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-8

Rose Hillson, Member, Jordan JPIA

These suppositions have lead to the conclusion that the Housing Element has "less than significant" impact in 16 of the 18 sections to be analyzed for environmental impact:

- Land Use and Land Use Planning
- Esthetics
- Population and Housing
- Cultural and Paleontological Resources
- Air Quality
- Greenhouse Gases
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Mineral and Energy Resources
- Agricultural and Forest Resources

The category of "Noise" has a "less than significant with mitigation" (LTS/M) impact. And the category of "Transportation and Circulation" has a "significant" (S) impact on "Transportation and Circulation."

Response to 1-8

The commenter has summarized the environmental impact findings analyzed under the Draft EIR. The commenter has correctly stated the overall conclusions of the Draft EIR. These comments do not address the adequacy of the EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-9

Timothy Doherty, Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the San Francisco 2004 and 2009 Housing Element, dated June 30, 2010. Although our Commission has not had the opportunity to review the DEIR, these staff comments are based on BCDC's law, the McAteer-Petris Act and the provisions of its San Francisco Bay Plan (Bay Plan).

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the Sacramento River and includes tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

Response to 1-9

The introductory statement from the BCDC describes the Commission's responsibility and authority to ensure that development in the region is consistent with both the Bay Plan and the McAteer Petris Act. These comments do not address the adequacy of the

Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-10

Paul Hill, St. Francis Homes Association

St. Francis Homes Association has provided the City's Planning Department with comments on the 2009 Housing Element, and we appreciate the opportunity to provide comments on the Draft Environmental Impact Report for the San Francisco 2004 and 2009 Housing Element ("DEIR").

With respect to the 2009 Housing Element, we have been assured that many of the concerns that we raised either have been or will be addressed, which include preserving and maintaining neighborhood character, which we believe is essential to preserve unique elements with respect to our neighborhoods that make San Francisco a special place to live. As part of the revisions to the 2009 Housing Element, we obtained assurances from the Planning Department that it will take no action as part of the Housing Element to make existing CCRs of neighborhoods such as ours unenforceable. In addition, we raised concerns about the need to address infrastructure (including mass transportation and parking) that are necessary when considering housing and growth management.

Response to 1-10

The commenter has presented a summary of past comments and concerns regarding the proposed 2009 Housing Element. This comment concerns the merits of the project and does not address the adequacy of the Draft EIR or the project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-11

Amy Minteer, Chatten-Brown & Carstens

On behalf of San Franciscans for Livable Neighborhood (SFLN), we provide the following comments on the draft environmental impact report (DEIR) prepared for the 2004 and 2009 updates of the City of San Francisco's (City's) General Plan Housing Element. This DEIR is intended to serve as a Program EIR for future area plans and essentially all residential development in the City; thus, its analysis and mitigation of environmental impacts will have far reaching consequences.

SFLN is an unincorporated association that includes several neighborhood organizations: the Cow Hollow Association, the Francisco Heights Civic Association, the Greater West Portal Neighborhood Association, the Jordan Park Improvement Association, the Lakeshore Acres

Improvement Club, the Laurel Heights Improvement Association of San Francisco, Inc., the Marina-Cow Hollow Neighbors and Merchants, the Miraloma Park Improvement Club, the Pacific Heights Residents Association, the Presidio Heights Association of Neighbors, the Russian Hill Neighbors, the St. Francis Homes Association, the Sunset-Parkside Education and Action Committee, Inc., and the Westwood Highlands Association.

SFLN has been actively involved in the City's process of updating the Housing Element to its General Plan for several years. In 2004, when the City first attempted to adopt the sweeping policy changes for residential development proposed in the 2004 and 2009 Housing Elements, which include massive increases in density, elimination of height restrictions and parking requirements, and reduction in setback requirements, SFLN brought a legal action challenging the City's reliance on only a negative declaration as the environmental review document supporting the approval. The California Court of Appeal agreed with SFLN that the proposed changes to the 1990 Residence Element could result in significant adverse impacts and required the City to prepare an EIR to analyze those impacts.

Response to 1-11

The 2004 and 2009 Housing Element EIR is not intended to serve as a Program EIR for future area plans and future residential development. While the Housing Element EIR is a first tier, programmatic document, it does not analyze the impacts of a distinct development scenario such that CEQA review of future area plans and development could tier from it; such subsequent plans or projects would require their own environmental review. The 2004 and 2009 Housing Element Draft EIR is intended to analyze the impacts of the implementation of a General Plan Element. In this case, implementation of either Housing Element means implementation of its associated policies.

The comment mischaracterizes the Housing Elements by indicating that they would implement major increases in density, elimination of height restrictions, changes in parking requirements, and changes in setback requirements. Rather, the Housing Elements are policy-level documents that would guide future residential development in San Francisco through application of various policies in certain areas of the City. Adoption of the Housing Elements themselves, however, would not directly result in any amendments to development controls, such as those listed above. Further, future

proposals that may result in changes to development controls would require environmental review.

The composition of the commenter's constituency and the commenter's involvement in the process of updating the San Francisco Housing Elements is noted. The introductory comments presented above do not specifically address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Substantive comments related the environmental impacts associated with policies set forth by the Housing Element are addressed throughout this document. Accordingly, no further response is necessary.

Comment 1-12

M K Venkatachari

As a long-time and senior citizen resident of our great City and also of the Parkmerced complex, I am deeply interested in the great service you all of the Environmental Group of our Planning Department render to the people of San Francisco. I take this opportunity to complement you for your contribution in the matter of the subject reports.

As a layman, I have a few comments and questions for your consideration, keeping in mind that the document is very extensive and I could not devote as many hours to the my review as I would have liked to, not to speak of my rather limited expertise in most of these issues.

Response to 1-12

The commenter's support for the 2004 and 2009 Housing Elements and Draft EIR is noted. The comments presented above are introductory in nature and do not address the adequacy of the EIR or the proposed project's compliance with CEQA. Substantive comments are addressed throughout this document. Accordingly, no further response is necessary.

Comment 1-13

Kathryn R. Devincenzi

In *San Franciscans for Livable Neighborhoods v. City and County of San Francisco*, Court of Appeal Case Number A112987, the California Court of Appeal held that the City violated the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21,000 *et seq.*, by approving the proposed 2004 Housing Element amendments without preparing an environmental impact report analyzing significant environmental impacts and alternatives. As a

result, the San Francisco Superior Court enjoined the City from relying upon or implementing proposed changes in policies, objectives and implementation actions of the Housing Element, as described in the Peremptory Writ of Mandate and Amendment to Peremptory Writ of Mandate attached hereto as Exhibits 1 and 2, respectively. The Court ordered the City to refrain from implementing such changes until it fully complies with the requirements of CEQA.

Comment 1-14

John D. Bardis

The above referenced Draft Environmental Impact Report (DEIR) for the 2004 (and the later 2009) Housing Element of the San Francisco General Plan was prepared to comply with the California Court of Appeal decision that the City and County of San Francisco had violated the California Environmental Quality Act (CEQA) in failing to prepare the required DEIR describing the potential significant impacts of the then proposed 2004 Housing Element.

In order to have the City comply with CEQA, it was necessary for San Francisco neighborhood associations to take the City to court and successfully persuade the Court of Appeals to require that the City prepare a DEIR for the 2004 Housing Element. Thus, the City and County of San Francisco took over five years, i.e., 60 months, to decide (under court order) and prepare the DEIR required for the 2004 Housing Element.

Response to 1-13 and 1-14

The above comments address the legal history associated with the 2004 Housing Element. This information can be found on Page IV-2 (Project Description) of the Draft EIR. As noted there, the Superior Court Preemptory Writ of Mandate was ordered in April 6, 2009 and amended on June 1, 2009. The Draft EIR was published in July 2010, 15 months later. These comments do not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-15

Jennifer Clary, San Francisco Tomorrow

SFT is the oldest city's environmental organization and it is distinguished by its many highly relevant proposals for the city. SFT is not a "stake-holder"; we believe our views are objective and expert regarding the needs of the city's people. We hope to assist you with suggestions for a review panel and its relevant agenda.

Response to 1-15

This comment contains introductory statements and does not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-16

Edith McMillan

However, good analysis of Housing Element to corresponding Residence Element. References to General (Master) Plan with objectives and policies was well covered.

Response to 1-16

The comment expresses support for the analysis performed in the 2004 and 2009 Housing Elements Draft EIR. Accordingly, no further response is necessary.

Comment 1-17

Edith McMillan

Even with extensive charts, serious questions remain as to re-zoning. Heights (alt.) infrastructures adequacy to handle influx of residents. No specific solutions enumerated to accommodate.

Response to 1-17

The 2004 and 2009 San Francisco Housing Elements do not include any changes to zoning controls, changes in height limits, or revisions in policies that would directly result in new development. For informational purposes, the City's zoning is discussed on pages IV-14 and IV-22 (Project Description) of the Draft EIR. This information is presented, in part, to illustrate residentially zoned areas as well as existing land use capacity. Although the Housing Elements would not directly result in new development, an infrastructure analysis based on projected population growth is included in Section V.L (Utilities and Service Systems) of the Draft EIR.

Comment 1-18

Edith McMillan

San Francisco is a finite city except to expand up to the clouds. Expansion site locations such as Mission Bay and Hunters Point are currently in progress. Similarly with South Beach and SOMA.

Response to 1-18

This comment does not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further comment is necessary.

Comment 1-19

Edith McMillan

With two huge books of EIR, CEQA regs, policies, etc. there still need to be shown comprehensive detailed mitigation measures.

Response to 1-19

As required by CEQA Guidelines Section 15126.4, the Draft EIR identifies mitigation measures that would reduce or avoid potentially significant adverse environmental effects from the adoption of the Housing Elements. The Draft EIR identifies potentially significant impacts associated with noise and transit. One mitigation measure related to interior and exterior noise has been identified in the Draft EIR (page V.G-48). The Draft EIR found impacts related to transit to be potentially significant, but did not identify any feasible mitigation measures to reduce this impact. According to the CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. With the exception of the two impacts mentioned above, the Draft EIR did not determine any impacts to be significant, and therefore no additional mitigation measures are required.

Comment 1-20

Edith McMillan

Not enough evaluations of impacts of financial and other hardships on current property owners by forcing upgrades.

Response to 1-20

The above comment refers to "upgrades" that would be required of property owners, however the exact nature of "upgrades" referenced is not clear. Neither Housing Element requires any upgrades to the Building Code, nor requires property owners to upgrade any specific part of their property. Furthermore, economic impacts that do not have potential environmental impacts to property owners are outside the scope of this Draft EIR. According to CEQA Guidelines Section 21100(b)(1), the environmental impact report shall include a detailed statement setting forth all significant effects on the environment of the proposed project. Additionally, according to CEQA Guidelines Section 21060.5, "Environment" is defined as the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance. Section 15064(e) of the CEQA Guidelines discusses the role of socioeconomic issues in the context of physical environmental effects. In short, socioeconomic effects are only significant if there are associated physical environmental effects. The Draft EIR considers the secondary physical environmental impacts from socioeconomic effects where applicable.

Comment 1-21

Bill Pfanner, California Energy Commission

The California Energy Commission has received the San Francisco Planning Department's Draft EIR titled San Francisco 2004 and 2009 Housing Element, SCH 2008102033 that was submitted on 7/1/2010 for comments due by 8/16/10. After careful review, the California Energy Commission has no comment at this time and would like to share the following only as a resource of information.

The Energy Commission would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's Energy Aware Planning Guide is also available as a tool to assist in your land use planning and other future projects. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index.html.

Thank you for provided us the opportunity to review the San Francisco Planning Department's Draft EIR. We hope that the above mentioned resources will serve helpful in your project's environmental review process.

Response to 1-21

The commenter has provided resource materials associated with energy reduction strategies to be used in the land use planning process. Greenhouse Gas Emissions and Energy are discussed in Sections V.I and V.R in the Draft EIR, respectively. The commenter has not identified any specific issues within the Draft EIR or concerning the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 1-22

Public Hearing, Rose Hillson

MS. HILLSON: It's not easy to read and I think I'm just an average intelligent person but it got to the point where things were getting duplicative using the same objectives, policies, and measures to satisfy numerous categories of environmental impact as less than significant except for two categories of noise and transportation and circulation which was significant.

So, for that, I submit to you my forty typed pages of questions and comments because I am unsure of what everything means because I'm a normal person.

I'm not an architect. I'm not a lawyer, and so I asked all these questions and I apologize for them but I really need to find out what this is about and I am a member of the Jordan Park Improvement Association.

Response to 1-22

The commenter has made introductory comments regarding inadequacies in the Draft EIR, which were then submitted in separate written comments (Letter 8). Those comments are responded to herein under specific EIR topics. It is noted that the Draft EIR analyzes impacts of the Housing Element policies. Because many of the policies could affect multiple CEQA topics, these policies were analyzed in each of the technical sections of the Draft EIR as appropriate. No further response is necessary.

Comment 1-23

Public Hearing, Calvin Welch

My remarks are only three pages. This is the third housing element that I have been involved in, only the second that had an EIR and I have come to understand that housing elements approach being a near religious experience. Mysticisms and what is hidden is revealed and what is revealed is hidden and there are cloaks of smoke and blue smoke and it's extraordinary and especially I commend Director Rahaim in saying the proof of the pudding comes in the application of the policies on a day-to-day basis which is even more a mystical experience when one realizes how they are applied.

Response to 1-23

This comment does not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

2 CEQA/HOUSING ELEMENT PROCESS

Comment 2-1

Rose Hillson, Member, Jordan JPIA

Page II-2: Per the DEIR (Draft Environmental Impact Report), following certification of EIR:

a.) City could adopt the entire 2004 HE (Housing Element)

b.) City can adopt the proposed 2009 HE concurrently with a., above

c.) Changes to either must be approved by the Planning Commission (per Planning Code Section 340) and the Board of Supervisors

d.) The HE must be certified as compliant with state housing element law by the California Department of Housing and Community Development (HCD)

If the 2004 and 2009 DEIR is not certified, would that mean that the 1990 HE stands?

Can the 2004 DEIR be disjoined from the 2009 DEIR due to No. 5 below?

It seems like a special situation in that this DEIR wants to be certified and adopted when the HE (2009) – Item D, above – has not been certified.

Comment 2-2

Rose Hillson, Member, Jordan JPIA

Page III-3: The Planning Department asked the public to comment on the impact of the 2009 DEIR which is based on the 2009 HE. The DEIR says, "Subsequent to adoption of the 2004

Housing Element, the California Court of Appeal determined the Negative Declaration prepared for the 2004 Housing Element inadequate, and directed the City to prepare an EIR for the 2004 Housing Element. The City has undergone a comprehensive planning process and prepared the next update of the housing element, the 2009 Housing Element. This 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."

The problem is that the 2009 HE is only in draft form (NOT finalized – "Draft 2"). Since the 2009 HE is not finalized, I do not think we can say that the 2009 HE DEIR could be adopted. I think we are prematurely trying to decide if the 2009 DEIR can be adopted concurrently with the 2004 HE DEIR.

Why ask for comments and questions on whether this 2009 HE DEIR should be adopted if the 2009 HE on which it is based is not finalized nor complete? This seems rather unusual, exceptional and extraordinary.

Comment 2-3

Rose Hillson, Member, Jordan JPIA

Per No. 5, above, the DEIR, **Page IV-31**, states that it was subsequent to the NOP of the 2004 HE DEIR that the 2009 HE draft was completed. This 2009 HE draft must have been "Draft 1" since today there is "Draft 2". And then somehow the Planning Department decided that this second draft of the 2009 Housing Element would also be included with the 2004 HE DEIR document to get both the second draft 2009 HE and the 2009 HE DEIR based on the latest draft adopted. How did this come about? And should not the DEIR base its findings on a finalized version of the 2009 Housing Element which should go before a public hearing on its own?

Comment 2-4

Rose Hillson, Member, Jordan JPIA

Since everything in the 2009 HE DEIR is based on the 2009 HE Draft 2 document, and since this document could potentially change, I still do not see how to accurately say that the 2009 HE DEIR can be adopted. Again, the 2009 HE is still in draft form. See above.

Comment 2-5

Paul Hill, St. Francis Homes Association

We are concerned that the DEIR does not, in turn, recognize this careful work done to prepare the revisions to the 2009 Housing Element and the concerns raised by neighborhoods that necessitated those revisions. In particular, the DEIR indicates that the City could simply adopt a prior Housing Element, such as the 2004 Housing Element, with certification of the DEIR. We would object strongly to this approach, as there were many problems with and objections to the 2004 Housing Element that we have tried to address in the 2009 Housing Element and revisions,

which also led to the assurances that we received from the Planning Department as noted above.

Comment 2-6

Kathryn R. Devincenzi

The DEIR's discussion of the projects proposed for approval is confusing and conflicting. The DEIR states that following certification of the EIR, the City could re-adopt the entire 2004 Housing Element and, in addition, the City could also adopt the proposed 2009 Housing Element. (DEIR Page B-2) The 2004 and 2009 Housing Elements are two different stand alone documents which contain different policy language and implementation actions. The DEIR fails to explain which document controls if the City adopts both the 2004 and 2009 Housing Elements. What would be the purpose of approving the 2004 Housing Element if the City simultaneously approves the 2009 Housing Element?

Comment 2-7

Public Hearing

MR. ANTONINI: As we know, we went through a long process to get 2004 passed and it was challenged in court and the challenge was sustained and so, therefore, you know, we have had to make sure that whatever is in this document addresses what the basis of the challenge is and it is a long and complicated document and, actually, some of the housing element isn't even finished yet but the analysis is. And so one point made by some of the commenters was, you know, we want to make sure the actual -- most of the content of the housing element is at least pretty well complete so we know that, you know, you can assess its' impacts.

MR. RAHAIM: Mike, If I may, I think there was some misunderstandings about that. The reason that it's a draft is because you have not approved the DEIR. You cannot approve a final version of anything --

MR. ANTONINI: Right. So, it is --

MR. RAHAIM: — until it has been reviewed, of course, under state law and that's why it is otherwise titled a draft. The draft is complete as far as our proposed language. I mean, obviously, there are things that might change but there's nothing incomplete in the actual draft in front of you.

COMMISSIONER OLAGUE: Thanks.

Response to 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, and 2-7

Under CEQA, prior to approval of a project that may have an impact on the environment, a public agency is required to prepare an EIR. Thus, prior to adoption of either the 2004 Housing Element or the proposed 2009 Housing Element, the City must

have a certified EIR which analyzes the environmental impacts of those Elements. This EIR analyzes impacts of both the 2004 Housing Element and the proposed 2009 Housing Element in one document.

Certification of an EIR on a project and approval of that project are distinct actions. Approval of a project analyzed in an EIR is a separate step, taken by the decision-making body of the lead agency. EIR certification is required for adoption of either the 2004 or the 2009 Housing Element. After this EIR is certified, the City could re-adopt the 2004 Housing Element or adopt the proposed 2009 Housing Element. If the 2004 and 2009 Housing Element EIR is not certified, neither the 2004 nor the 2009 Housing Element could be adopted. The EIR includes analysis of the 2004 Housing Element in order to satisfy the California Court of Appeals; however, the Planning Department intends to pursue adoption of the 2009 Housing Element to meet State housing requirements without seeking further action on the 2004 Housing Element. If adopted, the 2009 Housing Element will be the controlling General Plan Element.

The 2009 Housing Element is still in draft, or "proposed" form. The primary objective of the CEQA process is to determine what impacts might result from the proposed Housing Elements. Until the EIR is certified, the 2009 Housing Element cannot be adopted as final. Therefore, it is appropriate that the Draft EIR analyzes the Draft 2009 Housing Element. Changes to the Draft 2009 Housing Element could be made based on the information contained in the EIR or other policy considerations not related to environmental issues. If changes are made, no further analysis would be necessary in the EIR if the changes to the Housing Element, as adopted, were within the range of alternatives analyzed in the EIR, or if the changes do not have potential to materially change the physical environmental impacts of the project.

Comment 2-8

Amy Minteer, Chatten-Brown & Carstens

In contrast, the "Project Approvals" section of the DEIR's project description states that after certification of the EIR, the City could re-adopt the 2004 Housing Element **and in addition**

could also adopt the proposed 2009 Housing Element. (DEIR p. IV-7.) Thus, it appears both the 2004 and 2009 Housing Elements could be adopted, each with different policies and focuses. Despite this distinct possibility, the DEIR utterly fails to contain any analysis of the cumulative impacts of adopting both housing elements or whether there are inconsistencies between the 2004 and 2009 plans. The following are a few examples of potential inconsistencies:

- the 2004 Housing Element includes Policy 2.1 ("Discourage the demolition of sound existing housing"), while the 2009 Housing Element provides an exception to the preservation of existing housing, Policy 2.1 ("Discourage the demolition of sound existing housing, *unless the demolition results in a net increase in affordable housing*");
- 2004 Housing Element Policy 1.1 requires the City to "Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support", whereas the 2009 Housing Element Policy 11.3 only requires that the City "Ensure growth is accommodated without significantly impacting existing residential neighborhood character;"
- the 2009 Housing Element would remove 1990 Residence Element Policy 3.6 ("Restrict the conversion of housing in commercial and industrial areas"), whereas the 2004 Housing Element would not.
- the 2009 Housing Element would remove the requirement that large housing projects include affordable housing (1990 Residence Element Policy 7.2), whereas the 2004 Housing Element would retain this policy.

Comment 2-9

Amy Minteer, Chatten-Brown & Carstens

A revised EIR that makes clear what the proposed project is must be recirculated for public review. The revised EIR must answer the following questions:

- Are 2004 and 2009 Housing Elements two alternative project proposals?
- Does the City intend to adopt both the 2004 Housing Element and the 2009 Housing Element?
- Why does the DEIR refer to the 2009 Housing Element as "proposed", but does not use the term "proposed" to describe the 2004 Housing Element?
- If the City intends to approve the 2004 Housing Element and then determine whether or not to approve the 2009 Housing Element at a later date, will additional environmental review be conducted to determine the cumulative impacts of 2004 and 2009 Housing Elements and whether the two elements are consistent with one another?

"By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description [is] fundamentally inadequate and

misleading." *(San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-656.) Without clear answers to the above questions, the true impacts of the Project cannot be fully evaluated and disclosed to the public as required by CEQA.

Response to 2-8 and 2-9

The 2004 and 2009 Housing Elements are separate projects, either one of which could be adopted by City decision-makers based on this EIR. Since publication of the Draft EIR, the Planning Department has stated its intent to pursue adoption of the 2009 Housing Element, not the 2004 Housing Element, to meet State housing law requirements. As stated on page IV-13 (Project Description) of the Draft EIR, review of the 2004 and the 2009 Housing Elements under CEQA were combined in one EIR to facilitate a streamlined process in which the potential environmental impacts each Housing Element are analyzed at similar levels of detail, meeting the requirements of CEQA and the Planning Department's responsibilities under the Court's decision regarding the 2004 Housing Element.

As discussed above in Response 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, and 2-7 on page C&R-23, and addressed on page II-2 (Executive Summary) of the Draft EIR, following certification of the EIR, the City could re-adopt the entire 2004 Housing Element, or the 2009 Housing Element. The 2004 Housing Element could be re-adopted, without adopting the 2009 Housing Element, or the 2009 Housing Element could be adopted without adopting the 2004 Housing Element.

The 2009 Housing Element was identified as "proposed" in several places in the EIR to clarify the difference between the 2004 and 2009 Housing Elements. That is, the 2004 Housing Element was previously adopted by the Planning Commission and San Francisco Board of Supervisors. The 2009 Housing Element, on the other hand, has not yet been considered for adoption by decision-makers. Thus, to clarify the discussion, the 2009 Housing Element is, at times, referred to as "proposed." This distinction in naming conventions has no effect on the analysis in the Draft EIR.

Following certification of the EIR, the City would adopt either the 2004 Housing Element, or the 2009 Housing Element, but not both. Additional environmental review will only be necessary for the 2009 Housing Element if changes made to the proposed 2009 Housing Element after publication of the EIR would result in unidentified environmental impacts. As noted in the Draft EIR, the 2009 Housing Element is expected to result in lesser impacts than the 2004 Housing Element.

The Project Description chapter of the Draft EIR complies with Section 15124 of the CEQA Guidelines, which specifies the contents of an EIR's project description chapter.

3 TIME EXTENSION

Comment 3-1

Judith Berkowitz, Coalition For San Francisco Neighborhoods

Coalition for San Francisco Neighborhoods (CSFN) respectfully requests that the period for comments for the Draft Environmental Impact Report of the 2004 and 2009 Draft Housing

Element be extended at least 90 days.

Such a voluminous document requires more than the current allotment of time to examine it.

Comment 3-2

Richard A. Warner, Jordan Park Improvement Association

On behalf of the Jordan Park Improvement Association, I request a 90-day continuance of the deadline for comments on the EIR for the 2004 and 2009 Housing Element.

The 2009 Housing Element is in second draft and has not been adopted. The EIR cannot be adopted on the assumptions made on the Housing Element which is not complete.

We have retained counsel to prepare comments on this EIR. The Jordan Park Improvement Association objects to certification of the EIR and approval of the proposed project.

Please grant the 90-day continuance on this matter.

Comment 3-3

Rose Hillson, Member, Jordan JPIA

The 2004 and 2009 Housing Element Draft Environmental Impact Report (DEIR) seems to be incomplete. It also relies on a draft version of the 2009 Housing Element to reach conclusions.

In order to study this document, one must read 3,441 pages which includes two volumes of hardcopy pages plus the pages that hold 70.3MB of data for the Appendices on a separate CD. Thus, a time extension for the first public hearing should be set, at minimum, 3 months after the Planning Department completes a DEIR on a complete, finalized 2009 Housing Element after holding a duly noticed public hearing or two on it.

A person of reasonable intelligence may have found the document very difficult to determine if the analysis was adequate being that many things in it appeared to have been based on suppositions, opinions and postulates rather than current concrete data to back them up.

Comment 3-4

Rose Hillson, Member, Jordan JPIA

The public was given the timeframe for review on the 2004/2009 HE/DEIR as from June 30, 2010 through August 15, 2010. That is 45 calendar days. This timeframe is not adequate as it makes it a fulltime job to analyze and comment on even 100 pages of a well-written technical document let alone on these 3,441 pages which includes the two volumes of hardcopy pages plus the pages that constitute 70.3MB of Appendices on an additional separate CD. Thus, a time extension for the first public hearing should be set at minimum, 3 months after the Planning Department completes a DEIR on a finalized 2009 HE.

Comment 3-5

Rose Hillson, Member, Jordan JPIA

Page III-4: States that that the impacts to the 2004 and 2009 HEs are analyzed concurrently to avoid redundancy. As mentioned above, this 2004 & 2009 HE DEIR takes up two volumes of approximately 1,000 pages plus a CD for the Appendices because of the repetitive presentation style. A lot of this reading is very time consuming and most regular people cannot finish it in 30 – 45 calendar days. In addition, to have comments on this DEIR during the summer vacation season bars people who are on vacation so their comments and concerns are mute. If the Planning Department wants the input from the neighborhoods and the residents, I strongly urge the time extension.

Comment 3-6

Paul Hill, St. Francis Homes Association

In conjunction with San Franciscans for Livable Neighborhoods, and on behalf of the residents and homeowners of St. Francis Wood, we respectfully request a 90-day continuance of the deadline for comments on this EIR.

A continuance is warranted because the EIR purports to analyze the proposed 2009 amendments to the housing element, but no proposal for adoption has yet been prepared as to the 2009 amendments. There is only a second draft of those amendments, which is incomplete and lacks the required work programs, and that second draft is being subjected to public review

until at least the fall of this year. Thus, there is no 2009 project proposed for adoption, and analysis of second draft 2009 amendments would be premature and result in an invalid project description.

Second, this EIR was released during a time that vacation season for many, and a number of members of the SFLN and the public (as well as the Board members of the St. Francis Homes Association) are not available to participate in hearings at this time.

Third, the comment period for the EIR relating to California Pacific Medical Center is approximately 90 days. The comment period for the EIR analyzing the housing element should also be 90 days or long, as the housing element is of great significance to the future of San Francisco.

14 Cal. Code of Regulations section 15105(a) permits the public review period for a draft EIR to be longer than 60 days and indicates that the public review period need not be limited to 60 days in "unusual circumstances." The above considerations constitute unusual circumstances that warrant the 90-day extension requested.

We strongly urge that you consider the request of San Franciscans for Livable Neighborhoods favorably.

Comment 3-7

Jennifer Clary, San Francisco Tomorrow

San Francisco Tomorrow has submitted a review of the draft DEIR that is expert, objective and in conformity with the purposes of the state law. It is our conclusion, that a delay of approval is necessary in order that others may review the DEIR as full and as objectively as we have.

Comment 3-8

Jennifer Clary, San Francisco Tomorrow

To this end we suggest appointment of a panel of non-conflicted experts who would use the extended time to evaluate those many portions of the DEIR that do not provide either a sufficient analysis of needs nor effective mitigations for action by the Board of Supervisors.

In order to assume the city of its due subventions, we suggest that the city send the Department of Housing and Community Development a letter of intent regarding the city's commitment to meet the objectives noted above within the additional time.

Comment 3-9

John D. Bardis

However, the DEIR for the 2004 Housing Element finally was prepared and issues on June 30, 2010. However, this DEIR was prepared as combined DEIR for the 2009 Housing Element as

well as the 2004 DEIR. Thus, the public was allowed only a 45 day public review period chiefly over the computer to review the 2,000 pages of documentation with restricted access to only some of the printed documentation for the DEIR of two housing elements, 2004 and 2009, representing the master plan for housing the existing 800,000 people of San Francisco and additional residents over the next decade. Moreover, the public review period of these 2,000 pages of documentation would be taking place during the summer vacation period when most neighborhood associations do not meet and many citizens are absent from the City.

When citizens objected to the Planning Commission at the August 5, 2010 public hearing about the severely restricted and flawed scheduled public review period, the extended review period by two weeks to August 31, 2010, i.e. a total of just 62 days to review 2,000 pages of documents for two housing master plans of the City and County of San Francisco. However, a 90 day public review period was been given for the DEIR of a proposed mere private hospital construction project on Cathedral Hill.

As I expressed to the Planning Commission at the hearing on August 5, 2010, I protect very strongly the restrict and poorly scheduled public review period given to the public to review and comment on the environmental impacts described in the DEIR of two proposed housing master plans, 2004 and 2009 Housing Elements of the City and County of San Francisco.

Comment 3-10

Public Hearing

PRESIDENT MIGUEL: Before we start with public comment, I just want to mention that there have been a number of requests for extension of the time. I personally would be willing to extend it for a full sixty days, basically, to the end of August just for preliminary comment

Comment 3-11

Public Hearing

MS. HILLSON: In the previous item, it's basically a draft still, and my concern is this draft EIR actually relies on the draft version and so it's hard to reach conclusions.

I tried my best and, actually, truthfully, this is my very first meeting of a Housing Element Draft EIR. I found it very interesting. There were 3,441 pages and 70.3 megabytes of data and I really would like the comment period to be extended at a minimum three months because it's, as I said, the previous item, the 2009 Housing Element is a draft, not finalized and also there was a combination, kind of like the joining of the2004/2009 and it was very -- to me, it was very complex.

Comment 3-12

Public Hearing

MS. HILLSON: Dear Commissioners: On behalf of the Jordan Park Improvement Association, I request a ninety-day continuance of the deadline for comments on the EIR for the 2004 and 2009 housing element.

Comment 3-13

Public Hearing

MS. HILLSON: "The 2009 housing element is the second draft and has not been adopted." "The EIR cannot be adopted on the assumptions made on the housing element which is not complete." "We have retained counsel to prepare comments on the DEIR. The Jordan Park Improvement Association objects to certification of the EIR and approval of this proposed project." Please grant the ninety-day continuance on this matter. Thank you. Richard Warner."

Comment 3-14

Public Hearing

MR. VARGAS: My name is John Vargas. It's really pretty strange to see a process in the City of having the housing element being somehow slowly prepared and put into some sort of official shape over a ten-year period and still not be in place. We have a housing master plan that has not been in place for ten years and then when it comes to the point of reviewing in the environmental impact report what is supposed to address the CEQA aspects of these proposed housing elements and we have two of them, and then when it comes to creating a public review period, we choose to do during the

Summer vacation period for our families and students and everybody else. I have to now appear to express apologies for Hiroshi Fakuda, the Chairman of the Land Use and Housing Committee of the Ocean San Francisco neighborhood. He's on the housing crew that hasn't been in place for several months but usually they take them in the Summer. That's double A but that he be here and so it is really unfortunate to see something that is so fundamental as the housing managed by the City being that it's hard to say that it will heard adequately in a public review period of sixty days in the Summer and you have got ten years to put it together.

There is some sort of lopsided aspect into what is being expected of the Department and the professionals and the Commission and what is expected of the public and the people in the City who is expect to be served by this Master plan housing document.

So, I urge you to take into -- secure this account, the letter from Trudy and Katherine Devincenzi who successfully demonstrated to the City in the courts that it was in error to not have an environmental impact report prepared for a housing element which is an absurd decision and the letter asks for a ninety-day continuance beyond this that December 6th day out to August 16th date, ninety days. You have a 2009 housing element that won't be finished until

the October. It would be talking about the EIR in the 2009? That's -- the date also follow the end of October.

Thank you for the public comment period.

Comment 3-15

Public Hearing

MR. FRIESE: I hadn't known until Noon that I was going to be asked to speak today and one of reasons was, ironically, that the person representing the fourteen neighbor groups is, herself, on a construction site.

So, I'm here in that regard not to speak at this point on individual elements of the housing element but to actually congratulate the Department for the fact it has got it done when the volume was sitting out in front of Bill Lee. It is extraordinarily difficult, in part, because of the Summer and, in part, also because of the complexity of the documents and, in part, because of the fact that it is very difficult to get all the components parts and the commenters together to give the kind of statement where we can say with some, you know, hopefully, confidence that we're going to have agreement rather than dispute down the line.

I absolutely will do my best to -- as we head down the recent -- very recent past to get together not only the spokesman for those neighborhood groups but the coalition of San Francisco neighborhoods, Judy Berkowitz, and Kathy Devincenzi represented the very citizen advisory units, including the -- not just District 2 and District 8 but all of the others that are interested. And I would like to stress again the general bar is ninety days from the 16th of August as being an appropriate time. If for some reason you cannot do ninety days, at least sixty days from the 16th of August but not from June 30th for the reasons stated by Mr. Vargas. Thank you.

Comment 3-16

Public Hearing

MR. ANTONINI: The other thing was the comment period and I know there have been some discussions about extending it and I would be in favor of the ninety days, the extension which would be I think September 30th. I believe it began on June 30th. The one caveat I have and maybe you can answer it is -- I mentioned this earlier, is there a threat of some funding if we go too long but, again, the entire housing element goes on. This is only the DEIR and my concern is this.

Comment 3-17

Public Hearing

VICE PRESIDENT OLAGUE: in the actual hearing and I think there doesn't seem to be support for ninety days but I'm going actually encourage at least sixty days. Then if the other people —

PRESIDENT MIGUEL: End of August?

VICE PRESIDENT OLAGUE: End of August, the last day of August, have some kind of a compromise because I do believe that —

PRESIDENT MIGUEL: Do we have a motion?

VICE PRESIDENT OLAGUE: Yeah, it's a motion, I guess.

MR. RAHAIM: You can't take it now.

VICE PRESIDENT OLAGUE: Or just — it's not a motion. I just would like to request that --

COMMISSION SECRETARY: Commissioners, from your comments and the President can make that determination and direct staff to extend the comment period.

PRESIDENT MIGUEL: I started this discussion with that. I would request staff to extend the comment period until the last day of August.

MS. JONES: Yes, and just for the record, this is Sarah Jones from the Major Environmental Analysis Section of the Planning Department, I'm also acting for the ERO at this time and we will extend the comment period to August 31st. I don't know what date for the impact.

Response to 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, and 3-17

In response to the requests for a time extension for the Draft EIR public review period, the Planning Department extended the public review period by 15 days. The close of the public review period was moved from August 16, 2010 to August 31, 2010. Because the public review period began on June 30, 2010, with the additional time, the public review period was a total of 63 days.

Comments regarding the draft or "proposed" nature of the 2009 Housing Element are addressed in Section C.2, CEQA/Housing Element Process.

4 COMBINATION OF THE 2004 AND 2009 HOUSING ELEMENTS

Comment 4-1

Rose Hillson, Member, Jordan JPIA

It is also very unsettling and confusing to have both the 2004 and the 2009 HE and DEIRs being evaluated together in one fell swoop. This coupling of the two Housing Elements seems rather extraordinary and is even another reason to extend the comment period.

To present such a document in a very duplicative manner using the same objectives, policies and measures to satisfy numerous categories of environmental impact and concluding that all aspects of the Housing Elements, save for perhaps two, are of "less than significant" impact is in itself rather unusual and hard to believe. It does not appear that there is even a clear overall description of what this product should accomplish.

I had a very difficult time figuring out what the specific actions and implementation plans were but I did my best and have herein attached 40 typed pages of comments and questions which are based on the revised 2004 Housing element and the incomplete 2009 Housing Element document and the 2004/2009 DEIR that relied on it.

Comment 4-2

Amy Minteer, Chatten-Brown & Carstens

The Project Description is Confusing.

First, the DEIR is unclear and inconsistent in its description of what the proposed project is. The DEIR includes analysis of both the previously approved 2004 Housing Element, including policies that were struck down by the Court of Appeal, and a separate 2009 Housing Element. The project description states that the subject of the document is the proposed update of the City's Housing Element; however, it is unclear which update is the proposed project—the 2004 Housing Element, the 2009 Housing Element, or both. In some areas of the DEIR, the 2004 Housing Element and the 2009 Housing Element are treated as if they are two alternative project proposals. For instance, the DEIR includes separate analysis of impacts from policy changes contained in the 2004 Housing Element and the impacts associated with policy changes contained in the 2009 Housing Element. The DEIR also refers to the 2004 Housing Element and the 2009 Housing Element as "project options" that will each be analyzed for the Regional Housing Needs Allocation. (DEIR p. IV-13.)

Response to 4-1 and 4-2

Pages IV-8 to IV-14 (Project Description) of the Draft EIR discusses the approach for analyzing the 2004 and 2009 Housing Elements in a single document. As stated here, a negative declaration was previously adopted in support of the 2004 Housing Element.

Subsequent to approval of the 2004 Housing Element, the Court of Appeal determined that the negative declaration prepared for the 2004 Housing Element was not adequate environmental review, and directed the City to prepare an EIR. At the same time, in compliance with State Housing Element law, which requires that a housing element be updated periodically (usually every five years), the City has prepared a 2009 Housing Element for consideration by City decision-makers. This Draft EIR, therefore, addresses the potential environmental impacts of the 2004 Housing Element and the proposed 2009 Housing Elements. However, the 2004 and 2009 Housing Elements are two separate proposals, and are sometimes referred to in the Draft EIR as "project options." For each environmental topic area, the Draft EIR analyzes the potential environmental impacts from adopting the 2004 Housing Element, followed by an analysis of the potential environmental impact of adopting the proposed 2009 Housing Element. As the commenter has noted, some of the policies in the 2004 and 2009 Housing Elements are similar and therefore the analyses appear duplicative. The intent in organizing this Draft EIR is to provide clear conclusions as to the potential environmental impacts of the 2004 Housing Element, separate from the conclusions of the 2009 Housing Element.

5 PROJECT DESCRIPTION AND EXECUTIVE SUMMARY

Comment 5-1

Bernard Choden, San Francisco Tomorrow

The population basis for needed housing mitigations is flawed. Reliance on the state Dept. of Finance limits the draft to an insufficient analysis that is short of economic substance. More substantial, professional resources need to be considered that take into account current jobs/investment probability such as the current, prolonged recession. Projections from the current population. Base estimates of growth vary wildly. For example, the CCSF Dept. of Environment assesses current population at 841,000, far more than the draft assessment. When coupled to the draft's estimate of (mostly market rate) 65,000 new dwellings in the pipeline is added to the current stock, we reach a population potential approaching 1,000,000 persons in the short run. That is a current potential that already exceeds the draft's estimate for a population twenty years into the future. That and the unacknowledged potential increase of on-site employment in the city and regionally will place far more stress on the city's capability to provide infrastructure and services. The city's "holding capability will be stressed beyond our capabilities.

Comment 5-2

Bernard Choden, San Francisco Tomorrow

The population analysis lacks correlated information regarding family size, incomes, job skills and locations, and special physical needs. Unless we can, specify the diversity of needs, we cannot gauge the type and level of housing that must he produced or conserved.

The Mayor's Office of Housing has provided some of this information in its reports to the federal government regarding its use of federal subventions. The draft ignores this subsidiary and, often conflicting, data resource.

Comment 5-3

Hiroshi Fukuda, Richmond Community Association

The Data and Needs Analysis is based on projections provided by ABAG which unfairly penalizes San Francisco by allocating a large number of housing despite being a "built out" city compared to the other regions in ABAG. San Francisco has very limited space to growth, after the built out of Bayview/Hunter's Point, Treasure Island, and Park Merced in the future, there does not appear to be another major "opportunity Site" in San Francisco. ABAG allocations expect San Francisco to build up and have a density such as Manhattan but without an efficient subway system.

Comment 5-4

Edith McMillan

First and Foremost ABAG makes unrealistic demands on the San Francisco Planning Department. Further comments will follow in particular order.

Comment 5-5

Edith McMillan

ABAG's residential density demands are unattainable without causing undue harm to the City's livability factor.

Response to 5-1, 5-2, 5-3, 5-4, and 5-5

As required by State law, the 2004 and 2009 Housing Elements include a discussion of the City's ability to accommodate its regional housing need, known as the RHNA (Regional Housing Need Allocation). The RHNA is based on population projections prepared by the Association of Bay Area Governments (ABAG). These population projections and subsequent allocation are not generated by the Planning Department.

ABAG's adoption of the RHNA itself is exempt from CEQA, as provided in CEQA Guidelines Section 15283. The purpose of the Housing Element is to identify and analyze the City's existing and projected housing needs by income category, as identified by the RHNA, through available capacity and through housing policies.

The California Department of Finance (DOF) data presented in the Draft EIR is for informational purposes. The DOF population data is not the basis for any of the conclusions presented in the Draft EIR. The DOF data shows a greater population increase than ABAG's population projections.

Further, there are many different sources of population information. The DOF is widely accepted as an accurate source for existing and future population projections. However, other data exists such as the San Francisco Department of the Environment data or U.S. Census data.

Comments suggest a potential for population growth resulting from the pipeline projects, as shown on page IV-23 (Project Description) of the Draft EIR, there are approximately 56,000 units in the pipeline. The pipeline is defined as projects under construction, with approved or filed building permits, or that have been filed or approved by the Planning Department. As stated on page IV-23, approximately half of the pipeline units are attributable to three major projects (Candlestick Point-Hunters Point Shipyard, Treasure Island, and Park Merced), which have a long-term construction horizon of approximately 20 years. The increase in housing units resulting from these projects can accommodate future anticipated growth.

The potential for the 2004 and 2009 Housing Elements policies to affect public service and utilities are addressed in Sections V.M (Public Services) and V.L (Utilities and Service Systems) of the Draft EIR and take into account the City's population growth projections. The Draft EIR determines that public services and utilities would be adequate under current growth projections. Future major developments would also undergo environmental review prior to approval and, as such, the potential need for

additional services or infrastructure due to a specific development would be addressed within those reviews.

The Housing Element policies take into account family size, incomes, and special needs as outlined in Part I of the Housing Elements. The Citywide Planning and Policy Analysis (Citywide) division of the Planning Department has drawn from many different sources for the information presented in Part I. The need for changes in the diversity and types of housing are reflected in the Housing Element policies. However, the Draft EIR only analyzes the physical impacts associated with Housing Element policies rather than socioeconomic factors, as appropriate under CEQA. This analysis is not affected by housing type as housing type does not generally affect the level of environmental impact. The Draft EIR does assume a certain number of single family units versus multifamily units based upon the capacity for each. However, whether housing units are designed for special needs populations or not does not result in physical environmental impacts above those already analyzed. Further, the Draft EIR does address the potential environmental impacts of family housing versus one bedroom or studio units where appropriate.

Comment 5-6

Bernard Choden, San Francisco Tomorrow

Data is missing on units that are obsolete or deteriorated beyond minor rehabilitation by size, location and income occupancy and probable costs of replacement.

The approximately 30,000 Illegal housing units identified by survey in the 1990 Housing Element are unacknowledged in the 2010 draft as to present day disposition and condition.

Response to 5-6

This comment addresses the process by which obsolete housing units are identified and addresses the content of the Housing Element rather than the adequacy of the Draft EIR. Furthermore, this comment is referring to information presented in Part I of the Housing Element, not the policy section of the Housing Element, which is the basis for the Draft EIR. The Planning Department Citywide Planning Division has used many different

factors to determine which units in the City are obsolete or deteriorating including factors such as building age, and has reflected this data in various policies including those related to maintenance, rehabilitation, and seismic upgrades. Objective 2 found in the 2009 Housing Element describes the process by which existing housing units may be demolished and replaced. Implementation Measure 18 of the 2009 Housing Element further describes Planning Code Section 317, which codifies review criteria for allowing demolition, conversion and mergers of the existing housing stock. Furthermore, Table I-27 and Table I-53 in Part I of the 2009 Housing Element identify and describe the past and estimated future loss of housing units. Lastly, 2004 and 2009 Housing Element Policies 2.6 both address obsolete or deteriorated units. Both the 1990 Residence Element and the 2004 and 2009 Housing Elements recommend legalization of the illegal units; therefore, there is no change and no new physical environmental impact.

Comment 5-7

Bernard Choden, San Francisco Tomorrow

It is the purpose of the EIR/Housing Element to recommend to the BOS feasible, affordable recommendations for meeting housing needs projected for five year terms. It then becomes the duty of the BOS to adopt these recommendations in a manner that commits the city/county to the Implementation of its suggested mitigations. Without adoption of mutually supportive, comprehensive mitigations there cannot be a legal housing Element or an adequate environmental review.

Response to 5-7

The Housing Element and this EIR are distinct documents. The purpose of the 2004 and 2009 Housing Elements EIR is to analyze the physical environmental impacts resulting from the changes to the 1990 Residence Element reflected in the Housing Elements, in compliance with CEQA. The purpose of a housing element is to ensure that City and County land use regulators plan appropriately for new housing development, in accordance with State Housing Element law, Government Code section 65580 *et seq*.

Comment 5-8

Rose Hillson, Member, Jordan JPIA

Purpose of DEIR (should say "Purposes" in plural):

a.) Identify alternatives to proposed 2004 and 2009 HEs

b.) Indicate how those significant effects could be mitigated or avoided

c.) Page II-3: Address environmental issues known or raised by people during the Notice of Preparation (NOP) review periods that commenced on October 8, 2008 and on September 2, 2009

Another purpose/alternative that is not stated is that which occurs when a project proceeds based only on known or raised issues through the comment review periods stated in No. 2, above, and does not consider the environmental issues that are hidden and that could be significant nor even those environmental issues that people of reasonable intelligence can reasonably surmise would contain environmental impacts due to the previous historic use of the area or based on other previous findings reported elsewhere. Would not these points be a consideration?

Another purpose should state that this DEIR addresses the changes of the proposed 2004 and 2009 Housing Elements as compared to the 1990 Housing Element and the 1990 Residence Element.

Response to 5-8

The Draft EIR evaluates the physical impacts associated with adoption of the 2004 or 2009 Housing Element as compared to the policies in the 1990 Residence Element. The Draft EIR was prepared in accordance with CEQA and has fully addressed all of the potential physical environmental impacts of both projects. Where necessary and appropriate, the Draft EIR addresses secondary impacts.

Two separate NOP public review periods and associated scoping meetings were held and the comments received during the public review periods were considered when preparing this Draft EIR.

Comment 5-9

Rose Hillson, Member, Jordan JPIA

Page II-3: Please define "densification" on this page since your Glossary defines it as "Increasing the density of soil" and I do not think "densification" is used in this way. Please define what it means here, specifically.

Response to 5-9

In response to the comment above, the following text change has been made on page I-13 in Section I (Acronyms/Abbreviations and Glossary) of the Draft EIR.

> **Densification:** ~~Increasing the density of soil~~ The increase in the residential population in a given area, usually denoted by dwelling units per acre.

Comment 5-10

Rose Hillson, Member, Jordan JPIA

Page II-5: What is "M-NO-1"? I'd be guessing that the "NO" portion has to do with noise as in Table II-1, Page II-9; and that the "M" stands for "mitigated" but I'm not sure. Please clarify.

Response to 5-10

The commenter is correct. The "M" identifies that the text as a mitigation measure and the "NO" identifies the Noise section of the Draft EIR. The abbreviation in its entirety corresponds to the impact numbering. This mitigation measure is discussed in detail on page V.G-48 (Noise) of the Draft EIR.

Comment 5-11

Rose Hillson, Member, Jordan JPIA

Page IV-10 & Page IV-11: The DEIR shows Table IV-1 and defines the categories of "Very Low," "Low," etc. for "Household Income Category" and this table is for the 2004 HE Housing Allocation for the Region. Then in Table IV-2 for 2009 HE Housing Allocation for the Region, there are five categories as opposed to the four from the 2004 table with the addition of "Extremely Low" as the new category of Income. Why does the 2009 HE needs show a fifth category of "Extremely Low"?

Response to 5-11

The data shown on page IV-10 (Project Description) of the Draft EIR is the RHNA by income level provided by ABAG for 1999 through 2006. ABAG did not define an "extremely low" category for the 1999 through 2006 RHNA used for the 2004 Housing Element. A new category for "extremely low" was added at the request of participants during the public outreach for the 2009 Housing Element, who wished to better understand the needs of the extremely low income residents.

Comment 5-12

Rose Hillson, Member, Jordan JPIA

Page IV-9: Under "Sites Inventory and Analysis," the DEIRs do not include a detailed land inventory and analysis. The inventory must include site specific inventory listing the properties. I could not find that in this DEIR. If not in this DEIR, I thought it was in the HE document itself and am unable to find any specific inventory listing, e.g. Please provide.

Response to 5-12

A stated on page IV-8 (Project Description) of the Draft EIR, the "Sites Inventory and Analysis" is one of the mandated items for inclusion in the Housing Element. Part I of the Housing Element contains the "Sites Inventory and Analysis." A summary of this analysis is provided in Table IV-5 on page IV-21 (Project Description) of the Draft EIR and was used to determine the City's ability to accommodate the RHNA. A full copy of the "Sites Inventory and Analysis" will be included in the City's final submittal to HCD and will be posted to the Department's website with that submittal.

Comment 5-13

Rose Hillson, Member, Jordan JPIA

Page IV-14: The DEIR gives a "generalized" zoning map (Figure IV-3) of the City. DEIR should contain the specific land zoning maps available to Planning Department to really analyze data in a detailed fashion as per No. 8, above. Please attach more detailed zoning maps with a key (even if it means more pages of maps so people do not have to strain to see the details in microprint).

Comment 5-14

Rose Hillson, Member, Jordan JPIA

Figure IV-4: Again, a "generalized" Citywide Height Map. Please provide detailed maps, perhaps by district (?).

Response to 5-13 and 5-14

The City's detailed zoning and height maps are part of the City Planning Code and the Urban Design Element of the General Plan and are available at the Planning Department's website (http://www.sf-planning.org/index.aspx?page=2205 and http://www.sf-planning.org/ftp/General_Plan/I5_Urban_Design.htm). The Draft EIR groups the City's zoning and height districts into broader categories to more clearly demarcate the areas of the City where residential uses are allowed and the associated height limits of a geographic area. They are not meant to be detailed maps of the City's zoning and height districts (RH Districts, C-3 Districts, etc). The analysis in the Draft EIR does not differentiate among zoning districts beyond the level of distinction provided in the Housing Elements.

Comment 5-15

Rose Hillson, Member, Jordan JPIA

Figure IV-5: The "Potential Residential Unit Capacity" map gives a total number of housing units on "vacant or underutilized sites" and fails to state where exactly those are via more detailed maps or a detailed inventory list. Please provide.

Comment 5-16

Rose Hillson, Member, Jordan JPIA

Figure IV-6: The "Pipeline Units" map shows total number of units proposed, approved or under construction but it does not show where they are or provide a detailed listing. Please provide.

Response to 5-15 and 5-16

Refer to Response 5-12, on page C&R-42 with respect to Figure IV-5 (Project Description) of the Draft EIR. This figure was prepared using the same methodology used to define the Sites Inventory Analysis for Part I of the Housing Element. Please refer to Part I of

the Housing Element. Figure IV-6 (Project Description) of the Draft EIR was prepared based on pipeline data from Quarter 1 of 2009. These maps are meant to provide general information on available capacity and number of pipeline units, but their purpose is not to show a parcel-by-parcel level of detail.

Comment 5-17

Rose Hillson, Member, Jordan JPIA

Page V.D-1: It would be helpful to see in dollars that correspond to the percentages of AMI in Table V.D-5. For example, for "Extremely Low" income category, next to "<30%," put "<$22,139 (for single person household) and put "<$88,557" (for four person household). The figures in this example may be wrong because it is confusing what AMI and from what year it is based. The DEIR cites the CCSF Planning Department Part I: Data and Needs Analysis, June 2010, Page 41. Does the EIR rely on the figure of $73,798 AMI from the U.S. Census 2008 survey? or a different year HUD AMI figure? or something else? It would be helpful to incorporate the 2009 HE into the 2009 HE DEIR so everything is in one document.

Response to 5-17

The U.S. Department of Housing and Urban Development (HUD) determines the area median income, or "AMI." For more information regarding the AMI, refer to Part I of the 2009 Housing Element. The City's need for housing at each income level is determined by ABAG and the policies in the Housing Element are intended to reflect the City's ability to accommodate the RHNA. Further, the Draft EIR analyzes the physical environmental impacts of the Housing Element policies. The affordability of housing to households within each income category is not a consideration when evaluating these impacts.

Comment 5-18

Timothy Doherty, Bay Conservation and Development Commission

For BCDC's Bay jurisdiction, an essential part of BCDC's regulatory framework is the Commission's Bay Plan. Projects approved by BCDC must be consistent with the McAteer-Petris Act and the Bay Plan. The Bay Plan includes priority land use designations for certain areas along the Bay shoreline to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, parks, and wildlife areas. Along the San Francisco shoreline there are several port and waterfront park and beach priority land use area designations. The land uses designations depicted in Figure IV-3, Generalized

Citywide Zoning Map, appear to be generally consistent with the Bay Plan priority use area designations. However, the Generalized Citywide Zoning Map indicates that there is an area of the Candlestick Waterfront Park and Beach Priority Use Area zoned as Residential. Projects within BCDC's jurisdiction that are inconsistent with these designations require an amendment to the Bay Plan.

Response to 5-18

Figure IV-3 (Project Description) of the Draft EIR shows that residential uses in the Candlestick Waterfront Park area are consistent with the City's zoning map, which was current at the time of Draft EIR publication. This area was part of the Candlestick Point – Hunters Point Shipyard Phase II (CP-HPS) project, which outlined proposed land uses for this area. As shown in that project, and evaluated in the associated EIR, this area is designated as "Parks & Open Space" in the Land Use Plan.[1] The Candlestick Park area map is being updated in compliance with the Candlestick Point – Hunters Point Shipyard Phase II plan, approved by the San Francisco Redevelopment Agency Commission and the Board of Supervisors in June and July 2010. Since adoption of the CP-HPS project, no residential areas would be located in Waterfront Park or Beach priority uses.

Comment 5-19

Hiroshi Fukuda, Richmond Community Association

The Objectives and Policies do not provide an answer to the most important needs of for the future of San Francisco. The Data and Needs Analysis give a number of data and needs analysis, but the Objectives and Policies do not provide solutions that are identified in the Data and Needs Analysis. It repeatedly states that the Housing Element 2004 and 2009 does not change zoning , heights, and density; however, it encourages the same by allowing area Better Neighborhood Plans i.e. Market Octavia and Eastern Neighborhood Area Plans, and those plans justifies increased heights, density, and reduced parking stating that the Housing Element allows such changes.

[1] City of San Francisco. Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft EIR, Case No. 2007.0946E, page II-11.

Response to 5-19

It is unclear whether this comment refers to the Draft EIR or to the Housing Elements policies themselves. The 2009 and 2004 Housing Elements encourage community planning processes such as the Better Neighborhoods Program. These community planning processes may utilize certain strategies (such as zoning changes, increased heights, increased densities, etc) to increase residential uses in a given area. The Housing Element itself does not include any specific development proposals or zoning amendments that would change existing allowable densities or other land use controls that would impact density. The 2004 Housing Element includes some policies more specifically related to density. However, as with the 2009 Housing Element, the 2004 Housing Element does not contain any specific development proposals or zoning amendments.

The Draft EIR considers whether the Housing Element policies could indirectly result in increased heights, densities, or other zoning changes, and analyzes whether those policies could result in physical environmental impacts. Without a specific development project, proposal for rezoning or other Planning Code amendment, the impacts of potential land use strategies are addressed programmatically. Any future development project, community plan or Planning Code amendment would be subject to a separate environmental review process under CEQA. Similarly, environmental impacts from changes in land use (such as use restrictions and height limits) in the Market/Octavia Area Plan and Eastern Neighborhoods Area Plan were fully addressed in their respective EIRs.

Comment 5-20

Hiroshi Fukuda, Richmond Community Association

Rental housing needs are not addressed. San Francisco is different from other cities because the percentage of home owners is approximately only 38%, and renters are 62% of the residents in the City. Please note that this is not by choice. The reason is primarily affordability. If someone could afford a house they would buy one if they plan to live in the City.

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. I do not know the number of rental units that are in the pipeline, but I would believe it is well under 5%.

Response to 5-20

Both the 2004 and 2009 Housing Elements include policies that encourage housing among different income levels and at different tenure levels. These income levels and housing targets are specified by ABAG when they prepare the RHNA. The RHNA is not prepared by the Planning Department or the City. However, the Planning Department is required to prepare a Housing Element that is designed to meet those housing targets at each income levels. The income levels do not distinguish between rental and ownership housing units. In general, the RHNA is intended to provide housing (rental and for sale) at various income levels. The Draft EIR analyzes physical environmental impacts of the Housing Element policies, which would not change as a result of housing tenure.

Comment 5-21

Amy Minteer, Chatten-Brown & Carstens

A consistent project description is an important requirement of an EIR. Courts have often stated that: "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App.3d 185,192 93; accord *San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) The concern over a stable project description goes to the heart of the EIR's value as a document of disclosure, since without a complete and stable project description, it is impossible to definitively determine what impacts the project being evaluated would have. (Mc Queen v. Board of Directors of the Mid-Peninsula Regional Open Space District (1988) 202 Cal.App.3d 1136, 1143 ["An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity."])

Failing to heed these requirements, the DEIR's project description is instead confusing and misleading, leaving the public wondering what the proposed project is and why it is being proposed.

Comment 5-22

Kathryn R. Devincenzi

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 proposed project. The DEIR has failed to clearly define the project which is under environmental review or clearly state the objectives of that project. The DEIR provides a vague description of differing and unexplained objectives, and fails to disclose the approximate number of new housing units which the proposed project seeks to achieve. The objective of providing a "vision for the City's housing and growth management through 2014" is amorphous and undefined. The objective to "ensure capacity for the development of new housing to meet the RHNA at all income levels" is unexplained in objective terms. The objectives of encouraging "housing development where supported by existing or planned infrastructure" and developing "a vision for San Francisco that supports sustainable local, regional and state housing and environmental goals" are also vague and unexplained. (DEIR Page II-2) The DEIR must be revised to inform the public and decision makers of the number, type, location, and characteristics of the additional housing units that the 2004 and 2009 Housing Elements seek to achieve.

Response to 5-21 and 5-22

Pages IV-13 through IV-36 (Project Description) of the Draft EIR describes the 2004 Housing Element project and the 2009 Housing Element project. These pages outline the details of the project, including the RHNA numbers. Page IV-2 (Project Description) of the Draft EIR states that certification of this EIR would allow adoption of the 2004 Housing Element or the 2009 Housing Element, collectively referred to as the "proposed projects."

The project objectives listed in the Draft EIR are consistent with Section 15124 of the CEQA Guidelines, which state that the objectives in the EIR must help the Lead Agency develop a reasonable range of alternatives and should include the underlying purpose of the project. Thus, the City's objectives for the projects have been formulated to form a basis for evaluation of alternatives to the 2004 and 2009 Housing Elements. Objectives 1, 3, and 7 specifically cite the Housing Element requirements of State Housing Element law. Objective 2 recognizes that the existing housing stock is an important issue for housing supply and affordability. Objectives 4 and 6 acknowledge that if new housing is

to be provided in San Francisco, it must be supported by the necessary infrastructure and meet the City's sustainable environmental goals. Objective 5 acknowledges the City's desire that any adopted housing element help accommodate the City's RHNA targets.

The purpose of the Draft EIR is to analyze the potential physical impacts of the 2004 and 2009 Housing Elements. Neither Housing Element programs future housing "by number, type, location and characteristic" as suggested by the comments, so there is no basis for the Draft EIR to assume a specific configuration of housing types and/or locations, and it would not be appropriate to include this information in the Project Description. Figure IV-3 (Project Description) of the Draft EIR illustrates the generalized Citywide zoning map and identifies where residential units are allowed. The Planning Code, through its zoning categories, identifies where residential uses are allowed. A parcel-level discussion of the location of future housing would be speculative, and therefore, not required for the EIR analysis because the Housing Elements themselves do not propose any specific housing development on a parcel-by-parcel basis. However, the Draft EIR illustrates the general locations where housing could occur through the generalized Citywide zoning map. In addition, Figures IV-5 and IV-6 (Project Description) of the Draft EIR identify the capacity for new residential units and the number of pipeline projects by the City's planning districts and plan areas. It was assumed that housing could occur within those areas where capacity for new housing exists. This level of detail is appropriate for the programmatic nature of the analysis.

Likewise, the specific characteristics of new housing are not required to be defined. Instead, the Housing Element policies specify that housing must be provided for all income levels, including for special needs populations and low income families. Information regarding future housing density or types of housing would be speculative and not required for the analysis since the Housing Elements would not change allowable density or mandate a specific type of housing.

Comment 5-23

Kathryn R. Devincenzi

The DEIR inaccurately describes the policies from the 1990 Residence Element that were removed in the 2004 Housing Element. (DEIR Page IV-27). As explained in the attached Peremptory Writ of Mandate, the 2004 Housing Element omitted 1990 Residence Element Objective 2, ''To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods." (Exhibit 1). The 2009 Housing Element also omits 1990 Objective 2, but the DEIR fails to acknowledge this omission. Thus, the DEIR fails to accurately describe the proposed project's policy changes or analyze the impacts of omitting this important 1990 policy.

The DEIR inaccurately describes the modifications made in the 2004 Housing Element..The DEIR mentions only new policies and some omitted policies and fails to set forth new implementation actions, significantly modified policies and important interpretative text which embodies the thrust of the policies. (DEIR Page IV-27-31) The DEIR must be revised to analyze the impacts of the following changes proposed in the 2004 Housing Element that were enjoined in the Peremptory Writ of Mandate and Amendment to Peremptory Writ of Mandate:

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; I 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 285)

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; I AR 283)

5. Modified Policy 11.5 to "Promote the construction of well-designed housing that enhances existing neighborhood character." (Slip Op. p. 18; I AR 280)

6. New Policy).7 to "Encourage and support the construction of quality, new family housing." (Slip Op. p.l8)

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; I 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 AR216; 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." (I AR 2 15)

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." (I AR215-216)

12. With respect to 2004 Implementation 1.6, the new added language consisting of "no residential parking requirement; and no density requirements for residential projects."

13. Language added to modified Implementation 1.3 which states with respect to "Downtown areas and areas subject to a Better Neighborhoods type planning process" that "[p]lanning and zoning code changes should include floor-to-area ratio exemptions." (See 15 AR 4187, I AR 217,1990 RE p. l31)

14. Modified Objective II which states that "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 ON ALL NEIGHBORHOODS." (See 15 AR 4195, I AR 276,1990 RE p. 106)

15. Language added to Modified Policy 4.4 to: Consider granting "parking requirement exemptions for the construction of affordable or senior housing." (See 15 AR 4190,1 AR243,1990REp.97)

16. Modified Objective I, which states "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" 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. 75,15AR4187)

Response to 5-23

The discussion provided on pages IV-27 through IV-31 (Project Description) of the Draft EIR is specifically related to the changes in objectives and policies between the 1990 Residence Element and both the 2004 and 2009 Housing Elements. The discussion includes a list of policies, but not objectives, deleted from the 1990 Residence Element. The 1990 Residence Element Policy 2.4 has been deleted from the 2004 Housing Element and 1990 Residence Element policies 2.1, 2.2, 2.3, and 2.4 have been deleted from the 2009 Housing Element. As noted, the listing of policies in the Project Description provides an overview of the types of modifications made, but was not intended to be an exhaustive list of all modifications made in the Housing Elements. This is because, while the specific language of each objective or policy in the 1990 Residence Element may not have been carried forward verbatim to the objective or policy in the 2004 Housing Element or the 2009 Housing Element, similar language may have been incorporated into language found in other objective or policies. The analysis of changes

made in the 2004 and 2009 Housing Elements compared to the 1990 Residence Element includes an analysis of the deletion of Objective 2 and its policies from the 1990 Residence Element.

For clarification, the list of policies deleted from the 1990 Residence Element for the 2004 Housing Element at Page IV-27 (Project Description) of the Draft EIR, has been amended to add Objectives, as follows:

> The five policies and associated objectives from the 1990 Residence Element that were removed in the 2004 Housing Element are as follows:
>
> - Objective 1: To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demands for affordable housing created by employment growth.
> - Policy 1.6: Discourage development of new housing in areas unsuitable for residential occupancy, or on sites containing existing housing worthy of retention.
> - Objective 2: To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.
> - Policy 2.4: Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.
> - Objective 4: To reduce the risk of bodily harm and loss of housing in an earthquake.
> - Policy 4.1: Build new replacement housing to compensate for the affordable housing rendered uninhabitable by the October 1989 earthquake.
> - Objective 9: To improve the focus of affordable housing programs.
> - Policy 9.3: Establish affordable housing priorities which emphasize the needs for very low income housing.

- Objective 12: To provide a quality living environment.

    - Policy 12.6: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.

For clarification, the list of policies deleted from the 1990 Residence Element for the 2009 Housing Element at Page IV-29 (Project Description) of the Draft EIR, has been amended to add Objectives, as follows:

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

- Objective 1: To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demands for affordable housing created by employment growth.

    - Policy 1.2: Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing sites.

- Objective 2: To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.

    - 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.

- Objective 3: To retain the existing supply of housing.
  - 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.
- Objective 4: To reduce the risk of bodily harm and loss of housing in an earthquake.
  - 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.
- Objective 7: To increase land and improve building resources for permanently affordable housing.
  - Policy 7.2: Include affordable units in larger housing projects.
- Objective 9: To improve the focus of affordable housing programs.
  - 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.
- Objective 10: To protect the existing affordability of housing.
  - Policy 10.4: Safeguard tenants from excessive rent increases while assuring landlords fair and adequate rents.

- Objective 12: To provide a quality living environment.
    - Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.
    - Policy 12.5: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.
- Objective 14: To avoid or mitigate hardships imposed by displacement.
    - 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.
- Objective 15: To deal with the root causes of homelessness, recognizing the solution is more than the provision of emergency shelter.
    - Policy 15.4: Facilitate childcare and education for children of homeless families.
- Objective 16: To address affordable housing needs through a coordinated State and regional approach.
    - Policy 16.4: Encourage the State of California to develop and implement an affordable housing plan.

Comment 5-24

Kathryn R. Devincenzi

While the DEIR admits that the most feasible way to present growth under the Housing Element update is to disclose the possible areas and means by which development could take place, it fails to do so. (DEIR Page III-I) The DEIR states that approximately 60,995 new housing units could be accommodated under existing zoning" but then states that the City has recently updated zoning controls for the Market/Octavia, Mission, East SoMa, Showplace Square/Potrero Hill, Central Waterfront and Balboa Park and that these "planning efforts have developed updated zoning, heights bulks, and densities in balance with infrastructure ... Under existing zoning capacity, these planning areas could accommodate 3,669 net new housing units, representing approximately six percent of the total citywide existing capacity of 60,995 units as described previously." (DEIR Page IV-14 and 22) The DEIR has failed to state the capacity of these areas before the rezonings that were approved after the 2004 Housing Element was adopted on May 13, 2004 or describe the nature or characteristics of the updated zoning

controls. The DEIR should describe the nature and characteristics of all rezonings that occurred after May 13, 2004 and disclose the number of parcels rezoned in each neighborhood.

Comment 5-25

Kathryn R. Devincenzi

As to all rezoning that occurred in the City after the 2004 Housing Element was approved on May 13, 2004, identify each rezoning ordinance which included reduced, eliminated or maximum parking requirements and the district to which it applied. As to all rezoning that occurred in the City after the 2004 Housing Element was approved on May 13, 2004, identify each rezoning ordinance which included an option for no density requirements. As to all rezoning that occurred in the City after the 2004 Housing Element was approved on May 13, 2004, identify each rezoning ordinance which contained a floor-area ratio exemption. As to all rezoning that occurred in the City after the 2004 Housing Element was approved on May 13, 2004, identify each rezoning ordinance which contained a parking requirement exemption for the construction of affordable or senior housing. Identify each rezoning that was approved after May 13, 2004 in connection with a Better Neighborhoods type planning process and describe the characteristics of that rezoning.

Comment 5-26

Kathryn R. Devincenzi

The 2004 Preliminary Work Program for Implementing the Housing Element (I AR 328) lists the following enjoined policies as being implemented in the identified Implementation Actions:

1. 1.6, 11 .1, 11.6, 11.8 and 11.9 - new Land Use Element, which for the first time would establish the policy basis for the Citywide Action Plan (CAP) in one element of the General Plan

2. 1.5, 11 .8 - amendments to Urban Design Element to establish the policy basis for the CAP

3. 1.6. 1.7 - Eastern Neighborhoods including Visitacion Valley. South of Market, Showplace Square/Potrero Hill, Mission, South Bayshore

4. 11 .1, 11 .7, 11.8 - New Downtown Neighborhoods and Transit Corridor Plans including Rincon Hill, Ball Park Special Use District, Transbay Terminal, Mid Market Redevelopment Areas, other downtown neighborhoods and other transit served corridors

5. 11 .1, 11 .7. 11 .8 - Better Neighborhoods Programs including Market and Octavia, Central Waterfront, Ba1boa Park, and Geary Boulevard Belter Neighborhood Program

Identify each rezoning measure approved after May 13, 2004 which implemented any of the policies described above in Market/Octavia, Mission, East, SoMa. Showplace Square/Potrero Hill, Central Waterfront, Balboa Park, or any other area. Describe each rezoning measure approved after May 13, 2004 which increased the height limit applicable to any parcel, increased the density limit applicable to any parcel or provided for reduced or maximum parking or open space requirements for any parcel. For each such rezoning measure passed in connection with a new area plan, specific plan or Better Neighborhoods-type plan, state the number of parcels rezoned for increased height limits, reduced density limits or reduced or maximum parking or open space requirements and describe the nature of the zoning control changes.

Comment 5-27

Kathryn R. Devincenzi

For each project which the City approved after May 13, 2004 that provided for less than one parking space for each residential unit contained in the project or parcel, identify the address of each such parcel district in which it is located, zoning classification applicable to the parcel, type and amount of development currently existing thereon, amount of parking spaces available on the parcel, square footage of ground occupied by the parcel and height limit applicable to the parcel. For each project which the City approved after May 13, 2004 that provided for a floor-to area ratio exemption, an exemption from a density or parking requirement or a maximum parking control, identify the address of each such parcel, district in which it is located, zoning classification applicable to the parcel, type and amount of development currently existing thereon, amount of parking spaces provided on the parcel, square footage of ground occupied by the parcel and height limit applicable to the parcel.

Response to 5-24, 5-25, 5-26, and 5-27

The baseline for the Draft EIR analysis is existing conditions at the time the NOP was published in accordance with Section 15125 (a) of the CEQA Guidelines. At that time (October 8, 2008), a number of rezoning efforts had taken place and the Draft EIR acknowledges those changes and the number of units that could be accommodated in those areas. The physical environmental impacts of land use changes in those specific areas where rezoning has taken place were analyzed in the respective CEQA documents for those areas.

As noted in the Draft EIR under current zoning, the City has capacity for at least 60,000 new housing units. The RHNA is only 31,000 housing units. Thus, the City has adequate capacity to meet the RHNA goals. Given the programmatic nature of the Housing Element EIR, the EIR appropriately discloses this information by planning district, as

shown on Figure IV-5 (Project Description) of the Draft EIR, and not on a parcel-by-parcel level. The 2004 and 2009 Housing Element Draft EIR is a programmatic document that analyses the physical impacts of implementation of Housing Element policies. Impacts from changes to policies regarding parking requirements is discussed in Section 9, Parking, of this Comments and Responses document. Impacts from policies related to exemptions to floor area ratios on a parcel-by-parcel level is not an appropriate level of detail for discussion this EIR and is not relevant to the conclusions presented in the Draft EIR.

Comment 5-28

Kathryn R. Devincenzi

The DEIR also fails to state whether the view it presents of the unrealized capacity of various districts under existing zoning would involve construction up to maximum height limits in areas where established neighborhoods have acquired a character substantially lower than existing height limits. Since the City has been enjoined from relying upon New Policy 11.8, calling for maximization of allowable building densities and creatively addressing residential parking and open space requirements, is the DEIR relying upon maximization of density or creative residential parking and open space requirements in its analysis of the City's capacity for additional residential units under existing zoning? If so, for what neighborhoods did the DEIR utilize maximization of density calculations in its determination of unrealized capacity?

Response to 5-28

The capacity identified in the Draft EIR has been developed through a soft site analysis. This analysis identifies those sites that are currently developed to only 5 percent and 30 percent of their existing capacity and therefore most likely to be redeveloped. The number of units that could be redeveloped within each planning district and/or plan area is based on the maximum density allowed under existing, adopted zoning including height limits. Because the existing capacity in the City is more than double the RHNA, the Draft EIR does not assume that maximum buildout of all of the sites identified would be necessary to achieve the needed number of new units, but does identify those locations where housing could be developed and the physical environmental constraints in these areas. Any subsequent development would be

required to undergo environmental review which would address land use character, shade and wind, and other impacts of new development. Without a specific development proposal in a specific location, impacts on neighborhood character are speculative.

Comment 5-29

Rose Hillson, Member, Jordan JPIA

Page V.B-22: Where are these "Pipeline Projects"? Street parcel block/lot numbers? Addresses? Would like to know where these 45,430 new residential units will be.

Comment 5-30

Kathryn R. Devincenzi

As to the 4,111 lots that are "seen as underdeveloped and could be redeveloped for residential uses, which could possible yield another 40,452 new units" please identify the address of each such lot, district in which it is located, type and amount of development currently existing thereon and explain how you calculated the development or redevelopment potential of each site. (DEIR page IV-14) As to each of said 4,111 lots that are seen as underdeveloped because they contain a potential for a secondary unit, identify the address of each parcel and district in which each parcel is located in which the addition a secondary unit is included in the DEIR's analysis of the development or redevelopment potential of said lot.

Response to 5-29 and 5-30

The underdeveloped sites were identified through a soft site analysis. The location of these uses are reflected on a programmatic level by planning district and plan area as shown in Figure IV-5 (Project Description) of the Draft EIR. Parcel-specific information is available upon request from the Citywide Planning division of the Planning Department.

Information regarding the rezoning efforts within the City is available by request from the Planning Department. This EIR analyzes the physical environmental impacts of the proposed project at the time the NOP was released. That is, the EIR looks at the potential changes to the physical environment that would occur through implementation of the Housing Element policies. This "soft site" information, including lots eligible for second units under current zoning is provided and analyzed at a generalized level in the Draft

EIR to allow for program-level review of the Housing Elements' policies. The Housing Element itself would not determine the development that could occur on any individual lot. The Draft EIR appropriately considers potential physical changes on a programmatic level, considering potential physical impacts in defined areas of the City.

Comment 5-31

Kathryn R. Devincenzi

The DEIR states that 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 above and beyond what is shown in Figure IV-5 and Table IV-5." (DEIR Page IV-14) The DEIR fails to identify those neighborhoods of the potential increased capacity which is under consideration for each such neighborhood. Identify each neighborhood for which the City is in the process of updating zoning controls, describe the zoning control changes under contemplation and disclose the residential and neighborhood commercial zoning classifications under consideration for change. Also disclose the potential increase in the existing capacity of each neighborhood for which the City is in the process of updating zoning controls or contemplates updating zoning controls.

Response to 5-31

Table IV-6 on page IV-22 (Project Description) of the Draft EIR identifies the area plans currently in process and potential new housing that could be developed with proposed updated zoning controls. This table identifies the planning district or plan area as well as the additional capacity that could potentially result from rezoning. Please refer to Figure IV-2 (Project Description) of the Draft EIR for the location of these plan areas.

Comment 5-32

Kathryn R. Devincenzi

The DEIR states that as of the first quarter of 2009, there were projects in the "pipeline" which could produce 56,435 new units. (DEIR Page *IV-23)* How many of these new units would contain less than one parking space for each residential unit in the project or involve a floor-to area ratio exemption, an exemption from density or parking requirements, a reduction in open space from that required by zoning in effect prior to May 13, 2004, or an increase in height limits beyond that permitted by zoning in effect prior to May 13, 2004? Please state the location address and district in which each such new unit is or would potentially be constructed, the amount of onsite parking spaces being provided or considered for the project and describe for

each project any conditional use approvals or variances applied for, any increase in height limit applied for, and any exemption from a floor-to-area ratio requirement, a density requirement or a parking requirement involved in such applications. The DEIR states that three major projects - Candlestick Point-Hunters Point Shipyard, Treasure Island and Park Merced – comprise approximately half of the pipeline projects. (DEIR Page IV-23) Identify the districts where the other pipeline projects are located and the total number of units which each project could produce.

Response to 5-32

The requested information is outside the scope of the Draft EIR. The Draft EIR does not analyze the environmental impacts of the individual pipeline projects. Pipeline project information is updated regularly by the Planning Department. The information provided in Figure IV-6 (Project Description) of the Draft EIR, which illustrates the locations for all identified pipeline projects, is from the first quarter 2009 pipeline report.[2] Each of the pipeline projects identified is subject to its own project–level environmental review. The inclusion of the pipeline information is meant to illustrate the number of housing units currently being considered within the City and to serve as information on cumulative development. The case files for each of these projects is available upon request at the Planning Department. The purpose of the Draft EIR is to analyze the physical environmental effects of policy changes.

Comment 5-33

Kathryn R. Devincenzi

The DEIR vaguely alludes to the fact that the Association of Bay Area Governments ("ABAG"), in coordination with the California Department of Housing and Community Development ("HCD"), determined the City's fair share of the regional housing need and that said fair share allocation not only seeks to alleviate a tight housing market stemming from forecasted household and employment growth but also to allocate regional household and employment growth to jurisdictions with established or planned transit infrastructures. (DEIR Page IV-10) The 1999-2006 Regional Housing Needs Allocation (herein "RHNA") was 20,372 and the 2007-2014 RHNA is 31,193. How many units of the 1999-2006 and 2007-2014 RHNA are intended to allocate regional household and employment growth to the City because it has established or

[2] The First Quarter 2009 Pipeline Report is available for public review at the Planning Department at 1650 Mission Street, Suite 400, San Francisco, CA 94103.

planned transit infrastructures and what planned transit infrastructure provided the basis for that allocation?

Comment 5-34

Kathryn R. Devincenzi

Is it not true that a central goal of the RHNA allocation is to shift population growth from suburbs to inner cities such as San Francisco, Oakland and San Jose? How many units of the2007-2014 RHNA were allocated to San Francisco to achieve the goal of shifting population to the inner city and how many units were allocated to accommodate forecasted household and employment growth that would occur normally without the impetus of policies designed to shift population to inner cities?

When were the 1999-2006 and 2007-2014 RHNA allocations made, and were they adjusted for the decline in employment growth that occurred after these RHNA allocations were made? What was the City's projected household and employment growth when these allocations were made? What has the City's actual employment and household growth rate been for each year from 1999 through the present, and what number of new jobs and households has been created each year? If the City's employment rate has dropped since the 2007-2014 RHNA was made, was the RHNA adjusted to take into account the actual decrease in the City's employment?

What evidence is there that a strategy of increasing density in inner cities actually prevents or significantly decreases population growth or new construction in suburbs or actually reduces vehicle emissions from miles traveled? How long has the ABAG strategy of shifting growth to inner cities been implemented and to what extent has the rate of growth in suburbs or total vehicle emissions decreased since those policies were implemented? What incentives do the 2004 and 2009 Housing Elements provide to encourage people to choose to reside in the inner city rather than the suburbs? According to the Declaration of Golick, an expert planner, filed on September10, 2008 in the above-described action and previously submitted as Exhibit 3 to my November 12, 2008 scoping comments:

> "The City's argument that increasing residential densities in urban areas well served by transit might significantly decrease impacts from suburban sprawl is questionable. 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." 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. Such a family would more likely choose to live in an alternative suburb closer to employment rather than in a densely populated urban area. 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."

What evidence do you have indicating that the strategy of increasing residential densities in urban areas well served by transit has significantly decreased impacts from suburban sprawl? As to the residential units constructed in high-rise structures or high density projects since this ABAG strategy was implemented, what are the demographic characteristics of the persons who chose to live in such dense housing in terms of number of occupants, marital status, age, location of employment and country of citizenship? Is it not true that substantial numbers of people who reside in such units are single individuals (some of whom commute to work in locations outside the City such as Silicon Valley), empty nesters whose children no longer live with them or non US citizens who use such units as second or vacation homes? What evidence is there that significant numbers of families with children have chosen to live in residential units constructed in high-rise structures or high density projects? What percentage of families with children having one or more adult employed in San Francisco have chosen to reside in such units?

Response to 5-33 and 5-34

The RHNA is generated by ABAG and is based on many factors, such as water and sewer capacity, available suitable land, distribution of household growth and market demand for housing, housing costs, and employment.[3] The purpose of the Housing Element is to show how the City can accommodate the RHNA. However, the formulation of the RHNA and the calculations generated by ABAG are not part of the proposed project, and are exempt from the CEQA process under Section 15283 of the CEQA Guidelines. The formulation of the RHNA is therefore not part of this Draft EIR analysis. Further information regarding how RHNA numbers are developed can be obtained from ABAG. However, regardless of how these numbers are developed or the policies behind them, the Housing Element must comply with Government Code section 65583 and 65584, which require that Housing Elements include an analysis of each jurisdictions' ability to meet the RHNA.

Neither the Housing Element policies nor the Draft EIR state that increased density would result in reduced suburban sprawl, and the conclusions in the Draft EIR analysis do not depend on any such assumption. Rather, the Draft EIR discusses how increases in

[3] Association of Bay Area Governments, San Francisco Bay Area Housing Needs Plan 2007-2014, pages 21-23. June 2008. Website: http://www.abag.ca.gov/planning/pdfs/ SFHousingNeedsPlan.pdf. Accessed February 14, 2011.

density may decrease vehicle miles travelled, citing specifically to a study that examined vehicle miles travelled in San Francisco versus San Ramon.[4] The EIR adequately addresses the physical environmental impacts of the Housing Elements both locally and regionally where appropriate.

Part I of the 2009 Housing Element provides data relevant to development of the Housing Element policies. This includes demographics as well as the characteristics of housing and households within San Francisco.

Comment 5-35

Kathryn R. Devincenzi

The 2004 Housing Element targeted the "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." (2004 approval resolution, Exhibit 3 hereto) This target amounts to 5,244 units for Very Low income households, 2,126 for Low, 5,639 for Moderate and 7,363 for Above Moderate income households. (DEIR Page IV- I0) However, the DEIR states that the 2004 Housing Element option includes the objectives, policies and implementation programs of the 2004 Housing Element but utilizes the updated Data and Needs Analysis of the 2009 Housing Element and an updated RHNA. (DEIR Page IV-14) The updated 2009 RHNA contains different percentage and number of unit targets for each of these groups, allocating 3,294 units or 10.5% to Extremely Low; 3,295 or 10.6% to Very Low; 5,535 or 17.7% to Low; 6,754 or 21.7% to Moderate, and 12,315 or 39.5% to Above Moderate income households. How can the 2004 Housing Element policies and programs achieve the RHNA goals for the 2007·2014 planning period?

Response to 5-35

In order to have an adequate Housing Element under State Housing Element law, the Housing Element must analyze whether there is adequate capacity for the number of units reflected in an updated RHNA. Therefore this EIR analyzes impacts from the 2004 Housing Element together with the 2007-2014 updated RHNA. The policies in the Housing Element are meant to enhance the City's ability to meet the goals established in

[4] Holtzclaw et al. Location Efficiency as the Missing Piece of The Energy Puzzle: How Smart Growth Can Unlock Trillion Dollar Consumer Cost Savings. August 2004. Website: http://docs.nrdc.org/cities/files/cit_04080101a.pdf. Accessed October 18, 2010.

the RHNA. The policies in and of themselves do not dictate the number of units that must be provided.

The issue raised in the comment about the consistency between the RHNA and the 2004 Housing Element is a topic for consideration by decision-makers. The Draft EIR concluded that the 2004 Housing Element could promote more residential development than the 2009 Housing Element because it contains more aggressive housing policies. HCD will determine whether the 2004 Housing Element, if re-adopted, adequately meets state housing element law.

Comment 5-36

Kathryn R. Devincenzi

What number of units have been constructed for each income group during the planning period from January 1999 through June 2006, as to which the 20,372 RHNA applied? Since the City achieved only about 15% of the 1999·2006 RHNA goal for production of housing units for middle income households during that time period, which of the 2004 and 2009 Housing Element policies are designed to achieve production of units for middle income residents and why did the City fail so substantially to achieve its targets for this income level during the prior planning period? Given the 2009 Housing Element's prioritization of subsidies for very low income housing, how can the City realistically expect to achieve a greater percentage of the RHNA goal as to production of housing for the middle class for the 2007-2014 period? What percentages of the RHNA goals have been achieved to date for the 2007-2014 planning period for each income would implementation of the 2004 or 2009 Housing Element policies realistically be expected to produce significant amounts of housing for high and very low income residents and discourage middle and low income residents from living in the City?

Response to 5-36

This comment addresses the merit of the project rather than the adequacy of the Draft EIR. Appendix A of the Housing Element provides an evaluation of previous Housing Elements as required by Government Code 65588(a) and (b), including its effectiveness in meeting goals and objectives.

Housing Element objectives and policies are designed to encourage the production of housing for various income levels. The City is obligated to adequately accommodate

existing and projected housing needs of all segments of the community, including those with lower incomes.

Comment 5-37

Kathryn R. Devincenzi

Has the City had any communications with ABAG or HCD as to whether the City has the infrastructure needed to support the 2009 RHNA allocation of 31,193 units or whether it is feasible to produce so many housing units? Please accurately describe all such communications and attach copies of any such written communications to the Final EIR. Also attach copies of HCD's review of the proposed 2009 Housing Element.

Response to 5-37

Sections V.L (Utilities and Services Systems) and V.M (Public Services) of the Draft EIR discuss the City's ability to provide the necessary infrastructure to meet the RHNA targets. The existing transit capacity is discussed in the Transportation Section. All relevant communication and infrastructure information is included in Appendix H of the Draft EIR. Any pertinent City communications with ABAG or HCD regarding the appropriateness of the RHNA are available upon request.

Comment 5-38

Edith McMillan

Not enough emphasis on Preservation of Neighborhood Character- just passing comments.

Response to 5-38

It is unclear whether this comment refers to the Draft EIR or the merits of the project. Section V.C (Aesthetics) and Section V.E (Cultural and Paleontological Resources) includes detailed discussion of the Housing Element policies related to neighborhood character. Without greater detail it is not possible to respond further.

6 COMMENTS ON HOUSING ELEMENT POLICIES

Comment 6-1

Noni Richen, The SPOSF Institute

Our organization, along with others, received your invitation to participate in developing the City's Housing Element of the San Francisco General Plan. Members of our Board of Directors made a presentation to Planners Kearstin Dishinger and Abigail Kiefer. Six or eight of our members spoke out at a public outreach meeting at the library in the Haight-Ashbury District. We made a very simple request, that you include the following wording in the Housing Element:

The City has pursued housing policies for nearly 40 years that discourage investment in rental property. City policies need to encourage rental housing providers to remain in the rental business and encourage new investments.

We have closely monitored your website, http:/housingelement2009.sfplanning.org, hoping that you would include our statement, which we backed with ample statistics from San Francisco and from cities without rent and property controls. Our suggestion gives no specific course of action but highlights the fact that housing shortages are the result of present housing policies. We hope that you will set aside politics and acknowledge that California, as one of only three states that have rent control, has suffered from damaging rent control legislation.

Comment 6-2

Bernard Choden, San Francisco Tomorrow, Written Comments

Contributing to the weakness of the draft DEIR, is the "policy" lexicon of 'promote, encourage, enable, ensure, vision, consider and support'-none of which provide specific action recommendations for the mitigation of unmet needs. The correct definition of "Policy" is an "administrative directive intended to enforced." Without the proper use of the term "policy", the EIR Housing Element document lacks both appropriate mitigation measures and enforcement. In sum, it is not possible to measure the impact of platitudes.

Comment 6-3

Rose Hillson, Member, Jordan JPIA

Page IV-27: Policy 11.7 states that where there is "neighborhood support," the minimum parking requirements for housing would be reduced or even removed. I think you 1) need to define "neighborhood support" and 2) need to realize the impact on existing neighborhood character when trying to accomplish reduced or elimination of parking. And, the mere fact that "affordable housing" is being built should not automatically guarantee the reduction of parking or the elimination of parking. What is the Planning Department's definition of "neighborhood support"?

Comment 6-4

Rose Hillson, Member, Jordan JPIA

Policy 11.8 has the Planning Department "strongly encourage(ing) "project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character." While some areas may have zoning that allows more units to be built, building to the maximum of the zoning designation does not always match up with neighborhood character, especially in residential areas. I think the term used here, "remaining consistent" is not a good phrase to use as many areas of the City should "maintain" rather than "remain consistent" because of the uniqueness of the neighborhood which is part of the character in these areas. I do not think the Policy should "encourage" developers to build to the maximum allowable limits as this will instigate neighborhood opposition from the opening gate.

Comment 6-5

Rose Hillson, Member, Jordan JPIA

Page V.B-39: 2004 HE/Policy 1.1: I do not think that pushing higher density in all areas of residential development where they provide a significant number of units affordable to affordable and lower income households will fit in with maintaining existing neighborhood character in certain areas of town like Jordan Park, Laurel Heights, some parts of the Richmond and Sunset, parts of the Western Addition, parts of Pacific Heights and the Marina. Although the key sentence to modulating the higher density development is to set the densities in a way that "promote compatibility with prevailing neighborhood scale and character where there is neighborhood support," what exactly is the definition of "prevailing" (more than 50%? or within the block? e.g.)? What is "neighborhood"? How big is a neighborhood? Is it the district? Is it a homeowner's association neighbors? Is it residents or just property owners? Is it property owners who live in the building or does it include absentee property owners? Will SF registered voter residents get more say than those who are not registered who live in the "neighborhood"? The decision should be based on who has more at stake and on input from people who are not so transient or removed from the location of the proposed project.

Comment 6-6

Rose Hillson, Member, Jordan JPIA

Page V.B-39: Implementation measure 1.1.1: The idea of a mixed-use residential development in "transit-rich" areas may be problematic if the transit near a neighborhood is comprised of residential buildings only going the maximum of 40 feet and where there is neighbor opposition. This needs to be put into the implementation of this policy.

Comment 6-7

Rose Hillson, Member, Jordan JPIA

Page V.B-40: Policy 1.4: Locating in-fill housing on appropriate sites in established residential neighborhoods must have neighbors' support and must not take away off-street parking nor cause any additional vehicular congestion and thus pollution to occur.

What is an "established" residential neighborhood? Please define.

Comment 6-8

Page V.B-48: 2004 HE Policy 11.8: "Encouraging project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with character" should be changed to "…echoing existing character."

Comment 6-9

Rose Hillson, Member, Jordan JPIA

Page V.B-53: 2009 HE Implementation Measure 14: What is a "reasonable" walking distance of stops along major transit line, including BART, Muni rails lines and "Muni's 24-hour Rapid Network? What are the major transit lines? What are Muni rail lines? What is Muni's 24-hour Rapid Network? Could this be what is shown on **Page VII-73, Figure VII-1?** It would help to put a footnote for explanation since the terminology is neither referenced via abbreviation/acronym nor in the "Glossary" of Volume I.

Comment 6-10

Rose Hillson, Member, Jordan JPIA

Page V.B-55: 2009 HE Policy 1.4: In order to promote increased density-related development standards, the DEIR states that the 2009 HE will ensure that changes to the land use controls are proposed through "neighborhood-supported community planning processes." This will have to be defined. I do not believe that non-residents of a particular area should say how a project is done if he or she does not live within a certain distance of the project. Some property owners may not have a say if they do not reside there, such as absentee landlords. Perhaps the tenants have more say in this regard. There will be exceptions such as a very large commercial project or a project that is built for a sports stadium or some other such large project. In the end, this policy should be modified to include neighborhood organizations approval close to the proposed project.

Comment 6-11

Rose Hillson, Member, Jordan JPIA

Page V.B-55: How does Planning Department/City & County of San Francisco intend to make housing "permanently affordable to lower-income households" as stated in 2009 HE Policy 1.5

about putting in secondary units in community plans where there is neighborhood support and when other neighborhood goals can be achieved? I thought any NSRs or CC&Rs used by Planning and Department of Building Inspection do not have enough teeth to guarantee such a permanent use? Then that will allow perhaps the initial affordable and lower-income households to get into the units but after that, they become market rate and there will again not be enough affordable and lower-income units built. This cycle will repeat.

Comment 6-12

Rose Hillson, Member, Jordan JPIA

Page V.B-56: **Implementation Measure 13**: I would like to see the "Design Manual" on how these secondary units are proposed to be developed. Would you please let me know when this is available in draft form, when the public outreach on this is, and when the final document is delivered? Thank you.

Comment 6-13

Rose Hillson, Member, Jordan JPIA

Page V.B-56: Implementation Measure 64: The DEIR states that the 2009 HE will allow project sponsors to "take advantage of allowable densities provided their projects are consistent with neighborhood character." I think that in certain areas, it may be appropriate to go to the allowed densities, but in the Jordan Park area and most areas of the Richmond District, going the maximum allowed density will not be "consistent with neighborhood character." What exactly is "consistent"? And to what degree? Is it consistent in regards to number of units? Is it consistent in regards to style of architecture, i.e. Victorian, Edwardian? Is it consistent with the views of the neighborhood association? Please define.

Comment 6-14

Rose Hillson, Member, Jordan JPIA

Page V.B-57: Implementation Measure 79, HE 2009: Why is it that there is not a definitive manual on what buildings can go where based on input from the residents? What does it mean that "Planning staff shall continue to use community planning processes to develop policies, zoning and standards"? Community may be those people on the SE side of town who make decisions for those on the NW side of town. Would you please clarify.

Comment 6-15

Rose Hillson, Member, Jordan JPIA

Page V.C-16: 2004 HE: Policy 11.7: The DEIR states "Where there is neighborhood support, reduce of (sic) remove minimum parking requirements for housing, increasing the amount of lot area available for housing units." And add, "For residential zoned lots, i.e. RH-1, RH-2 and

RH-3, as of July 2010, maintain a parking ratio of 1:1 on units to parking in established neighborhoods." And also add a list of "established" neighborhoods.

Comment 6-16

Rose Hillson, Member, Jordan JPIA

Page V.C-17: Policy 2.1 under 2004 Housing Element: Instead of "discourage" the demolition of sound existing housing, it should be "eliminate" the demolition of sound existing housing. This will keep the neighborhood scale intact rather than create higher buildings with more units in areas where it is not wanted by the neighbors. Higher densities in buildings should not be based on the mere fact that the units are for affordable or not. This language of "especially if the higher density provides a significant number of units that are affordable to lower income households" should be revised to include the input of the neighborhood association(s) stance on a particular project in residential and neighborhood commercial areas adjacent to residentially zoned lots (RH-1, RH-2 & RH-3). So the existing language under the 2004 HE to retain existing neighborhood scale will not work with what is written here.

Comment 6-17

Rose Hillson, Member, Jordan JPIA

Policy 1.4 for the 2009 HE says that such controls will be handled via "neighborhood-supported community planning processes." Yet, that is not defined. This 2009 HE DEIR cannot be approved with such a vague concept for determining where new units are to be built in this City. More work is needed here.

Comment 6-18

Rose Hillson, Member, Jordan JPIA

In fact, throughout this DEIR document (whether for 2004 or for 2009), the terms "neighborhood" and "community" are not finely defined and need to be for the public to see exactly what is being planned for the build-out of these units. As mentioned, "neighborhood character" also needs to be defined. **Policy 11.4**: See No. 21, above, regarding the term "prevailing." Prevailing should not mean "popular" or "widespread" because different areas of town have little quirky buildings that may involve an "extraordinary and exceptional" circumstance that defines that specific location.

Comment 6-19

Rose Hillson, Member, Jordan JPIA

Page V.C-28: 2009 HE Policy 11.1 says to promote "…well-designed housing…respects existing neighborhood character." "Respects" should be changed to "maintain."

Comment 6-20

Rose Hillson, Member, Jordan JPIA

I referred to Page 43 in the 2009 HE Draft 2, Part I: Data and Needs Analysis. Based on the chart on this page, Table I-42, the "Extremely Low" income category people can only afford a unit with a maximum purchase price ranging from $50,000 to $$78,000 depending on the number of bedrooms. At the other end of the spectrum, for the "Moderate Income" category, the maximum purchase price ranges from $228,711 to $359,723 depending on the number of bedrooms in a unit. When the 2009 and the 2009 HE DEIR refers to building affordable housing, based on the cost of land and construction, what kind of buildings would be built to house units in these price ranges?

How many units, for example, would have to be built on a typical 25x120 ft. lot that would sell for these amounts on Page 43 to satisfy the 31,193 units needed by the City?

Comment 6-21

Rose Hillson, Member, Jordan JPIA

Page V.E-49: 2009 HE Policy 1.6: "affordable units" needs to be defined, and if it is a change from the 1990 Residence Element Policy to allow additional units that are affordable to "lower income households," then the 2009 policy should say "low income or extremely low income units" vs. "affordable." The idea of Policy 1.6: "Consider greater flexibility in the number and size of units within established building envelopes in community plan areas, especially if it can increase the number of affordable units in multi-family structure" means well if the units are truly affordable to the low income; otherwise this is another way to get more market-rate units into the neighborhoods.

Comment 6-22

Rose Hillson, Member, Jordan JPIA

Page V.E-50: 2009 HE Policy 2.1: The addition of the phrase, "unless the demolition results in a net increase in affordable housing," is going to open the door to demolitions of older buildings, typically smaller structures that could be historic in nature. I do not think that allowing a reason for demolition of sound housing for this sole purpose of building "affordable" housing should be allowed. This phrase should be deleted. Some of these small existing sound structures are "affordable" for someone to purchase or rent so they should not be demolished for the sake of new "affordable housing." Also, if a building is not sound but can be rehabilitated so that a non-green alternative can be avoided, the rehabilitation should be pursued prior to demolition.

Nos. 43 and 44, above, will impact neighborhood character if carried out. Smaller homes with a neighborhood of people of the working class will be supplanted by people of greater economic means.

Comment 6-23

Rose Hillson, Member, Jordan JPIA

Page V.E-51: 2009 HE Policy 11.2: Change "standards" to "guidelines and standards."

Page V.E-51: 2009 HE Policy 11.6: Add "and historic residential buildings."

Page V.E-52: 2009 HE Policy 11.1: Change "respects" to "conserves existing."

Page V.E-54: 2004 HE Policy 1.1: Delete "areas adjacent to," add "in the South of Market, and newly developed neighborhoods" after "harmful effects," delete "especially if the higher density provides….are affordable to lower income households," delete "prevailing" with "existing" and define "neighborhood support."

Page V.E-55: 2004 HE Implementation Measure 1.1.1: Add "downtown" between "areas" and "with stable…"

Page V.E-55: 2004 HE Policy 1.2: Add "where there is neighborhood support" after defining "neighborhood."

Page V.E-56: 2004 HE Policy 1.4: Add "where there is neighborhood support" after "neighborhoods."

Comment 6-24

Rose Hillson, Member, Jordan JPIA

Page V.E-69: 2009 HE Implementation Measure 36: Reference is made to Planning Code Section 209 which allows double density bonus of twice the number of units for "senior citizens, physically or mentally disabled persons." But the Board of Supervisors passed the Ordinance to only allow the "senior citizens" for this and deleted the "physically or mentally disabled persons." Please check and revise.

Comment 6-25

Rose Hillson, Member, Jordan JPIA

Page V.F-58: Implementation Measures 11.7.1: Change "with the support and input from local neighborhoods" to "with the support and input from adjacent neighborhoods to the proposed project" because local neighborhoods is too broad a term and will start to change the historic fabric and neighborhood character of a particular part of the City.

Comment 6-26

Rose Hillson, Member, Jordan JPIA

Page V.I-42: Policy 3.2: "Promote voluntary housing acquisition and rehabilitation to protect affordability for exiting occupants." Change "exiting" to "existing." Also add "low income" before "occupants."

Comment 6-27

Rose Hillson, Member, Jordan JPIA

Page V.L-31: I do not think that just because a neighborhood is established that one can assume those areas have "adequate existing levels and types of wastewater treatment capacity."

Prior to allowing any new development or an addition of a unit or a bedroom, there needs to be an analysis made on the maximum capacity of that proposed building's block. This may have to be a new policy.

Comment 6-28

Hiroshi Fukuda, Richmond Community Association

Types of housing needed and types of housing being built are contradictory. The need is greatest for moderate and middle income residents. For the period of 1999-2006, only 13% of these were built. The percentage of market rate housing produced for the same period was 154% of the allocation. The 2004 and 2009 Housing Element policies will be more of the same, no mitigations.

The housing policies do not address the need for moderate income families with children. Most of the housing being built is market rate housing, 85%. It provides housing for the wealthy. Who are the buyers of market rate housing? Do they presently live in the City or are they out of town. Are the new units being used as a primary residence, or as a second home, or corporate housing? The Housing Element will not provide needed outcome for the type of housing needed. We need creativity and to think outside of the box, just as the City did in approving the City Health Plan

Comment 6-29

Hiroshi Fukuda, Richmond Community Association

Anti-auto Policies

Parking Conditions, pg V.F-7

It states that the RPP zones have reasonable access to parking. This is not true in many parts of S.F. i.e. North Beach, Inner Richmond, Lower Polk, Japantown, Civic Center, Mission/16th, etc.

There is no mention of the large number "disabled" person placards in circulation, and the efforts to regulate them at not effective.

In some parts of the City, infill housing as encouraged in the Market Octavia and Eastern Neighborhood Area Plans by allowing additional units within the same building envelope and by converting garages into living units. Parking spaces for the additional units are not required. This will exacerbate the existing parking problem.

The anti-auto plans may be well intentioned such as the attempt to reduce greenhouse gasses, congestion, and provide more housing but there are unintended consequences.

The anti-auto policies are discriminatory against the poor, because they will not be able to pay for off street parking. It is unreasonable to expect people to not own a car because off-street parking is not available. They with be forced to fine already scarce street parking

All of the policies which are anti-parking and anti-auto are especially discriminatory to the poor, seniors, disabled, and families with children. Many children's activities require transportation to extracurricular activities i.e. music lessons, sports, language school, dance lessons, etc. It is extremely difficult to leave work, pick up a child and take them to activities, take them home, shop, cook, etc. Their quality of life is hindered, and that is part of the reason families are leaving San Francisco.

Comment 6-30

Hiroshi Fukuda, Richmond Community Association

Residential Density, V.F.-63, V.F.-65

Existing and Cumulative, Conditions, pg V.F-18

The H.E. 2009 does not propose new development nor changes in land use regulations or modify the amount of housing that could be developed in S.F., but the Market Octavia and Eastern Neighborhood Area Plans used the Housing Element 2004 to justify increased density, increase heights, and reduced parking. It was a means to an end.

The housing Element 2004 includes a number of policies pertaining to encourage certain types of housing (policy 1.7 and Implementation Measures 1.7.1 and 4.5.1) to allow for a variety of units. The important issue is that affordability is not addressed. The new units being built are for the most part 85% market rate housing. If there are a variety of units available, they must be built for new residents who are expected to be in the low income category, and not only for high income residents. Please note that only 10% of S.F. residents can afford market rate housing.

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. San Francisco is becoming a City for the very rich and very poor. San Francisco's diversity is one of the key elements which make San Francisco so great. We are losing that diversity by forcing middle income to leave the City. A prime example is Supervisor Chris Daly.

Comment 6-31

Amy Minteer, Chatten-Brown & Carstens

Additionally, the DEIR should include an in depth analysis of the capacity of the transit system for all neighborhoods within the City. This analysis should then be used to encourage development in those areas where there is adequate transit service now and in the future. For the areas that do not have adequate additional transit capacity, the housing element should not allow measures such as elimination or reduction of parking requirements and increased density. Without this analysis, many of the 2009 Housing Element's proposed policies would make no sense. The 2009 Housing Element focuses on encouraging density near transit, but if that transit cannot support the added density, there is no reason to encourage it.

Comment 6-32

Amy Minteer, Chatten-Brown & Carstens

The 2004 and 2009 Housing Elements relax existing consistency requirements by using less protective language. Generally, 1990 Residence Element policies that required that development conserve existing neighborhood character now encourage that development enhance existing neighborhood character. While both words will enable development in the same architectural style as what already exists within a neighborhood, "enhance" can be read to allow development with entirely different visual characteristics. This change may have significant impacts on San Francisco's neighborhoods. For example, the 2004 Housing Element seeks to "enhance neighborhood vitality and diversity" (Policy 11.1), a policy that not only allows but promotes purposeful changes to a neighborhood's character. By contrast, the 1990 Residence Element seeks development that "conserves neighborhood character." (Policy 12.4.) Similarly, the 2004 Housing Element wants to "strongly encourage project sponsors to take full advantage of allowable building densities…while remaining consistent with character." (Policy 11.8.) However, increased density in a neighborhood may itself prove to be a conflict. With regard to parking, the 2004 plan speaks of "respecting neighborhood character and scale" (Policy 11.9), while the 1990 plan sought parking that "will promote compatibility with neighborhood character" (Policy 2.1.) (emphasis added.) Along the same lines, the 2009 policies also promote building rehabilitation that merely "respects neighborhood character." (Policy 11.1.)

The DEIR's determination that relaxation of compatibility standards will not cause significant impacts seems based on the subjective nature of aesthetic impacts. (V.C-25; See, V.C-27 not a "demonstrable adverse effect".) The subjective nature of aesthetic impacts does not even come

into play here, however, because it is obvious that a much broader range of styles, heights, sizes, and parking configurations will satisfy the new language, likely to the detriment of community character. The DEIR also attempts to justify its conclusion of no significant impact because the 2004 and 2009 policies encourage rehabilitation of existing buildings. That may be true, but why must these rehabilitation policies only encourage "respecting" neighborhood character and not "conserving" it? These rehabilitation projects, while potentially less damaging to neighborhood character than replacement projects, do not remove the threat posed by the modified consistency requirements of the 2004 and 2009 Housing Elements.

Comment 6-33

Amy Minteer, Chatten-Brown & Carstens

The draft Japantown Better Neighborhood Plan demonstrates that adoption of the 2004 and/or 2009 Housing Element would enable impacts on the environment, contrary to the findings of the DEIR. Upon the expiration of the last redevelopment area, land use in Japantown reverted to city controls established in the 1950s. As a result, some of the area's predominant uses, such as senior housing, are now nonconforming or would require a conditional use permit. The draft Japantown Better Neighborhood Plan seeks to make these uses compatible while also increasing and enhancing the pedestrian environment and vitality of the commercial core. In order to achieve these objectives, however, the plan would eliminate off-street parking standards, prohibit new parking lots, restrict parking garages, eliminate density limits for housing, and provide height bonuses. (draft Japantown Better Neighborhood Plan, p. 52, available at http://www.sf-planning.org/index.aspx?page=2425, incorporated by reference.) It would also relax requirements for new development on historic properties. (Ibid.) Without the adoption of the new policies included in the 2004 and 2009 Housing Elements, these proposals for Japantown could not be adopted because they are inconsistent with the existing housing element.

Comment 6-34

Amy Minteer, Chatten-Brown & Carstens

E. The Housing Element Fails to Comply with Government Code Requirements.

The 2004 and 2009 Housing Elements fail to comply with Government Code section 65583. The Government Code requires much more detail regarding sites for potential development than has been provided. Section 65583(a) requires that the City's Housing Element "shall contain all of the following:… (3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites." Government Code section 65583.2 details this requirement further:

The inventory of land shall include all of the following:

(1) A listing of properties by parcel number or other unique reference.

(2) The size of each property listed pursuant to paragraph (3), and the general plan designation and zoning of each property.

(3) For nonvacant sites, a description of the existing use of each property.

…(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.

The City must then use this detailed information to "determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period…" (Government Code section 65583.2(c).)

The 2004 and 2009 Housing Elements do not include the required detailed inventories of each property where housing could be located. A good example of how these inventories should be prepared is provided by the City of San Diego at *http://www.sandiego.gov/planning/genplan/pdf/housingelement/heasigridmap.pdf*.

San Diego divides the city up into sections 94 sections and includes a detailed map pinpointing the parcels were housing development could or should be located. This analysis is required before the City makes such sweeping policy changes to promote density, height increases, and lack of parking. Thus far, the City has provided no evidentiary support for the need to make these changes in order to meet its housing needs.

Comment 6-35

Kathryn R. Devincenzi

Proposed 2009 Housing Element Policy 11.4 calls for exploring "neighborhood livability initiatives" that could examine community-supported guidelines and result in strategies to improve the appearance and accessibility of neighborhood commercial districts or neighborhood specific design guidelines. However, the document fails to explain the methods by which this policy would be implemented. What do you mean by "neighborhood livability initiatives?" Is the Planning Department not prohibited from participating in political activities such as promoting measures placed before the voters? What specific activities do you contemplate engaging in to explore or participate in "neighborhood livability initiatives?"

Comment 6-36

Edith McMillan

Go back to the 1990 language criteria to protect the neighborhoods.

Response to 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 6-19, 6-20, 6-21, 6-22, 6-23, 6-24, 6-25, 6-26, 6-27, 6-28, 6-29, 6-30, 6-31, 6-32, 6-33, 6-34, 6-35, and 6-36

The preceding comments address the Housing Element's compliance with State law and the content of the policy language. These comments are not regarding the adequacy of the analysis in the Draft EIR and no response is required. These comments have been forwarded to the Citywide division of the Planning Department for response as part of the adoption process.

7 GROWTH PROMOTION

Comment 7-1

Rose Hillson, Member, Jordan JPIA

Page VI-7: Under "Other CEQA Issues," the statement "…the Housing Elements themselves do not promote growth or indirectly encourage substantial new growth in the City that has not previously been projected by RHNA forecasts. Therefore, the 2004 and 2009 Housing Elements would have a less than significant impact with respect to direct or indirect economic or population growth."

But it does encourage new growth. What is not defined is "substantial." How much growth would be substantial?

Response to 7-1

To clarify the statement referenced in the comment, the Draft EIR concludes that the Housing Elements do not directly enable the construction of residential units. The Housing Elements contain policies and implementation measures intended to improve the City's ability to meet the RHNA goal for additional housing at a variety of affordability levels. Both Housing Elements also concluded that there is adequate capacity under existing zoning to accommodate the RHNA goal, rendering changes to land use regulations such as rezoning unnecessary for the provision of an adequate land supply to allow for achievement of the RHNA. Accordingly, none of the policies or programs in the Housing Elements require modifications to land use regulations or development review practices that could result in development of housing that otherwise would not have been able to occur without those policies or programs. The

Draft EIR concludes that new growth resulting from the changes in the policies of the Housing Elements would not be considerably greater than that which otherwise would be expected to occur, without changes to the Housing Elements, based on regional growth projections.

Comment 7-2

Amy Minteer, Chatten-Brown & Carstens

Additionally, the entire project description and DEIR analysis is underwritten by the unsupported claim that the 2004 and 2009 Housing Elements would not result in an increase in population despite the policies encouragement of increased density. (DEIR p. V.D-27.) The 2004 and 2009 Housing Elements encourage increased density through proposals to remove density, height, and setback restrictions and parking requirements in area plans for neighborhoods within the City.

When an EIR "conceal[s], ignore[s], exclude[s], or simply fail[s] to provide pertinent information [regarding] a reasonably foreseeable consequence of [a] project", the project's description is inadequate. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82.) The DEIR fails to discuss any evidence to support the claim that increasing density does not increase the population size. Logically, the more residential units that are located within a city, the more persons that can live in that city. Additionally, the 2004 and 2009 Housing Elements encourage a change from mainly one and two person households, to the provision of family housing, which includes space for more persons and thereby increasing the size of the population. (DEIR IV-13, IV-24.) The DEIR assumes that the population growth is a foregone conclusion for San Francisco. Based on population data from the Census Bureau for the past 10 years, it is clear that this is not true. Between the years of 2000 and 2005, the City's population steadily decreased. (San Francisco population data is available at factfinder.census.gov, incorporated by reference.)

The City previously estimated that the policies promoting increased density, height increases, set back decreases, and elimination of parking requirements contained in the 2004 Housing Element would allow for a 78,000 unit increase in the City's residential housing capacity. (Attachment 2, excerpts from San Francisco Planning Department Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook, February 2003, 11 AR 28061, 2813, 2925.) More recent population estimates show an even greater population increase resulting from the change in City policies. Estimates of significant population increases resulting from the City's proposed increased density policies are available and are contained in the DEIR's water supply analyses. The October 2009 SFPUC, Final Water Supply Availability Study for City and County of San Francisco ("2009 Water Study") states at page 21 that the City recently evaluated projected demands and incorporated the updated San Francisco Planning projections for residential use and non-residential growth and that this "analysis results in a 2030 growth projection that differs from the 2005 UWMP." (DEIR Appendix H.) "As shown in Table 5-1 new

residential growth is expected to increase by 29,787 units." (Id.) The 2005 Urban Water Management Plan residential growth projections were based on 2002 Association of Bay Area Governments ("ABAG") and City projections.

The updated 2030 City growth projection shown in Table 5-1 incorporates a fundamental shift in ABAG's projection methodology. "Rather than taking existing local land use policy as a given (as had previously been the case), in the projections following the 2002 projections, ABAG assumes that local policy will be amended in the future to adopt 'smart growth' principles. Specifically, the projections assume that higher density growth will be focused in urban core areas, and that more housing will be produced in those areas, compared to that previously assumed. The result of these assumptions is to increase the expected population in already developed areas." (DEIR Appendix H, 2009 Water Study p. 22.)

Appendix A to the 2009 Water Study is a memo from the City's Planning Department which states that based on "citywide growth expectations by 2030 designed to closely match the recently adopted ABAG Projections 2009 target, but taking into account local knowledge of projects currently in various stages of the entitlement process, commonly referred to as the development pipeline," the population of San Francisco is projected to increase from 783,441 in 2005 to 916,800 by 2030. (DEIR Appendix H, 2009 Water Study appendix A.) This is a projected increase of 133,359 residents, which amounts to a 17% increase in the City's population.

Response to 7-2

The commenter states that "[t]he 2004 and 2009 Housing Elements encourage increased density through proposals to remove density, height, and setback restrictions and parking requirements in area plans for neighborhoods within the City." This is an inaccurate characterization of the Housing Elements. The Housing Elements indicate that any changes in land use restrictions and development controls would occur through an area plan process or a specific amendment to the zoning or planning code, and that these types of changes are not necessary to provide adequate capacity for the City to meet its RHNA goal. While the Housing Elements would not directly result in amendments to planning or zoning codes or densities restrictions, some policies, such as Policy 1.1 in the 2004 Housing Element, specifically encourage increased density in certain areas. However, there are no location-specific development controls recommended by the Housing Elements that would result in increased density. Rather, as stated above, the Housing Elements suggest that any land use changes should occur through a comprehensive planning process.

The Draft EIR does presume that additional housing units will be constructed and that the population of San Francisco will increase due to factors outside of the purview of the Housing Elements. Efforts to encourage residential development through construction on vacant and underused parcels, and more efficient use of available land within allowable zoning envelopes seeks to result in an increase in the number of housing units in the City and, therefore, increase the overall density of residential development, but not above that which is already allowed by the Planning Code. Figures IV-5 and IV-6 (Project Description) of the Draft EIR portray the available capacity for new residential development and the number of units currently in the development pipeline, giving the best available information regarding where new units could be located or are proposed by project sponsors.

The Draft EIR does not state, as the comment suggests, that increased density would not increase residential population. The Draft EIR acknowledges that growth will occur in accordance with the regional growth projections, discusses the associated population increase, and discloses impacts attributable to changes in the Housing Elements policies. The Draft EIR concludes that the implementation of Housing Element policies would not directly result in increased population above that projected by regional entities. These population projections are not based on the changes to the Housing Elements, but are projected to occur even without the adoption of either Housing Element. Moreover, the policy reasons behind these projections would not change the analysis in the Draft EIR. It is assumed that the Housing Elements would have some influence on the degree to which the projected growth occurs, the locations in which the new housing might be located, and the affordability of the housing; however, as the Housing Elements do not identify specific changes in zoning, development controls, or other mechanisms that would result in measureable changes in the amount of future development, it is speculative to attribute a specific increment of residential growth to the changes in the Housing Element policies. Accordingly, the Draft EIR analyzes the potential impacts of cumulative development through 2025 and evaluates the likelihood that any increase in

growth attributable to the Housing Elements would contribute considerably to demonstrable physical environmental impacts. The Draft EIR does not, however, specifically analyze the pipeline development, but rather implementation of policies that would help implement the RHNA.

Comment 7-3

Amy Minteer, Chatten-Brown & Carstens

Of additional concern is the 2009 Housing Element's proposal to promote CEQA exemptions as part of the Community Plans. (2009 Housing Element Implementation Measure 74.) By failing to study the impacts of increased density now, and promoting the use of exemptions when approving the projects that would carry out the density increases, the environmental impacts may elude review.

Response to 7-3

Section 15183(a) of the CEQA Guidelines specifies that "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." The Planning Department conducts its review according to this provision of CEQA for qualifying projects in portions of the City in which an area plan has been adopted, preparing a document known as a Community Plan Exemption (CPE).

The Housing Element does not establish development density, and therefore would not serve as a qualifying planning document for the purposes of CEQA Guidelines Section 15183. The Department does not intend to prepare CPEs based on the Housing Element EIR. Any future planning efforts such as area plans that result in increased density would be subject to analysis in an EIR that considers the impacts of those density increases.

Implementation Measure 74 in the 2009 Housing Element is applicable to future residential projects in parts of the City for which an area plan has been adopted, or might be adopted in the future.

Comment 7-4

Amy Minteer, Chatten-Brown & Carstens

Increased Density is Not Required to Meet Regional Housing Needs Allocation.

The project description is further misleading in its claims that the purpose of the 2004 and 2009 Housing Elements are to meet the housing needs for the City set forth in the Regional Housing Needs Allocation (RHNA) prepared by the Association of Bay Area Governments for the years 2007 to 2014. The 2004 and 2009 Housing Elements both propose policies to encourage dramatic increases in density within the city through the removal of density restrictions and parking requirements and increases in allowable building height. These changes would greatly increase the City's capacity for residential units. However, these increases in capacity are not required to meet the RHNA goals for the City.

The 2007-2014 RHNA shows a need for 31,193 additional residential units in the City by 2014. Projects already under construction in the City and those that have been issued building permits as of early 2009 would go far towards achieving this goal, adding 9,628 residential units. (DEIR Executive Summary pp. IV-22-23.) Additional "pipeline" projects that have been approved by the Planning Department or have filed for Planning Department approval or building permits would add another 46,807 residential units.

Thus, with pipeline projects alone, maintaining existing zoning, density, height limitations and required parking, the City could provide 56,435 residential units. (DEIR Executive Summary p. IV-23.) It is assumed by the City that not all of these units will be constructed by 2014. Included are three major projects, Candlestick Point-Hunters Point Shipyard, Treasure Island, and Park Merced, estimated to be completed by 2020. These three major high density projects would add 23,443 new residential units to the City, a portion of which would be constructed by 2014.

For the 23,364 units that are part of pipeline projects that have not begun construction or received building permits and are not part of the three major high density projects, the City estimates that between 65 and 70 percent of units would be completed within five to seven years (or between 2014 to 2016, since the data on pipeline projects is from early 2009). (DEIR Executive Summary p. IV-23.) Thus, it can be estimated that at least 15,186 of these residential units would be constructed by 2014 to 2016.

When considering the projects already under construction, the three major high density planned developments, and the additional pipeline projects, and using conservative estimates for how many pipeline projects would be fully constructed by 2014, the City would be able to exceed the RHNA goal. In fact, the DEIR admits that the "pipeline units anticipated to be

developed in the City total approximately 25,000 units more than the City's share of the RHNA." (DEIR Page V.D-9.) And this does not include the additional projects that have been approved since early 2009 and undoubtedly will be proposed and approved in the next few years. Beyond the pipeline projects, there is existing capacity for an additional 60,995 residential units in the City without any changes to zoning, density, height restrictions or parking requirements. (DEIR p. V.D-9.) In addition to being well on its way to meeting the RHNA's goal with projects already in the works, the City's existing housing capacity of approximately 117,430 is far in excess of what is required to meet the goal.

Thus, it is misleading for the DEIR to claim that the increased densities and removal of height restrictions, setback and parking requirements proposed as part of the 2004 and 2009 Housing Elements are required to meet the RHNA goals. The California Department of Housing and Community Development agreed that rezoning was not required to meet the City's RHNA in the 2004 Housing Element. (Attachment 3, letter from California Department of Housing and Community Development to the City.) Since the City is already able to exceed this goal without any changes to land use, the question becomes what is the real reason for the proposed encouragement of increased density? If the City's true goal is to make sweeping changes to the existing densities in the City for other reasons, the update of the Housing Element should not be used to obfuscate this intent. What is the City's actual goal for number of new housing units? What are the target densities for each defined area of the City? These questions must be answered in order to provide an accurate project description.

Response to 7-4

As described in the 2004 Housing Element, the 2009 Housing Element, and the Draft EIR, one objective of the Housing Element is to satisfy the requirements of State law, which mandates that local housing elements be responsive to the established RHNA and contain provisions that will enhance a city or county's ability to achieve the designated goals for housing production and affordability. It is therefore accurate and necessary for the Project Description to address the role of the Housing Elements with regard to the RHNA.

The comment is inaccurate in stating that "[t]he 2004 and 2009 Housing Elements both propose policies to encourage dramatic increases in density within the city through the removal of density restrictions and parking requirements and increases in allowable building height," and that the Housing Elements indicate that such changes in land use controls are necessary to meet the RHNA. On the contrary, both Housing Elements indicate that the City has adequate capacity under existing zoning to meet the RHNA.

As the comment reflects, the Draft EIR analysis is consistent with the conclusion that both the number of units in the development pipeline, and the number of units that could be accommodated on sites currently zoned for housing exceed the RHNA total of 31,193 units.

The Draft EIR recognizes that additional residential construction of units in the pipeline or on opportunity sites identified in the capacity analysis might result in an increase in the number of units in the City or in the areas in which such projects would occur. However, the Housing Elements do not propose any changes to development controls, and would not enable greater residential density than could otherwise result from ongoing development activity that is largely consistent with the current Planning Code. The planning effort for the Housing Elements was focused on strategies to help attain the RHNA goals for additional units at the described affordability levels, and was not intended to establish a separate goal for the number of new housing units Citywide or target densities for defined areas of the City, as the commenter suggests. As discussed throughout, the Housing Elements do not make changes to land use controls, but rather encourage projects to take advantage of existing controls.

Comment 7-5

Kathryn R. Devincenzi

The October 2009 SFPUC, Final Water Supply Availability Study for City and County of San Francisco ("2009 Study") relied upon at DEIR, page V.L.-4 and available on the SFPUC website), incorporated the ABAG assumption "that local policy will be amended in the future to adopt 'smart growth' principles. Specifically, the projections assume that higher density growth will be focused in urban core areas, and that more housing will be produced in those areas, compared to that previously assumed. The result of these assumptions is to increase the expected population in already developed areas." (2009 p. 22)

Appendix A to the 2009 SFPUC, Final Water Supply Availability Study for City and County of San Francisco states that based on "citywide growth expectations by 2030 designed to closely match the recently adopted ABAG Projections 2009 target, but taking into account local knowledge of projects currently in various stages of the entitlement process, commonly referred to as the development pipeline," the population of San Francisco is projected to increase from

783,441 residents in 2005 to 916,800 by 2030. This is a projected increase of 133,359 residents, which amounts to a 17% increase in the City's population.

However, the DEIR falsely portrays the substantial growth in number of housing units as occurring without the impetus of "smart" growth principles implemented through the RHNA. How does the RHNA operate to shift growth to inner cities such as San Francisco and encourage construction of substantial numbers of new housing units there? The DEIR fails to explain to the public the true function and probable effects of the RHNA in inducing substantial population increase and overcrowding in San Francisco and thereby causing substantial traffic congestion, air pollution, noise and demand on infrastructure and city services.

Response to 7-5

See Response to 7-2 on page C&R-82. The following additional information is also provided. The analysis that the commenter suggests is beyond the scope of the EIR. The RHNA is not established through the 2004 and 2009 Housing Elements, which are the projects that are analyzed in the Draft EIR. The RHNA was established by ABAG, not by the Planning Department, and RHNA determination is exempt from CEQA by statute, as stated in Section 15283 of the CEQA Guidelines.

The Water Supply Availability Study (WSAS) mentioned in the comment was not based on the RHNA, which articulates goals for housing production at various affordability levels through 2014, but rather on ABAG's Projections 2009. In formulating Projections 2009, ABAG assumed that growth on a regional level will be directed toward established central cities. Projections 2009 was adopted by ABAG in March 2009[5] but is not a policy document. As stated on ABAG's website, "The Association of Bay Area Governments is responsible for making long-term forecasts for population, housing, and employment for the nine-county Bay Area. These forecasts assist local governments in planning for our changing environment."[6] Furthermore, the City has found that ABAG's projections have been generally consistent with actual growth, and thus, a version of these

[5] Association of Bay Area Governments, ABAG Executive Board Meeting, Summary of Minutes, March 19, 2009. Website: http://www.abag.org/abag/events/agendas/e031909m.pdf. Accessed February 14, 2011.

[6] Association of Bay Area Governments. Website: http://www.abag.ca.gov/planning/currentfcst/. Accessed October 25, 2010.

projections has been used for various planning documents that guide development and address resources in the City.

The Draft EIR analyzes the physical environmental impacts of the changes in the 1990 Residence Element embedded in the 2004 and 2009 Housing Elements and a cumulative scenario that reflects both the development pipeline and the housing capacity analysis. Where the cumulative analysis considers a long term (2025) scenario, the Draft EIR assesses the impacts of the project in light of the development projections for the City, which are based on ABAG Projections 2009. The policy reasons behind ABAG Projections 2009 and RHNA do not change the analysis in the Draft EIR.

Comment 7-6

Kathryn R. Devincenzi

The DEIR relies upon euphemisms to falsely portray as mere "updates" massive re-rezoning of historic significance which would substantially increase the City's capacity for additional housing units in many areas (and far beyond the goals of the RHNA).

Response to 7-6

The comment mischaracterizes the Housing Elements by indicating that they would implement major changes to zoning. Rather, the Housing Elements are policy-level documents that would guide future residential development in San Francisco through application of various policies in certain areas of the City. The Housing Elements themselves however, would not directly result in any changes to development controls, such as height limits. Without specific examples of the descriptions that the comment references, it is not possible to respond further.

8 ADEQUACY OF ANALYSIS IN DRAFT EIR

Comment 8-1

Calvin Welch, CCHO

The 2004 and 2009 Housing Element Draft EIR (HEDEIR) is both incomplete and inaccurate in failing to analyze the environmental impacts of the City and County's: consistent failure to meet its affordable housing numerical goals and the preference shown by City Agencies for

approving new construction market rate housing projects over affordable housing and studies showing that this creates an increased demand for affordable housing; failing to analyze the differing car trips generated by affordable and market rate housing resulting in an underestimate of traffic impacts; failure to discuss the reduction of the number policies favoring affordable housing production between the 2004 Housing Element and the proposed 2009 Housing Element and the impacts of that reduction; the failure to note, discuss and analyze significant changes in public policy regarding regional sustainability that will significantly effect the San Francisco environment.

Response to 8-1

As discussed on pages IV-13 through IV-14 (Project Description) of the Draft EIR, the analysis is based on a comparison of the objectives, policies, and implementation measures between the 2004 and 2009 Housing Elements and those in the 1990 Residence Element.

It is a requirement of State Housing Element law that the City's Housing Element address the City's affordable housing needs including identifying and implementing mechanisms to meet affordable housing goals. The Housing Element specifically addresses affordable housing goals through various policies and contains strategies to meet those needs. These policies and strategies are designed to accommodate the RHNA generated by ABAG at all income levels.

Trip generation is addressed in Section C.F, Transportation and Circulation (Response F-3 on page C&R-84), of this document. As discussed in that section, no trip generation estimates are given because the Housing Elements would not produce more trips than are already analyzed in the cumulative 2025 scenario. The cumulative scenario is provided by the Transportation Authority's traffic model runs, which identify vehicle trips based on unit mixes, not affordability levels; therefore cumulative impacts on the transportation network presents a conservative (worst-case) analysis. It is acknowledged that affordable housing generally requires less parking than market-rate housing due to lower vehicle ownership rates.

The 2009 Housing Element Policies are not compared against the 2004 Housing Element Policies. This is discussed further in Section C.11 (Baseline) of this document. See Response to 11-1, 11-2 and 11-3 on page C&R-113 and C&R-114, respectively.

Regarding the commenter's statement that the Draft EIR fails to discuss public policy regarding regional sustainability, the purpose of the Draft EIR is to analyze the changes to the Housing Element itself, not regional public policy. Regional impacts are analyzed where appropriate.

Comment 8-2

Rose Hillson, Member, Jordan JPIA

In general, the document seems to be written by the what I refer to as the "Department of Redundancy Department" in that tables, sentences, parts of paragraphs are repeated throughout and re-used for different sections for certain different objectives, policies and implementation measures, some of which appear to be based on opinions and postulates rather than on concrete data. Even the data extrapolations seem to be based on such suppositions without any clear explanations based on fact.

Response to 8-2

The commenter does not make any specific statements as to the adequacy of the Draft EIR. No further response is possible.

Comment 8-3

Paul Hill, St. Francis Homes Association

Significantly, we do not believe that the DEIR appropriately recognizes the impact to City services, infrastructure and environment in the Housing Element. For example, the DEIR indicates, among other things, that there would be "less than a significant impact" to: existing visual character or quality of the site and its surroundings; substantial population growth in an area, either directly or indirectly; air quality; greenhouse gas emissions, either directly or indirectly; and public services, such as police, fire, or schools.

Response to 8-3

As discussed throughout this document, the Draft EIR is a policy-level document, focused on the potential physical impacts resulting from changes in the 1990 Residence Element embedded in the 2004 and 2009 Housing Element objectives, policies and

implementation measures. The Housing Element itself does not propose new housing development projects, but rather proposes policies regarding retention of the existing housing stock, directing new housing to certain locations in the City, and promoting affordable housing. In this context, the Draft EIR found that environmental impacts of these policies, with the exception of those related to transit and noise, would be less than significant.

In addition to the discussion above, the conclusions in the Draft EIR rely on several other factors. For example, Section V.H (Air Quality) and Section V.I (Greenhouse Gas Emissions) base their conclusions on a comparison of 1990 Residence Element policies to 2004 and 2009 Housing Element policies and find that, in some instances, the 2004 Housing Element policies promote increased density more so than the 1990 Residence Element. The California Air Pollution Control Officer's Association (CAPCOA) released a white paper titled *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (January 2008).[7] Appendix B of this document identifies greenhouse gas mitigation measures and includes residential density that supports the use of public transportation as a measure to mitigate greenhouse gas emissions from residential projects, citing to a number of studies that support this conclusion. CAPCOA recently published a subsequent document titled *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (August 2010).[8] This document provides methodology for quantifying greenhouse gas emissions from land use projects and includes a section dedicated to the relationship between density and vehicle miles traveled (VMT). This document relies on a number

[7] California Air Pollution Control Officer's Association (CAPCOA). *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. January 2008. Website: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf. Accessed March 7, 2011.

[8] CAPCOA. *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures.* August 2010. Website: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf. Accessed March 7, 2010.

of studies for developing the methodology for calculating greenhouse gas emissions reductions based on the relationship between density and VMT, as described by the elasticity.

The conclusions in Sections V.H and V.I also rely upon compliance with the regulatory framework discussed on pages V.H-12 through V.H-16 (Air Quality) and pages V.I-9 through V.I-16 (Greenhouse Gas Emissions) of the Draft EIR. Policies in both the 2004 and 2009 Housing Element that encourage maintenance of existing housing stock also contribute to a less-than-significant impact related to air quality and greenhouse gas emissions because they would discourage demolition, which would avoid associated air quality and greenhouse gas impacts.

With regard to public services, Section V.M (Public Services) of the Draft EIR acknowledges that policies that encourage increased density could contribute to increased demand for public services. However, this section also discusses other policies that would help reduce these impacts related to the provision of public services by improving seismic stability of the housing stock, maintaining existing housing, and ensuring new development is provided with adequate public services, such that any impacts would be less than significant.

The conclusions presented in the Draft EIR comply with Section 15064 of the CEQA Guidelines, which state that determination of whether a project may have a significant effect on the environment must be based on scientific and factual data. Section 15064 also states that significance is determined when a project results in a direct physical change to the environment. Indirect physical changes are also considered but only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable. The commenter has not provided substantial evidence to support different conclusions regarding the significance presented in the Draft EIR.

Comment 8-4

Paul Hill, St. Francis Homes Association

The DEIR recognizes that there is a *significant and unavoidable* impact to traffic, pedestrians, bicycles, loading, emergency access, or construction areas, but then indicates that "no feasible mitigation has been identified." We believe that this finding of a significant and unavoidable impact to traffic is inconsistent with the findings noted above (population increase, air quality, greenhouse gas emissions, city services). We are very concerned that no mitigation has been identified, and that there appear to be no plans to support the City's inadequate transportation and service infrastructure. As we noted on our comments to the 2009 Housing Element, there has been no adequate analysis of job growth and commuting patterns and their effects on existing infrastructure that will be required prior to implementation of housing plans that could have a negative impact on surrounding neighborhoods.

Comment 8-5

Paul Hill, St. Francis Homes Association

We believe that a significant amount of work remains to be done, which the DEIR does not acknowledge or address. Those include a realistic and thorough assessment of the City's transportation and public services infrastructure, an examination (on an area-wide basis) of job growth and commuting patterns, and a realistic assessment of the impact on population growth, density, traffic, parking, neighborhood aesthetics, air quality and greenhouse gas emissions. We also believe that a long-term view should be taken to support the City's public transportation and services infrastructure as part of this analysis. We appreciate the opportunity to provide these comments and are happy to answer any questions that you may have.

Response to 8-4 and 8-5

The commenter mischaracterizes the impacts of the 2004 and 2009 Housing Element with respect to the City's transportation network. To clarify, significant and unavoidable impacts from adoption of either the 2004 or 2009 Housing Element have been identified with regard to the City's transit system as discussed on pages V.F-51 through V.F-81 (Traffic and Transportation) of the Draft EIR. As discussed in the Draft EIR, by focusing anticipated growth to transit-rich areas and by reducing parking requirements, the changes in the Housing Elements could potentially encourage increases in transit ridership to a level that would exceed Muni's capacity utilization standard of 85 percent at certain screenlines. It is unclear how much the Housing Element policies would contribute to increased transit ridership, so for conservative purposes, the contribution

of the Housing Elements to the cumulative transit impact is assumed to be considerable. In part, due to the fact that San Francisco Metropolitan Transit Authority's (SFMTA) fiscal emergencies may not allow for expanded service, this impact was considered significant and unavoidable for both the 2004 and 2009 Housing Element.

The feasibility of potential transit impact mitigation measures is discussed on page V.F-81 through V.F-82 (Transportation and Circulation) of the Draft EIR and presents two approaches to reduce overcrowding on transit. The first approach would be for the City to implement the transportation plans and programs, which would reduce congestion and decrease transit travel times. The second approach would be for the SFMTA to increase capacity by providing more buses. The two options described in the Draft EIR could potentially reduce this impact, but implementation of both measures would be uncertain. Therefore, the impact would remain significant and unavoidable.

No significant impacts were identified with regard to increases in vehicular traffic. Population increases that may occur in the horizon years of the Housing Elements would not be a direct result of the Housing Elements and are anticipated to occur regardless of any changes in housing element policies. City services have been analyzed and considered in Sections V.L (Utilities and Service Systems) and V.M (Public Services) of the Draft EIR. Impacts on City services were found to be less than significant.

Job growth and commuting patterns are also discussed in Part I of the 2009 Housing Element.

The commenter also points out several general areas of concern in the Draft EIR but does not discuss any specific areas of inadequacy or provide evidence supporting different conclusions. No further response is required.

Comment 8-6

Hiroshi Fukuda, Richmond Community Association

The DEIR for the Housing Element 2009 is inaccurate, inadequate, and insufficient for the following reasons:

1. No comparisons to former HE's as to effectiveness.
2. No linkages to the General Plan.
3. NO MITIGATIONS as required for a 5 year action plan; no regional tie-ins.

Response to 8-6

As discussed on page IV-13 (Project Description) of the Draft EIR, the Draft EIR analyzes impacts from changes in the 2004 and 2009 Housing Elements as compared to the 1990 Residence Element. It is not within the scope of this Draft EIR to evaluate the extent to which the goals of the 1990 Residence Element were achieved. Appendix A of the Housing Element provides an evaluation of previous Housing Elements as required by Government Code Sections 65588(a) and (b), including its effectiveness in meeting goals and objectives. This Draft EIR assesses physical environmental impacts resulting from implementation of 2004 and 2009 Housing Element policies.

Section V.A (Plans and Policies) of the Draft EIR discusses consistency of the Housing Elements with the San Francisco General Plan. Further, where appropriate, General Plan policies relating to various environmental topics are discussed.

The Draft EIR identified one mitigation measure related to interior and exterior noise (page V.G-48). The Draft EIR found impacts related to transit to be potentially significant but did not identify any feasible mitigation measures to reduce this impact. According to the CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. Therefore, the Draft EIR did not identify additional mitigation measures. The commenter's reference to required mitigations for a five-year action plan are unclear. It is unclear what is meant by the comment "no regional tie-ins." However, HCD does require that the Housing Element itself provide a detailed schedule of actions (not mitigation measures) to implement the policies, goals,

and objectives of the Housing Element. This schedule of actions is provided in Appendix C of the Housing Element. Assuming the commenter is referring to regionally based mitigation measures, since there were no impacts determined to occur outside the City, no regional mitigation measures were appropriate.

Comment 8-7

Amy Minteer, Chatten-Brown & Carstens

The City has prepared this EIR as an attempt to comply with the Court's decision. Unfortunately, the EIR is replete with the same unsupported claim the Court rejected in the *San Franciscans for a Livable Neighborhoods v. City and County of San Francisco* decision: that policies advocating increasing density, eliminating parking requirements and height restrictions, and reducing setbacks would somehow not be the driving force in those changes being enacted. (Attachment 1, *San Franciscan for Livable Neighborhoods v. City and County of San Francisco* 2007 WL 1793881.) However, by failing to prepare a legally adequate EIR, the City has failed to comply with the Peremptory Writ of Mandate issued by the San Francisco County Superior Court in this case. The EIR must be revised to acknowledge and analyze the reasonably feasible results of the policy changes proposed in the 2004 and 2009 Housing Elements. By failing to do so, the DEIR contains and is premised upon a confusing and misleading project description. The EIR also fails to adequately analyze a reasonable range of alternatives, in particular an alternative that would address affordable housing needs of the City without the need for rezoning or massive increases in density. Further, the DEIR fails to adequate analyze the Housing Element's aesthetic, wastewater, water supply, land use, greenhouse gas, traffic, parking, and noise impacts. The DEIR must be revised to address all of these inadequacies and then recirculated.

Comment 8-8

Kathryn R. Devincenzi

The City has therefore failed to heed the mandate of the Peremptory Writ of Mandate that it fully comply with the requirements of CEQA and must produce and recirculate a substantially, revised and legally adequate EIR before it can lawfully approve or implement any changes in the City's 1990 Residence Element that are embodied in the 2004 or 2009 Housing Elements.

Response to 8-7 and 8-8

As discussed throughout the Draft EIR, implementation of the Housing Elements would not directly result in increased density. However, the Draft EIR assumes that some increases in density could occur resulting from projected residential growth regardless of which Housing Element is in effect (1990, 2004, or 2009). The conclusions presented in

the Draft EIR as to increased density and environmental impacts are often counterbalanced by other policies that require, for example, adherence to residential design guidelines, maintaining neighborhood character, or maintenance of existing housing stock.

New residential development is not prohibited under the 1990 Residence Element, and in fact, from 1990 to 2004, the City added 19,603 new units at an average annual production of over 1,300 units per year.[9] Further, HCD provides the following overview of Housing Element law, which relates to the commenter's concerns: "Housing element law, enacted in 1969, mandates 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 regulatory systems which provide opportunities for, and do not unduly constrain, housing development."[10] This statement articulates that implementation of the Housing Elements rests on the private market. The Housing Element is the regulatory system that provides opportunities for the private market to develop housing.

The information in Section IV (Project Description) of the Draft EIR, specifically the pipeline and capacity information presented on pages IV-14 through IV-23, contains the appropriate data to determine the reasonably foreseeable residential development scenario. The Draft EIR evaluates the entirety of the project, recognizing that the City has adequate capacity to accommodate the RHNA under current zoning. The Housing Element itself would not implement new zoning controls or directly result in new residential development. Subsection F of Section IV (Project Description) of the Draft EIR presents information on where future residential growth would be expected to

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9 San Francisco Planning Department, San Francisco 2001-2004 Housing Inventory, July 2005. Website: http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=2213. Accessed February 28, 2011.

10 State of California, Department of Housing and Community Development, Housing Elements. Website: http://www.hcd.ca.gov/hpd/hrc/plan/he/. Accessed February 12, 2011.

occur. Figures IV-5 and IV-6 illustrate the areas of the City that can accommodate the housing required through the RHNA. With regard to policy implementation, Sections V.A through V.Q include detailed policy analyses as well as graphic representations of where environmental constraints may intersect with housing development. An alternative that addresses affordable housing needs is not required by CEQA. Alternatives are discussed in Section T of this document. Alternatives are required only for those impacts that are significant.

Comment 8-9

Amy Minteer, Chatten-Brown & Carstens

By completely ignoring the reasonably foreseeable consequence of the project to increase population size, the DEIR's project description is inadequate and much of its impact analysis is flawed.

Comment 8-10

Kathryn R. Devincenzi

The DEIR lacks an accurate project description and fails to adequately analyze significant impacts of the proposed 2004 and 2009 Housing Elements and alternatives that could lessen or avoid impacts. The DEIR fails to inform the public and decision makers of the substantial population growth and adverse impacts on the quality of the City's environment that could result from implementation of the proposed projects.

Response to 8-9 and 8-10

Section V.D (Population and Housing) of the Draft EIR presents population projections prepared by ABAG (see Table V.D-1 on page V.D-1). Also, as shown on page V.D-2, the City is projected to experience continued population growth through 2025, for a total of 411,514 housing units, which equates to an overall household population increase of approximately 85,350 between 2009 and 2025. The RHNA establishes a need of 31,193 units by 2014 to meet housing needs that arise from population growth. The Housing Element policies are intended to meet the housing needs of future population growth, and are not targeted to increase housing beyond regional growth projections. These projections, in part, determine how ABAG allocates the RHNA. Therefore, the population increases discussed in Section V.D would occur regardless of

implementation of the Housing Elements, and would not be a direct result of the Housing Element policies. The Draft EIR assumes that population growth would occur, as it could under the 1990 Residence Element and existing zoning, and recognizes that it is not feasible to quantify the direct contribution of the Housing Elements to this growth.

Comment 8-11

Amy Minteer, Chatten-Brown & Carstens

To be legally adequate, an EIR must comprehensively identify and address all of the "significant environmental effects" of a proposed project. (Public Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2.) "All phases of a project," including "planning, acquisition, development, and operation," must be addressed. (CEQA Guidelines § 15126.) And both "[d]irect and indirect significant environmental effects" must be analyzed, "giving due consideration to both the short-term and long-term effects." (CEQA Guidelines § 15126.2(a).) San Francisco is already the most densely developed city California and the second densest city in the Country. (http://www.sfdpw.org/index.aspx?page=1285, incorporated by reference.) By encouraging further density increases, the 2004 and 2009 Housing Elements would have significant adverse environmental impacts that the DEIR fails to adequately analyze or mitigate.

Response to 8-11

The Draft EIR has been prepared consistent with Section 15126.2 of the CEQA Guidelines, which state that the Draft EIR should normally limit its examination to changes in the existing physical conditions in the affected areas that exist at the time the notice of preparation is published. The Draft EIR contains a detailed analysis of each of the CEQA environmental topics and discusses the potential changes to the physical environment as a result of policy implementation. The figures provided throughout the Draft EIR and cited in the analysis present existing conditions compared against potential areas for future residential development. The nature of the Housing Element as a long-term overview of housing provision in the City focuses the analysis primarily on long-term effects. Finally, the potential increased density resulting from 2004 Housing Element policies and 2009 Housing Element policies are discussed in each section for the Draft EIR.

Comment 8-12

Amy Minteer, Chatten-Brown & Carstens

SFLN objects to the certification of the EIR and adoption of the project as proposed. For the reasons set forth in this letter, the DEIR must be revised to correct the inadequacies and inaccuracies in the project description, alternatives analysis and the analysis of many of the impacts associated with the proposed 2004 and 2009 Housing Elements. The City's failure to prepare a legally adequate EIR is also a failure to comply with the Peremptory Writ of Mandate issues in San Francisco for Livable Neighborhoods v. City and County of San Francisco. Once the DEIR is revised, it must be recirculated to allow the public the opportunity to review the true impacts of the proposal.

Response to 8-12

The commenter's substantive comments are addressed throughout this document. No further response is necessary herein.

9 PARKING

Comment 9-1

Rose Hillson, Member, Jordan JPIA

Page V.A-11: Objective 28 is a good idea but has unintended consequences if implemented in ways that create congestion with vehicles looking for parking taken away by bicycle locking areas. I find this can also create more air pollution. In practice, curb bulb-outs and bicycle racks exist that take away from neighborhood parking. In the real world, people still drive, especially those who cannot take public transportation or ride bicycles, and these people will not be able to go to places they once visited. Why do the bicycle racks need to be placed where street parking space is eliminated? Pretty soon the residents who live in buildings with no parking (because they are somehow built that way), cannot drive at all or park in their own neighborhood. What steps can be taken to resolve this issue?

Page V.A-12: **Policy 28.1** needs to be sensitive to the existing street parking that is available today rather than to carve out bike racks that take away from neighbors' parking. This is a bad idea if you combine it with trying to build many new housing units with very little or no parking. Up to a certain point, it may work; but beyond it, there will be problems between bicyclists and motorists and residents with housing that does not have parking but who continue to drive because not everybody can survive on public transportation alone. See above.

Policy 28.2 is a good idea if such amenities can be done without taking away from street parking or as long as it does not put more cars out on the street. See above.

Response to 9-1

The commenter is referring to Section V.A (Plans and Policies) of the Draft EIR and specifically the discussion of consistency of the proposed Housing Element with existing policies of the General Plan. Objective 28, Policy 28.1 and Policy 28.2, which are referenced by the commenter, are Objectives and Policies found in the Transportation Element of the General Plan. These are existing objectives and policies of the General Plan and the proposed Housing Elements would not make any modifications to these Transportation Element objectives and policies. Objective 28 and Policies 28.1 and 28.2 of the Transportation Element are presented in the Draft EIR order to determine the Housing Elements' consistency with other Citywide Plans and Policies.

Comment 9-2

Rose Hillson, Member, Jordan JPIA

Page V.C-14: **Implementation Measure 1.7.1**: Family units should be built if there is neighborhood support and where there will be no additional impact on street parking. If a 1:1 off-street parking is enforced, that may not be enough for these larger homes with more bedrooms. I have seen 5 to 6 vehicles for a family in a 2-bedroom unit. They took up (5 X 17ft/car = 85 linear feet of parking taken up on the street with one vehicle in the garage. This is an additional burden on the neighbors and causes people to circle around looking for parking. Just because these units are on or near a transit street does not make it a fact that nobody will have cars in these units. That idea that they will not is a myth. So these proposed zoning amendments that the Planning Department is proposing for the 2004 HE is fallacious. This Implementation Measure should state that neighborhood organizations need to be consulted prior to these family-sized housing going in.

Response to 9-2

As discussed on page V.F-63 (Transportation and Circulation) of the Draft EIR, the Planning Department does not consider parking supply as part of the permanent physical environment, and therefore does not consider changes in parking conditions to be environmental impacts as defined by CEQA. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month. Hence, the availability of parking spaces (or lack thereof), is not a permanent physical condition. Instead, parking supply, or the lack thereof, changes over time as

people change their modes and patterns of travel in response to parking constraints or availability.

Comment 9-3

Hiroshi Fukuda, Richmond Community Association

Adopted Plans and Approved Projects

pg V.F-15 The SFPark program discriminated against poor residents, because it has been reported that hourly rates can by up to $18 per hour for "hot" events. Is this equal access?

Comment 9-4

Hiroshi Fukuda, Richmond Community Association

Pg V.F.-16 Congestion Pricing is discriminatory against the poor. The City appears to be doing everything it can to force poor residents to use Muni, hike, or bike. Many seniors and people who are not fit will not be able to hike or bike, and Muni is not extremely dependable.

Response to 9-3 and 9-4

The commenter is referring to the Draft EIR section that identifies adopted and approved plans that affect the City's transportation system. This comment does not address the adequacy of the analysis in the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

10 AFFORDABLE HOUSING

Comment 10-1

Steve Lawrence

The Housing Element takes for granted that the City must do many politically correct things, including supply "affordable" housing. There are ways other than through intense bureaucratic management. The City employs more workers per resident than almost anywhere else. Pension and salary costs are high and may not be sustainable. In times past private enterprise used to supply housing needs of residents with much less bureaucratic involvement than is the rule today. There is little or no evidence that housing costs were higher in the past than they are today, and the Housing Element should consider avoiding so much involvement of public employees and politicians. All such involvement opens the door to the possibility of corruption and favoritism. Housing provided by something closer to a free market would likely be more efficiently provided to those who value it the most (rather than political constituents), in the form most in demand (condo, rental or whatever); in the long run, this means housing that is

less expensive, as well as government that is less expensive and less corrupt. The Housing Element should not assume a system of providing housing as it does, but should honestly discuss and evaluate competing models.

Response to 10-1

This comment addresses the merits of the project. The comment does not address the adequacy of the Draft EIR or the project's compliance with CEQA. Accordingly, no further response is necessary.

Comment 10-2

Calvin Welch, CCHO

Failure to discuss the significance of San Francisco's consistent failure to meet its affordable housing production goals and the failure to discuss the resultant increased demand for affordable housing.

Department figures show that between 1999 and 2006 San Francisco met only *52%* of its low income affordable housing goals, but *153%* of its market rate goals. In April, 2007 [Keyser Marston] Associates, Inc completed a study entitled "Residential Nexus Analysis County of San Francisco" and on page 7 of that study found that 100 market rate condos produced a new demand was created for 43 affordable units to meet the needs of the workforce serving the new condos and residents. These two facts have a profound impact on the direction for how new residential development in the City should occur but are simply ignored by the HEDEIR. Indeed, failure to analyze these two crucial facts lead the HEDEIR writers to incorrectly state:

"The 2004 and 2009 Housing Elements would not create a demand for additional units" (V.D.28)

A study done for the City proves exactly the opposite, that allowing "overproduction" of market rate housing does, in fact, create a demand for additional units.

It may well be of significant importance on how new residential development should occur in the City if the HE DEIR, taking into consideration the over production and linked demand for affordable housing created by market rate housing development, had suggested a linkage between the development of market rate and affordable housing production as a way to "mitigate" the new demand for housing created by market rate development. The 2007 [Keyser Marston] report must be studied and its results added to the discussion in the DEIR if this document is to be in anyway considered complete and accurate.

Comment 10-3

Public Hearing

MR. WELCH: There are four basic objections that the counsel -- my name is Calvin Welch, counsel for Community Housing Organizations -- that we have all relating to affordability.

We believe that the DEIR misstates, is both inaccurate and incomplete in measuring the City's failure and the environmental impacts of the City's failure of meeting its annual goals, affordable housing development goals.

Response to 10-2 and 10-3

The Draft EIR analyzes the environmental impacts of the proposed project and the changes to the built and natural environment that would result from approval of the project. Section 15126.2(a) of the CEQA Guidelines states: "In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published…" Therefore, any physical environmental impacts of the City's past ability to achieve the RHNA goal are beyond the scope of this Draft EIR.

The comment references a study by Keyser Marston for the Planning Department in April 2007 entitled *Residential Nexus Analysis for the City and County of San Francisco*. The study found that for every 100 market rate condominium units there are 25.0 lower income households generated through the direct impact of the consumption of the condominium buyers; 43 affordable units are demanded if total direct, indirect, and induced impacts are counted in the analysis. The nexus model defined "lower income households" as households with incomes from zero through 120 percent of median income.

The 2004 and 2009 Housing Elements address the housing demand identified in the RHNA for 2007 through 2014; they do not create that demand. Each RHNA allocation includes projected demand for lower income units, projections which go well above the number of lower income households that the *Nexus Analysis* estimates would be

generated through the direct impact of condominium buyers. The RHNA allocation for the period of 1999-2006 projected a need for 7,363 units for households above moderate (120 percent) income, and 13,009 units for lower income households (zero through 120 percent of median). The RHNA allocation for the period of 2007-2014 projects a need for 12,315 units for households above moderate (120 percent) income, and 1,888 units for lower income households (zero through 120 percent of median).

Existing City policies and programs recognize the linkage between the development of market rate and affordable housing production, and the need to address the additional demand for housing created by market rate development. Section 415 of the City's Planning Code acknowledges that residents of new housing place demands on services provided by both public and private sectors, and that some of the public and private sector employees needed to meet the needs of the new residents earn incomes only adequate to pay for affordable housing. Therefore this section of the Planning Code establishes a fee or alternative methods of providing affordable housing to address this need.

Comment 10-4

Calvin Welch, CCHO

Failure to note and discuss the significance in the reduction of affordable housing

Objectives and Policies between the 2004 and the 2009 Housing Elements

The HEDEIR is totally silent on the difference between the objectives and policies contained in the 2004 and 2009 Housing Elements resulting in an incomplete analysis of the overall policies. At the most basic level, the word "affordable" or term "permanently affordable" occurs in 7 objectives and 30 policies in the 2004 Housing Element. In the 2009 proposed Housing element the same word or term occurs in 7 objective and 28 policies. Why the reduction? Why the de-emphasis of affordable housing? What is the significance of this reduction? It is odd that there is no discussion at all for what appears to be a policy shift that would certainly effect how the City would manage the growth of even more market rate housing.

Comment 10-5

Public Hearing

MR. WELCH: The second question: Does affordable housing have the same transit and traffic demands that market rate housing has? Isn't that an important question? Don't you make individual project decisions based upon that? Not analyzed in this Draft EIR, not analyzed! How can you possibly do that and call this a complete or inaccurate document?

Do you know that there fewer uses of the term "affordable housing" or "permanently affordable housing" in the proposed '09 housing element than in the '04 housing element?

Why a reduction in the policy of affordability? Not explained, not even pointed out that there are fewer such use of terms. I would love to be asked questions to get to the questions that have been raised about affordable production in San Francisco but my time is up.

Response to 10-4 and 10-5

The Draft EIR does not engage in analysis of the socioeconomic implications of differences between the policies in the 2004 Housing Element and the 2009 Housing Element. As a matter of background, there has been no net reduction in the emphasis on affordable housing policies in the 2009 Housing Element. In fact, the 2009 Housing Element states in its introduction that prioritizing permanently affordable housing is the City's top housing value. The Draft EIR is structured to fully analyze two separate Housing Elements: the 2004 Housing Element and the proposed 2009 Housing Element. Whether a term is mentioned once or multiple times does not mean that the physical environmental effects would be greater or less. Comments about the number of times the term affordability is mentioned is a comment on the Housing Elements themselves and not the adequacy of the environmental review. The document is intended to meet the requirements of State law and the California Court of Appeals with regard to the 2004 Housing Element. As presented in the Project Description (Chapter IV), the 2004 and 2009 Housing Elements are two separate housing elements, each analyzed in a similar level of detail and compared against the existing policy setting, which is the 1990 Residence Element. The Board of Supervisors could choose to re-adopt the 2004 Housing Element or adopt the 2009 Housing Element on the basis of the EIR.

Because it is speculative to predict the distribution of new housing in each income category under the Housing Elements, for the purposes of the transportation analysis it is assumed that all housing would be market rate housing (page V.F-77 [Transportation and Circulation]). The reason for this assumption is that, for this topic area, income level has been demonstrated to affect the physical level of impact (market rate housing has a higher parking demand than affordable housing because the lower income community generally has lower vehicle ownership rates), market rate housing would be expected to result in greater impacts to the transportation system than affordable housing, so an assumption of market rate housing provided the most conservative analysis. Because the analysis did not differentiate by income level, any comparison between the 2004 and 2009 Housing Elements with regard to the affordability issues raised in the comment would not be expected to result in measurable differences in environmental impacts.

Comment 10-6

Bernard Choden, San Francisco Tomorrow, Written Comments

Efficacy comparisons for Housing Element proposals from 1990 to the present is absent from the draft EIR/Housing Element and would likely indicate a major shortages of accomplishments. Clearly, far more market rate housing has been constructed or approved or is now in the pipeline, often on endangered sites, than needed housing for low and moderate income residents. The process obviously lacks the means to establish a commitment to professional and legal requirements of a Housing Element. The lessons to learned by the comparison process and identified shortages of accomplishments must be part of any acceptable draft.

Response to 10-6

The purpose of the environmental review is to consider the potential physical impacts of the project. As discussed in Response to 8-11 on page C&R-100, the Draft EIR has been prepared consistent with Section 15126.2 of the CEQA Guidelines, which state that the Draft EIR should normally limit its examination to changes in the existing physical conditions in the affected areas as they exist at the time the Notice of Preparation is published. It is beyond the scope of the Draft EIR to assess the effectiveness of the Housing Element policies at meeting the RHNA goal or other goals established through

the Housing Element or other City policy. Such assessment occurs on an ongoing basis and was taken into consideration by the Planning Department's policy planners in drafting the proposed 2009 Housing Element. Additionally, it should be noted that for analysis purposes, the Draft EIR assumed that all residential growth would have a level of impact associated with market rate housing, which for some topic areas (e.g., traffic) is associated with a higher potential impact than affordable housing.

Comment 10-7

Rose Hillson, Member, Jordan JPIA

No page in particular but the entire DEIR is peppered with the phrase "affordable housing." What is it? If defined by income level, please state what income levels match up with home prices.

Response to 10-7

The concept of "affordable housing" recognizes that there is a difference between the market rate price of adequate housing and the income level of current or potential residents of San Francisco. As stated in the June 2010 Draft 2009 Housing Element, "Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community."

Housing affordability is determined by income level and, more specifically, by income as a percentage of the AMI. As stated in the Draft 2009 Housing Element (Part 1, p. 43), a household paying more than 30 percent of its income toward housing is considered to be overpaying. An affordable rental unit is one for which the rent does not exceed 30 percent of the income of a household earning 60 percent of the AMI (Draft 2009 Housing Element, part 1, p. 29). The RHNA goals for different income categories are described on pages IV-10 through IV-11 (Project Description) of the Draft EIR; the various income levels and associated housing prices are presented in part 1, Table I-42, on page 43 of the Draft 2009 Housing Element, and included below.

HOUSEHOLD INCOME CATEGORIES	HOUSEHOLD SIZE	AVERAGE UNIT SIZE	MAXIMUM ANNUAL INCOME	MONTHLY HOUSING EXPENSE	MAXIMUM PURCHASE PRICE
Extremely Low Income (30% of HUD Area Median Income)	1	Studio	$19,800	$545	$50,000
	2	1 Bedroom	$22,650	$623	$57,000
	3	2 Bedroom	$25,450	$700	$64,000
	4	3 Bedroom	$28,300	$778	$72,000
	5	4 Bedroom	$30,550	$840	$78,000
Very Low Income (50% of HUD Area Median Income)	1	Studio	$33,000	$908	$84,000
	2	1 Bedroom	$37,750	$1,038	$97,000
	3	2 Bedroom	$42,450	$1,167	$109,000
	4	3 Bedroom	$47,150	$1,297	$121,000
	5	4 Bedroom	$50,950	$1,401	$131,000
Low Income (80% of HUD Area Median Income)	1	Studio	$52,800	$1,452	$133,674
	2	1 Bedroom	$60,350	$1,660	$154,752
	3	2 Bedroom	$67,900	$1,867	$176,035
	4	3 Bedroom	$75,450	$2,075	$197,113
	5	4 Bedroom	$81,500	$2,241	$213,070
Median Income (100% of HUD Area Median Income)	1	Studio	$66,000	$1,815	$181,193
	2	1 Bedroom	$75,450	$2,075	$209,030
	3	2 Bedroom	$84,850	$2,333	$237,072
	4	3 Bedroom	$94,300	$2,593	$265,114
	5	4 Bedroom	$101,850	$2,801	$286,397
Moderate Income (120% of HUD Area Median Income)	1	Studio	$79,200	$2,178	$228,711
	2	1 Bedroom	$90,550	$2,490	$263,308
	3	2 Bedroom	$101,800	$2,800	$298,109
	4	3 Bedroom	$113,150	$3,112	$335,115
	5	4 Bedroom	$122,200	$3,361	$359,723

Comment 10-8

Edith McMillan

Too much emphasis on production of affordable housing which in and of itself is subject to fluctuation.

Response to 10-8

This comment addresses the merits of the project rather than the analysis in the Draft EIR. For analysis purposes the Draft EIR assumed that all residential growth would

have a level of impact associated with market-rate housing, which for some topic areas (e.g., traffic) is associated with a higher potential impact than affordable housing.

Comment 10-9

MR. WELCH: There were -- it seemed to me two rather extraordinary statements made by Commissioners, one that somehow we don't know the affordability level of residents of affordable -- permanently affordable housing in San Francisco and the data has not been presented. I have been in this Commission chambers two heads of the Mayor's office of policy and reported to this chamber, to this body, Matt Franklin and before Matt Franklin, Marsha Rosen.

Nonprofit housing developers are required each year to submit a report on the income levels and qualifications of each household member continuing to reside in their unit. That's to the City and County of San Francisco. In addition, every two years if it has if the development has HUD money, they must file such a report or a similar report with HUD. We know exactly how many people and what qualifications they have and whether or not they meet the requirements of the development of housing. That's how we provide housing in San Francisco. We provide housing to people at certain income levels and the City tests to make sure that those people continue to meet those income levels. It is a base misstatement of fact that, A, that information has not been given to you and, B, that somehow, it has escaped our minds.

Second of all, it isn't fifty percent of the housing that is subsidized in San Francisco. Folks, it's a hundred percent. The largest housing subsidy in this country is mortgage tax deduction. One hundred of the housing market in this country is subsidized by the federal or state government.

So, why do you want to point out or hold out affordable housing as being somehow subsidized and not somehow paying its way is absurd. All housing in this country is subsidized by the government, directly or indirectly. The largest single housing subsidy of the federal government, over $2 trillion is the mortgage tax deduction.

In addition, anybody who owns rental property knows you get to deduct expenditures for rent from your federal taxes as well. So, it's all subsidized, folks.

Comment 10-10

MR. WELCH: The problem with housing in San Francisco and the problem of this element in the statement – Draft Environmental Impact Report is that it takes it out of the context. Hopefully, the SB375 will try to put back into the context of transit, employment, and housing.

It's a great triad. We can't -- we can't simply believe that we can solve the housing problem by this simple housing solution or that housing type. It's a -- housing is a function of income. It's about who works here. Housing, it's not housing that determines who lives here. It's who works here determines who lives here, and if we do not understand that we have to reach some sort of balance between employment opportunities, income, housing, and transit then smart

growth the way we practice it in this city as I say in the paper is silly. We are basically housing, a workforce, a commuting workforce in San Francisco.

That's the -- by missing our affordable targets, we don't -- we are not creating jobs in San Francisco that pay enough to the average worker to afford the average house -- the average housing cost in San Francisco. Twelve percent of our population can afford to buy a home in San Francisco, twelve percent!

So, who's buying the market rate units that we overproduce in terms of the regional goals every year? It's not San Franciscans. Are they taking public transit? Not hardly. They drive or they are in minivans that are all over central San Francisco taking people to Google!

That's the reality, and for the Draft Environment Impact Report to ignore that reality, to pretend it doesn't exist, to look in this narrow way at only housing inputs and not the totality of housing jobs and transportation, then I think we keep chasing our tails and asking ourselves kind of silly questions. How is it that we are not housing the middle class? We are housing the middle class. They just don't work here. They work somewhere else and, I mean, that's -- the question becomes and I want to invite each and every one of you to the University of San Francisco on the 14th and 15th of August for a community congress that is, amongst other things, going to try to address how do we employ San Franciscans in San Francisco? Since we -- I have been doing this, we've gone from sixty percent of the jobs in San Franciscans being held by San Franciscans to about forty-eight percent. It's very hard to believe that that doesn't have a dramatic impact on housing and housing policy and that's what I tried to do in the paper and I think that's what has failed to be done in this Environmental Impact Report, is to fully understand and be informed that that relationship between jobs, housing, and transit and we really do know who we house in affordable housing. We really do. We don't house young people in senior housing. We don't house well people in AIDS' housing. We really have that figured out. We know how to do that and we do that and it's a disservice for you to imply that we don't. It is beyond a disservice.

Response to 10-9 and 10-10

Socio-economic impacts of the Housing Elements that do not have secondary environmental impacts are outside the scope of this Draft EIR. According to CEQA Guidelines Section 21100(b)(1), the environmental impact report shall include a detailed statement setting forth all significant effects on the environment of the proposed project. Additionally, according to CEQA Guidelines Section 21060.5, "Environment" is defined as the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance.

11 BASELINE

Comment 11-1

Amy Minteer, Chatten-Brown & Carstens

Additionally, a revised DEIR should explain why it is using the 2007-2014 RHNA as the basis for the 2004 Housing Element. The 2004 Housing Element is a readoption of policies that were previously struck down by the Court of Appeal pending the preparation of a full EIR. The 2004 Housing Element would be the policy basis for Area Plans that were adopted between 2004 and the present; these Area Plans were part of the work programs set forth in the previously adopted 2004 Housing Element intended to meet the housing needs identified in the 1999 to 2006 RHNA. The DEIR acknowledges that the 1999 to 2006 RHNA is the planning period for the 2004 Housing Element, but fails to use the RHNA from this period to assess the 2004 Housing Element. (DEIR p. IV-10.)

Response to 11-1

Regarding the use of the 2007-2014 RHNA for the analysis of the 2004 Housing Element, page IV-13 (Project Description) of the Draft EIR explains that to be in compliance with State law, a housing element must include an updated Data and Needs Analysis. One of the main objectives of the project sponsor (in this case, the City) is to have a Housing Element that complies with State law. Therefore, each proposed Housing Element utilizes the most recent data on Citywide housing, which is found in the Draft 2009 Housing Element Part I Data and Needs Analysis. As discussed, the City has available capacity to meet the 1999-2006 or 2007-2014 RHNA numbers.

Use of the 2004 Housing Element, Part I, Data and Needs Analysis could impact the ability of the 2004 Housing Element to meet the City's objectives; however, it would not change the analysis or conclusions regarding the impacts stemming from the changes between the 1990 Residence Element and the 2004 Housing Element.

Comment 11-2

Amy Minteer, Chatten-Brown & Carstens

The DEIR Must Use Existing Conditions as the Baseline for the Project.

CEQA requires an EIR to analyze the impacts of a project as compared to the current, existing conditions:

> (a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published…
>
> (e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published.

(CEQA Guidelines §15125.) The DEIR fails to follow this requirement.

Comment 11-3

Amy Minteer, Chatten-Brown & Carstens

For land use and aesthetic impacts, the DEIR only compares the 2004 and 2009 Housing Elements to the maximum allowable density and height requirements set forth in adopted plans, it does not compare the proposed project with the existing physical conditions. (DEIR V.B-2, V.C-9 to 10.) There is no discussion of the actual existing building heights and densities in the areas proposed for increases. CEQA requires a comparison of the project to the actual physical conditions as well, which the DEIR fails to do. The California Supreme Court recently reconfirmed this requirement, finding an oil refinery could not use at its baseline for environmental review the maximum emissions it was allowed to produce under existing permits, instead, the baseline was the actual amount of emissions it was producing as the time of the environmental review. (Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Cal.4th 310, 316.)

Response to 11-2 and 11-3

The commenter claims that the Draft EIR uses the wrong baseline to determine impacts related to land use and aesthetics. However, the Draft EIR appropriately compares the impacts from the changes in the Housing Elements to the existing setting.

The Draft EIR discusses the existing setting of each area of the City in Section V.B (Land Use and Land Use Planning). Due to the programmatic, citywide nature of the Draft EIR, the discussion in Section V.B gives an appropriate level of detail. That is, Section

V.B presents the prevailing zoning restrictions in an area and, where appropriate, also provides a discussion of the character of the area and how the prevailing character may differ slightly from what zoning controls allow. In many cases, for example, residential uses are not built to the maximum existing height limits.

The determination of significance for potential impacts related to land use and aesthetics considered the change to the existing setting resulting from implementation of the Housing Elements. The parameters of the existing setting included existing Planning Code controls and Planning policies, including the existing policies of the 1990 Residence Element as well as prevailing development on the ground. The analysis in the Draft EIR concluded that overall, implementation of 2004 and 2009 Housing Element policies would result in a less-than-significant impact on land use and aesthetics because any new residential development would be required to be consistent with existing neighborhood character, as required by other policies in the Housing Elements, and because all new development would continue to be controlled by existing regulations including the City's residential design guidelines, the Urban Design Element of the General Plan and governing land use plans. Finally, future development would be required to undergo environmental review.

Comment 11-4

Edith McMillan

There are significant impacts of growth/density which is not adequately addressed.

Response to 11-4

The potential impacts of increased density are discussed throughout the Draft EIR. Specifically, the EIR analyzes how 2004 Housing Element policies 1.7, 1.8, 4.4, 4.5, 11.6, 11.7, 11.8, and 11.9 as well as 2009 Housing Element policies 1.4, 1.5, 1.6, 7.5, 11.4 could support increased residential density throughout the City. Other policies may also result in increased density and these policies are accounted for in the Draft EIR analysis. Overall, the 2004 Housing Element promotes increases in density to a greater degree

than the 1990 Residence Element while the 2009 Housing Element does so to a lesser degree. Without further information in the comment, no additional response is required.

A PLANS AND POLICIES

Comment A-1

Rose Hillson, Member, Jordan JPIA

Page V.A-2 – Page V.A-5: What is meant by "community planning efforts"? My concern is the definition of "community" because the whole of the City could be the "community" or it could be a "community" of a group of only a narrow portion of a district or association residents and property owners.

Response to A-1

The term "community planning efforts", as referenced with regard to 2009 Housing Element policies refers to planning endeavors underway in certain communities within the City. Examples include previously adopted community plans such as the Bayview Hunters Point, Rincon Hill, Market-Octavia, Central Waterfront, Eastern SoMa, Mission, Showplace Square/Potrero Hill, and Balboa Park Area Plans, and the Visitacion Valley Master and Redevelopment Plan, and include ongoing community planning efforts, including major redevelopment plans at Mission Bay, Treasure Island, and Candlestick Point - Hunters Point Naval Shipyard.

Comment A-2

Rose Hillson, Member, Jordan JPIA

Page V.A-23 "Western Shoreline Area Plan" says that it is "not possible to provide an accurate estimate of the housing units in the City's pipeline or additional capacity for housing units that is available within the exact boundaries of the Western Shoreline Area Plan." And this area is comprised of several neighborhoods such as the Ingleside, Outer Sunset, and Richmond. So going back to Figure IV-5 and Figure IV-6, would these units that are not accounted for change? Would the total units of housing proposed in these areas change if there were a precise count done on this Western Shoreline?

Without an accurate picture of the housing units in the pipeline here, how can projections and assumptions be made for the other areas of the City?

Comment A-3

Rose Hillson, Member, Jordan JPIA

Page V.B-11: Is there a description of the "Western Shoreline Area Plan"? If so, what is it? If not, what assumptions are being made in relation to the 2004 and 2009 HE DEIR?

Response to A-2 and A-3

The Western Shoreline Area Plan can be found at: http://www.sf-planning.org/ftp/General_Plan/Western_Shoreline.htm. This plan is the City's Local Coastal Program, which was prepared in accordance with the state's Coastal Act of 1976. The Western Shoreline Plan was adopted in 1984. Residential and commercial properties comprise five percent of the 1,771 acres in the coastal zone; the remaining 95 percent of the area is in public and/or recreational use.

The objectives and policies in the Western Shoreline Area Plan generally focus on maintenance of the recreational and natural resources in the coastal area and preservation of public access to the City's coastline. Objective 11 and the seven associated policies address the residential areas adjacent to the coast, and discuss preservation of neighborhood character and the effects of access to the coastal zone on residential neighborhoods. The planning issues relevant to the coastal area are not germane to the analysis of the Housing Elements in the EIR. Therefore, the coastal zone is not analyzed as a separate planning district in the EIR.

Comment A-4

Rose Hillson, Member, Jordan JPIA

Page V.A-29: I do not agree with altering the existing historic character of San Francisco's Japantown as it is only one of three left in the United States. The very nature of the low-rise buildings is evocative of a distinct period of Japanese architecture.

The DEIR suggests to build residential towers and to make the single-use structures into mixed-use structures (i.e. more square footage). People do not visit Japantown to see Manhattan-style buildings. People go there for the distinctive ambiance created by the low-rise single-use historic buildings that currently stand in Japantown. It is a more relaxed feeling. Nothing should be as high as the pagoda on Peace Plaza. It is fairly difficult to park in Japantown so this

idea of putting in more units in higher buildings in Japantown will add to the congestion. The mere fact that Geary, a street that borders Japantown, is served by the Muni 38 line should not be the basis for additional height and density that will forever destroy the special existing character of Japantown. Japantown is a long-established community and increasing zoning and additional height will substantially impact the existing character and flavor of it. Nobody would think to change the flavor of historic San Francisco Chinatown, the largest in the United States. People visit both places for their unique character.

Response to A-4

Information on the Japantown Better Neighborhood Plan is available at the Planning Department's website: http://www.sfplanning.org/index.aspx?page=1692. The Draft EIR references the plan in its description of planning efforts currently underway, but does not suggest or recommend any specific development program. This comment does not make reference to the adequacy of the Draft EIR. No further response is required.

Comment A-5

Hiroshi Fukuda, Richmond Community Association

Pg. V.A.-1 Plans and Policies: The policies contained in the 2004 Housing Element are intended to encourage increased residential capacity… Pg. V.A-2 (bottom) The 2009 Housing Element encourages housing in all commercial or institutional projects, near major transit lines, and through community planning efforts. The development of housing units on infill sites within existing neighborhoods.

Response to A-5

This comment does not address the adequacy of the Draft EIR. Accordingly, no further response is necessary.

Comment A-6

Amy Minteer, Chatten-Brown & Carstens

The EIR also mistakenly attempts to separate the City's rezoning efforts to increase existing capacity in specific neighborhoods through the approval of area plans from the 2004 and 2009 Housing Elements. The DEIR claims that it is "rezoning efforts [that] will increase the existing capacity in those neighborhoods, allowing for the development of additional housing units above and beyond what is shown…" (DEIR p. IV-14.) However, without the policy changes proposed by the 2004 and 2009 Housing Elements, those rezoning efforts would be inconsistent with the existing 1990 Residence Element and 1990 Residence Element policies carried forward into the 2004 Housing Element. Specifically, the Area Plans that have been adopted by the City

since the 2004 Housing Element was previously approved, including plans for the Eastern Neighborhoods, Market & Octavia, Balboa Park, Central Waterfront, Rincon Hill, and Visitacion Valley, were included as work programs in the 2004 Housing Element to implement policies and objectives of the element that were later stuck down by the Court of Appeal. (2004 Housing Element Policies and corresponding Implementation Measures struck down by the Court: 1.6, 1.7, 11.1, 11.5, 11.6, 11.7, 11.8, 11.9.) It is through these Area Plans that the City has begun rezoning efforts, and without the readoption of policies previously struck down by the Court, these Area Plans are and would continue to be inconsistent with existing plans including the applicable housing element. The proposal to adopt the 2004 Housing Element appears to be a post-hoc rationalization to provide a policy basis for Area Plans that were approved despite the fact that litigation pending at the time of approval struck down the foundation for those plans. Thus, the 2004 Housing Element is the foundation required for the City's premature rezoning efforts and should therefore be analyzed as the driving force behind any rezoning pursuant to Area Plans.

Response to A-6

The text from page IV-14 (Project Description) of the Draft EIR that is included in the comment is provided without context. The full text describes Figure IV-5 and Table IV-5 (Project Description) of the Draft EIR, which indicate the capacity for an additional 60,995 units in the City under its baseline zoning. The Draft EIR further explains, in the text included in the comment, that there are ongoing planning efforts in the City that have the potential to further increase residential development capacity.

The referenced area plans have undergone extensive environmental review and were adopted and determined to be consistent with the General Plan.

The commenter's reference to a "proposal to adopt the 2004 Housing Element" is unclear. The purpose of the EIR for the 2004 Housing Element is to comply with the Peremptory Writ of Mandate. Completion of an EIR on the 2004 Housing Element does not constitute adoption or approval of any project.

Comment A-7

Amy Minteer, Chatten-Brown & Carstens

The DEIR Fails to Analyze the Housing Elements Consistency with Proposition M.

Planning Code section 101.1, commonly known as Proposition M, requires the City's master plan to be "an integrated, internally consistent and compatible statement of policies for San Francisco," and establishes the following Priority Policies which shall be included in the preamble to the master plan and shall be the basis upon which inconsistencies in the Master Plan are resolved:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
7. That landmarks and historic buildings be preserved; and,
8. That our parks and open space and their access to sunlight and vistas protected from development.

Subdivisions (c) and (d) of Proposition M prohibit the City from adopting any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the Priority Policies established above.

Subdivision (e) of said provision provides that prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action which requires a finding of consistency with the Master Plan, the City shall find that the proposed project or legislation is consistent with the Priority Policies established above, and that for any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan.

The DEIR fails to analyze whether the proposed changes set forth in 2004 and 2009 housing element policies and implementation actions are consistent with the priority policies set forth above.

Comment A-8

Amy Minteer, Chatten-Brown & Carstens

The 2004 and 2009 Housing Element policies which propose reduced protection for existing neighborhood character and open space and increased height limits significantly conflict with the priority principles which require that existing housing and neighborhood character be conserved and open space and access to sunlight and vistas be protected from development.

Comment A-9

Amy Minteer, Chatten-Brown & Carstens

The proposed project would significantly conflict with applicable priority land use policies and plans set forth above and have a substantial adverse impact upon the existing character of many areas and public vistas. The DEIR failed to analyze the conflicts between the proposed changes set forth in the 2004 and 2009 Housing Elements and the priority policies set forth in Proposition M and, thus, utterly fails as an informative document.

Comment A-10

Kathryn R. Devincenzi

Planning Code section 101.1, commonly known as Proposition M, requires the City's master plan to be "an integrated, internally consistent and compatible statement of policies for

San Francisco," and establishes the following Priority Policies which shall be included in the preamble to the master plan and shall be the basis upon which inconsistencies in the Master Plan

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development. and that future opportunities for resident employment and ownership in these sectors be enhanced;
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
7. That landmarks and historic buildings be preserved; and,
8. That our parks and open space and their access to sunlight and vistas be protected from development. ..

Subdivisions (c) and (d) of said provision prohibit the City from adopting any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the Priority Policies established above. Subdivision (e) of said provision provides that prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and

prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action which requires a finding of consistency with the Master Plan, the City shall find that the proposed project or legislation is consistent with the Priority Policies established above, and that for any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan.

The DEIR fails to analyze whether the proposed changes embodied in 2004 and 2009 housing element policies and implementation actions are consistent with the priority policies set forth above.

Comment A-11

Kathryn R. Devincenzi

The 2004 and 2009 Housing Element policies which propose reduced protection for existing neighborhood character and open space (respecting rather than maintaining existing neighborhood character) and encourage increased height limits significantly conflict with the priority policies which require that existing housing and neighborhood character be conserved and open space and access to sunlight and vistas be protected from development.

Comment A-12

Kathryn R. Devincenzi

Thus, the proposed projects would significantly conflict with applicable priority land use policies set forth above and have a substantial adverse impact upon aesthetics and the existing visual character of many areas and public vistas. The DEIR should have analyzed the 2004 and 2009 Housing Elements' conflicts with applicable Proposition M priority policies as a significant impact but unlawfully failed to do so. Since Proposition M priority policies requiring the conservation and protection of neighborhood character must be given priority over other less protective policies set forth in the 2004 and 2009 Housing Elements, the DEIR should have acknowledged that alternatives which would avoid this conflict with priority land use policies and maintain the character of established residential areas would avoid or lessen such significant impacts.

Response to A-7, A-8, A-9, A-10, A-11, and A-12

In response to the comments above, the following text has been added to page V.A-41 in Section V.A (Plans and Policies) of the Draft EIR.

> In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies are (1) preservation and enhancement of neighborhood-serving retail

uses (Section V.B); (2) protection of neighborhood character (Section V.B); (3) preservation and enhancement of affordable housing (Section V.D with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Section V.F); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Section V.B); (6) maximization of earthquake preparedness (Section V.O [Geology and Soils]); (7) landmark and historic building preservation (Section III.E [Cultural Resources and Paleontological Resources]); and (8) protection of open space (Section V.J [Shadows] and Section V.N).

Prior to issuing a permit for any project that requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the General Plan, Section 101.1 requires that the City find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the Project with the environmental topics associated with the Priority Policies is discussed in Chapter V (Environmental Setting, Impacts, and Mitigation Measures) of this EIR. The case report and approval motions for the Project would contain the Planning Department's comprehensive Project analysis and findings regarding consistency of the Project with the Priority Policies.

The comments above address the consistency of policies set forth by the 2004 and 2009 San Francisco Housing Elements with the Priority Policies pursuant to Proposition M, the Accountable Planning Initiative. Specifically, the commenters have addressed consistencies with Priority Policy (2) protection of neighborhood character and (8) protection of open space and access to sunlight and vistas. Section V.B (Land Use and Land Use Planning) of the Draft EIR discusses impacts to environmental topics associated with Priority Policy (2). Sections V.J and V.K (Wind and Shadow and Recreation, respectively) of the Draft EIR discuss impacts to environmental topics associated with Priority Policy (8). The 2004 and 2009 Housing Elements are not inconsistent with the Policies in Proposition M. Furthermore, analysis within each of the three Draft EIR sections mentioned above determined impacts of the 2004 and 2009 Housing Element on land use and visual character, open space, and vistas to be less than significant; therefore the Draft EIR and the Housing Elements have complied with applicable environmental provisions of Proposition M.

Comment A-13

Amy Minteer, Chatten-Brown & Carstens

In addition, the 2004 and 2009 Housing Element proposals to direct additional growth to neighborhood commercial areas conflicts with the priority policy which requires that existing neighborhood-serving retail uses be preserved, since the proposals would encourage demolition of existing low level structures and construction of taller, bulkier new structures that independent local businesses would not be able to afford to rent.

Comment A-14

Kathryn R. Devincenzi

In addition, the 2004 and 2009 Housing Element policies which direct additional growth to neighborhood commercial areas conflict with the priority policy which requires that existing neighborhood-serving retail uses be preserved, since the proposes would encourage demolition of existing low level structures and construction of taller, bulkier new structures that independent L local businesses would not be able to afford to rent.

Response to A-13 and A-14

The comments above address the merits of the project and the consistency of policies set forth by the 2004 and 2009 San Francisco Housing Elements with the Priority Policies pursuant to Proposition M, the Accountable Planning Initiative. Section V.B (Land Use and Land Use Planning) of the Draft EIR discusses environmental issues associated with the preservation of neighborhood-serving retail uses. As stated on page V.B-28, "Implementation of the proposed Housing Element would not directly result in changes to applicable height and bulk zoning districts or to allowable uses under the Planning Code." Furthermore, all environmental impacts analyzed within Section V.B of the Draft EIR were determined to be less than significant.

The commenter has not provided any evidence that the Housing Elements would encourage demolition of existing low-level structures in neighborhood commercial areas, or that taller or bulkier new structures would be built in their place or that resulting rents would be unaffordable to independent local businesses.

Any potential for Housing Element policies to result in conflicts with the Priority Policies will be considered in the context of deliberations regarding project approval or disapproval.

Additionally, it is speculative to assume that Housing Element policies that direct growth to Neighborhood Commercial areas would encourage demolition and new construction that would be too expensive for local businesses. Any such proposal to demolish and reconstruct a building would also be required to comply with Proposition M. Neither the 2004 nor 2009 Housing Elements encourages demolition (refer to Objectives 2 and 3 of the Housing Elements). Lastly, the 2009 Housing Element does not include objectives or policies, which recommend reduction or elimination of parking. Conversely, the only mention of parking in the 2009 Housing Element is in Policy 2.2, which prevents the removal or reduction of housing for parking.

Comment A-15

Amy Minteer, Chatten-Brown & Carstens

The 2004 and 2009 Housing Element policies encouraging construction of taller, denser structures with reduced or eliminated parking would encourage demolition of existing structures and thus conflict with the priority policies which require that the City's supply of affordable housing be preserved and that landmarks and historic buildings be preserved. Existing structures provide substantial affordable housing and highly attractive architectural styles such as Victorians which are historically significant in the urban environment.

Comment A-16

Kathryn R. Devincenzi

2004 and 2009 Housing Element policies which encourage construction of taller, bulkier, more dense structures with reduced or eliminated parking would encourage demolition of existing structures and thus conflict with the priority policies which require that the City's supply of affordable housing be preserved and that landmarks and historic buildings be preserved. Existing structures provide substantial relatively affordable housing and highly attractive architectural styles such as Victorians which are historically significant in the urban environment.

Response to A-15 and A-16

The comments above address the merits of the project and the consistency of policies set forth by the 2004 and 2009 San Francisco Housing Elements with the Priority Policies pursuant to Proposition M, the Accountable Planning Initiative. Section V.E (Cultural and Paleontological Resources) and Section V.C (Aesthetics) of the Draft EIR discuss environmental issues associated with the preservation of landmarks and historic buildings. All environmental impacts analyzed within the two sections mentioned above were found to be less than significant. Additionally, any proposed development project would also be required to make a finding of consistency with Proposition M. Further, both the 2004 and 2009 Housing Elements contain numerous policies directed at retaining existing housing units. Residential demolition activities are governed by Planning Code Section 317 and neither the 2004 nor 2009 Housing Element propose changes to the City's existing Planning Code.

The RHNA, determined by ABAG, outlines the share of projected population growth in various income categories that the City must accommodate. The RHNA determination includes production targets for housing to serve various household income categories including Extremely Low, Very Low, and Low household income levels. In order to comply with the RHNA the City must not only accommodate a total number of new housing units, but a specific number of new housing units within each income category. Additionally, the Housing Elements include policies addressing conservation of existing housing stock, and the City has multiple mechanisms to discourage demolition and preserve housing resources, such as Planning Code section 317 as discussed above. Accordingly, the policies established under the 2004 and 2009 Housing Elements would not be expected to reduce the stock of affordable housing and would not conflict with Priority Policy (3). For further discussion of impacts to affordable housing refer to Section 10 of this Comments and Responses document.

Comment A-17

Amy Minteer, Chatten-Brown & Carstens

The 2004 and 2009 Housing Element proposals to convert land currently used for industrial purposes to mixed use commercial and residential use conflict with the priority principle which requires that a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

Comment A-18

Kathryn R. Devincenzi

2004 and 2009 Housing Element policies encouraging conversion of land currently used for industrial purposes to mixed-use commercial and residential use conflict with the priority policy which requires that a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

Response to A-17 and A-18

The comments above address the consistency of policies set forth by the 2004 and 2009 San Francisco Housing Elements with the Priority Policies pursuant to Proposition M, the Accountable Planning Initiative and not the adequacy of the Draft EIR. The comment does not provide any evidence that the Housing Element would preclude preservation of the City's diverse economic base. Where rezoning has resulted in changes in land use from industrial to other uses, the issue has been evaluated in the relevant CEQA document (See Eastern Neighborhoods EIR[11]). Future specific changes in land use restrictions would likewise be reviewed under CEQA, and any assumption as to where those land use changes might occur would be speculative. Finally, the potential changes in land uses cited by the commenter are largely social impacts, not environmental impacts, and are not subject to CEQA review except as they relate to physical environmental impacts. Further, the 2009 Housing Element does not contain any policies that encourage conversion of land currently used for industrial purposes to

[11] The Eastern Neighborhoods Environmental Impact Report is available for public review as part of Planning Department Case File No. 2004.0610E at 1650 Mission Street, Suite 400 San Francisco, CA 94103.

mixed-use commercial or residential use. Nonetheless, Section V.B (Land Use and Land Use Planning) of the Draft EIR discusses environmental issues associated with the preservation of neighborhood-serving retail uses. As stated on page V.B-28, "Implementation of the proposed Housing Element would not directly result in changes to applicable height and bulk zoning districts or to allowable uses under the Planning Code." Therefore, the Draft EIR and Housing Element have complied with relevant policies of Proposition M.

B LAND USE AND LAND USE PLANNING

Comment B-1

Bernard Choden, San Francisco Tomorrow

In order for the housing program to conform to the holding capability of the city for its limited resources a "Quota Zoning" system of public priorities, bidding processes and public use criteria should be imposed on neighborhood regions of the city. The ability to build in such areas would be governed by each area's holding capacity for infrastructure and services. The incremental costs of providing specific holding capacity needs must be identified. Entry for developers would be by a bidding process. Since individual lot zoning would not be involved the process would be legal.

Surcharges should be imposed by the city on zoning density increases based upon the value of the development on the parcels. The derived revenue could then be allocated as a public benefit for making housing affordable or for mitigating associated cumulative community impacts. The legal basis for this proposal is that land, especially urban, is a "monopoly in space." Urban land is not a "free market" commodity that can be bought and sold nor was that intention of the Supreme Court in creating the Health, Safety and Welfare basis for zoning in America. Land is an inelastic commodity that in urban, areas, by Common Law, is considered "public goods." Its use then can be prioritized and directed for the common good. Further, this proposal has the virtue of reducing the prospects for land speculation. This discussion calls for removal of the DEIR recommendation for zoning bonuses. Such bonuses has a regressive cost implication for the support of housing and, further, has no indicated process for the developers' profit to be retrieved for the creation, of affordability of housing.

Response to B-1

The Draft EIR does not recommend changes to zoning that would allow for bonuses in addition to those currently allowed by the Planning Code. There are 2004 Housing Element policies that include discussion regarding density bonuses; however, there is no

mention of density bonuses in the 2009 Housing Element. These bonuses are already allowed for senior and affordable housing units and therefore do not represent a shift in housing policy. The purpose of the Draft EIR is to provide information about the environmental impacts of the 2004 and 2009 Housing Elements. Proposals for additional policies should be addressed to the decision-makers. The Draft EIR is based on the existing policy language included in the Housing Elements.

To the extent that the commenters proposal for "quota zoning" is a mitigation measure, it is unclear what type of impact the measure would be mitigating. The Draft EIR found that the environmental impacts of the changes in the 2004 and the 2009 Housing Elements would be less than significant, except for the impact on transit and noise (which has been determined to be less than significant with mitigation).

Comment B-2

Rose Hillson, Member, Jordan JPIA

Page V.S-8: "According to Part I of the 2009 Housing Element (Data and Needs Analysis), the City has available capacity to meet the RHNA. Therefore, the rezoning of land uses is not required."

In reality, projects have come before the Planning Commission asking for variances on existing zoning to that of a higher density zoning. Some of this is called "spot zoning."

The fact that the Housing Element encourages development of higher density housing would lead developers to think that they would have to build structures with increased bulk and height. Under the current definitions of some lots, that may mean that before developers can build on those lots with lower density designation, the Planning Department would have to change the zoning to one for more units.

Response to B-2

Generally, under State Housing Element Law, if a city or county does not have adequate capacity under existing zoning to meet the RHNA, the city or county must, within three years of adoption of the housing element, rezone property to accommodate the RHNA. The Housing Elements (and the Draft EIR) concluded that the RHNA could be accommodated within the City's existing zoning. It is speculative to presume that

developers would seek exceptions to existing density regulations or existing zoning controls due to the changes in the Housing Element, or where such exemptions would be sought. Any such rezoning and any development proposal in general would be required to undergo environmental review pursuant to CEQA.

Comment B-3

Timothy Doherty, Bay Conservation and Development Commission

In describing the Federal Regulatory setting on page V.B-22 it should be noted that there are two state agencies, the San Francisco Bay Conservation and Development Commission and the California Coastal Commission, that administer the Coastal Zone Management Act.

Response to B-3

In response to this comment, the following text changes have been added on page V.B-22 of the Draft EIR.

> Under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), local projects that affect the Coastal Zone and use federal funding or require federal approval must, to the greatest extent practicable, be consistent with the San Francisco Bay Conservation and Development Commission~~'s~~ and the California Coastal Commission's management program.

Comment B-4

Timothy Doherty, Bay Conservation and Development Commission

On page V.B-25, the DEIR refers to BCDC's 2007 Strategic Plan which has been replaced by the 2010 Strategic Plan. This document can be found on the BCDC website (www.bcdc.ca.gov) under the "Publications" link.

Response to B-4

In response to this comment, the following text has been changed on page V.B-25 of the Draft EIR.

> In ~~2007~~ 2010, BCDC adopted an updated strategic plan containing objectives including maintaining an active enforcement program, supporting environmental justice, and recognizing the importance of the Bay in promoting the region's economy.

C AESTHETICS

Comment C-1

Rose Hillson, Member, JPIA

Page V.C-3: First full paragraph talks about panoramic views and dramatic inclines. Please mention Lone Mountain and University of San Francisco areas as significant incline and view areas. Prominent viewsheds also include Laurel Heights at Laurel and Euclid, Masonic at Geary and Presidio at Geary.

Response to C-1

Page V.C-3 (Aesthetics) of the Draft EIR states, "Various other dramatic inclines include Telegraph Hill, Sunset Heights and Potrero Hill." The dramatic inclines given are not intended to be an exhaustive list, but rather as examples for informational purposes and to discuss the environmental setting in which the analysis was conducted. The list in the Draft EIR is based on points specifically identified in the Urban Design Element of the General Plan. The exclusion of specific panoramic views and dramatic inclines from the sentence presented above does not change or compromise the analysis of aesthetics in the Draft EIR. See also Response to C-3 on page C&R-132.

Comment C-2

Rose Hillson, Member, Jordan JPIA

When talking about the western areas of the City, including the Richmond and Sunset neighborhoods, mention is made of buildings that range from traditional to modern and from "early twentieth century to contemporary styles." This is erroneous because there are also 19th century buildings in these areas and should be noted.

Response to C-2

In response to the comment, the following text change has been made on page V.C-3 (Aesthetics) of the Draft EIR.

> The western areas of the City, including the Richmond and Sunset neighborhoods, are characterized by a variety of building styles and massing, ranging from traditional to modern and from ~~early twentieth~~ late nineteenth century to contemporary styles.

Comment C-3

Rose Hillson, Member, Jordan JPIA

Page V.C-4 refers to streets important to the perception of the City and for their quality of views. Please refer to No. 30, above, for streets not included in this description and also for the map, figure V.C-1 "Street Areas Important to the Perception of the City." I cannot tell from the map if Mount Sutro and all the streets that can see it are on the map. I cannot tell from the map if Lone Mountain and USF and its views from all the streets that see it are on the map.

If the DEIR does not make mention of these prominent western inclines and view areas, how can the 2004 and 2009 DEIR be certified? It has left these out.

Response to C-3

The third paragraph on page V.C-4 (Aesthetics) under the Environmental Setting of the Draft EIR describes street areas important to the perception of the City and streets important for their quality of views as identified in the Urban Design Element of the General Plan. While several streets of visual importance are given, the discussion is not intended to be an exhaustive list. The Draft EIR summarizes this information which, as an adopted General Plan Element, serves as a basis for determining the significance of visual impacts.

Figure V.C-1 (Aesthetics), "Streets Areas Important to the Perception of the City," identifies both Geary Boulevard at Masonic Avenue and Geary Boulevard at Presidio Avenue as "important street views for orientation." Although undisturbed views may be inhibited by the surrounding buildings, Laurel Heights is within close proximity to these identified streets.

Although Mount Sutro is not explicitly identified in Figure V.C-1 (Aesthetics), the last paragraph of page V.C-3 (Aesthetics) states, "The areas of the City within the elevated topography of Twin Peaks including Mt. Sutro… are typically provided with panoramic views of the City." Therefore, the visual importance of Mount Sutro is specifically addressed in the discussion of prominent views within the City.

Comment C-4

Rose Hillson, Member, Jordan JPIA

In general, the 2009 HE will impact scenic vistas because it will allow more density via two avenues:

a.) increased density if the project is for affordable housing

b.) increased density if the project is approved through community planning process

The problem with these two ideas is that each little portion of a neighborhood is different and making the blanket statement that a project that is for affordable housing makes it OK to densify and affect scenic vistas and neighborhood residential character is a significant effect.

Response to C-4

As stated throughout the Draft EIR, the policies contained in the 2009 Housing Element would not directly result in new development and thus would not directly increase density or otherwise amend Planning Code provisions which impact density. There are policies in the 2009 Housing Element that encourage affordable housing, which could indirectly lead to increases in existing surrounding density. However, without any specific development proposals, drawing conclusions as to how this would affect scenic resources is speculative. Specific projects would be required to undergo environmental review.

The Draft EIR indicates that any area-wide increases in allowable density would be considered in a separate community planning process, and that such increases would not result from the changes in the Housing Element. Policy 1.6 in the 2009 Housing Element states "consider greater flexibility in number and size of units within established buildings envelopes in community plan areas, especially if it can increase the number of affordable units in multi-family structures." The parameters of the community planning process are further laid out in 2009 Housing Element Policy 1.4 and state that the process must look at each neighborhood individually and occur with neighborhood support. The policies do not state that affordable housing makes increases in density or that impacts to scenic vistas and neighborhood character would be more

likely. The commenter is mistaken in concluding that the Housing Element project allows for increased density beyond allowable zoning.

Comment C-5

Rose Hillson, Member, Jordan JPIA

Although on **Page V.C-21** it states that the 2009 HE policies would not be anticipated to promote development to the maximum building envelope, when compared with the 1990 Residence Element it will because of the definition of "neighborhood" and the "community planning processes." To which specific processes are we referring?

Response to C-5

The intent of the 2009 Housing Element Policy 1.4, which discusses the community planning process, is to ensure significant land use changes are done through a collaborative process with the neighborhood and the City. This is discussed in detail in the 2009 Housing Element and further discussed in the corresponding Implementation Measures, provided in Appendix C of the 2009 Housing Element.

As discussed in the 2009 Housing Element, this collaborative process is specifically referring to community plans, neighborhood specific design guidelines, infrastructure plans, and historic resources surveys, as appropriate. The 2009 Housing Element also details the outreach and environmental review that must be conducted as part of any process. Finally, the discussion on page V.C-21 (Aesthetics) of the Draft EIR concludes that the 1990 Residence Element supports increased density more broadly throughout the City than would the 2009 Housing Element.

Comment C-6

Rose Hillson, Member, Jordan JPIA

Page V.H-37: The DEIR states, "Although the 2009 HE would not result in the construction of residential units, it would shape how new residential development should occur and ensure that there is adequate land available to meet future housing needs." The HE itself would not result in the construction, but it will influence strongly where and what kinds of housing is put in the City. In that regard, it has a major impact on the outcome of the design and makeup and character of the City going forward.

Response to C-6

This comment addresses the merits of the project. It is speculative to assume that the changes in the Housing Elements objective and policies would have a "major impact on the outcome of the design and makeup and character" of San Francisco. As reported on page V.D-2 (Population and Housing) of the Draft EIR, San Francisco currently has 365,050 housing units; the Housing Element is intended to encourage the City's achievement of the RHNA goal for development of an additional 31,193 residential units by 2014. This goal represents approximately 8.4 percent of San Francisco's current housing supply. These units would largely be accommodated in multifamily residential buildings and/or in areas of the City that have undergone or are currently in the process of planning efforts. Therefore, it is not expected that the Housing Element itself would result in substantial changes to San Francisco's physical character in established areas of the City outside of these Planning areas.

The potential visual and aesthetic effects of the Housing Elements are addressed in Section V.C (Aesthetics) of the Draft EIR. The analysis concluded that both Housing Elements could have an impact on the visual character of individual areas by encouraging taller denser residential development. Relative to the 1990 Residence Element, impacts on visual character were not considered significant because no changes in land use controls are proposed and any policy calling for taller denser buildings would also be required to be consistent both the 2004 and 2009 Housing Elements policies that would require new buildings to respect existing neighborhood character (pages V.C-26 through V.C-28), which includes aspects of height and density. Moreover, the EIR analysis concluded that the 2009 Housing Element would not encourage increased density any more than the 1990 Residence Element encourages density. Because neither Housing Element addresses issues related to residential design, the Draft EIR did not analyze design-related impacts (which are not required under CEQA) and the Residential Design Guidelines would continue to control new residential development.

Comment C-7

Amy Minteer, Chatten-Brown & Carstens

The DEIR's Analysis of Aesthetics Impacts is Flawed.

The DEIR acknowledges the beauty of the City, enhanced by its natural surroundings, unique topography, and the individual character of its neighborhoods. The document even deems views from San Francisco's sidewalks to be sensitive and important. (DEIR p. V.C-3.) Even so, the proposed 2004 and 2009 Housing Elements will likely have significant impacts on neighborhood character and aesthetics because they would encourage the construction of taller and bulkier buildings, the provision of less parking, and relaxed design consistency standards. These adverse impacts include the blocking of scenic views due to the construction of tall and massive buildings in sensitive areas; reduction of neighborhood character resulting from the construction of new structures of discordant height, bulk, or architecture, the reduction of building setbacks, or the reduction of private open space; visual impacts due to vehicles parking on sidewalks; and the loss of architectural quality and historically significant structures caused by incentives to tear down older, less dense structures. (See Attachment 9, Statement of planning expert David Golick, 8 AR 1923-1928, 1919-1920, 2290.)

Response to C-7

Adoption of the Housing Elements would not directly result in construction of taller buildings or reduction of parking standards. There are no policies in either the 2004 or 2009 Housing Element that promote taller and bulkier buildings, the provision of less parking, or relaxed design consistency standards beyond those currently allowed by the Planning Code. Both Housing Elements support the mandatory use of the City's Residential Design Guidelines, and promote the creation and use of neighborhood-specific Design Guidelines. Future development will also be subject to CEQA review. As discussed on page V.C-17 (Aesthetics) of the Draft EIR, it is acknowledged that increases in density could affect a scenic vista, but also lists policies that would serve to reduce such impacts, such that remaining impacts would be less than significant. Finally, as discussed on page V.C-23 (Aesthetics) of the Draft EIR, future development would be required to comply with General Plan policies and other Housing Element policies that would ensure impacts resulting from implementation of the Housing Elements would remain less than significant.

Comment C-8

Amy Minteer, Chatten-Brown & Carstens

Scenic views, vistas, and neighborhood character within the City of San Francisco are protected by the Urban Design Element of the General Plan. The Urban Design Element protects these resources by emphasizing building forms that improve the integrity of open spaces (Policy 3.4); relating the height of buildings to the height of existing development (Policy 3.5); and relating the bulk of buildings to the prevailing scale of development to avoid overwhelming or dominating appearances (Policy 3.6). Unfortunately, policies of the 2004 and 2009 Housing Elements that encourage development of the full building envelope, increasing height and massing, reducing open space, and relaxation of neighborhood design standards conflict with the Urban Design Element.

Response to C-8

The commenter has not identified specific policies in the 2004 or 2009 Housing Elements that would result in adverse effects on scenic views and neighborhood character. The policies in the 2004 Housing Element that encourage increased density are primarily related to promoting affordable housing. The 2009 Housing Element does not include any policies that would increase height and bulk designations beyond those currently allowed by planning and zoning codes. The 2004 Housing Element does, however, include implementation measures which propose increasing height limits, eliminating density requirements and modifying off-street parking requirements in the Transbay/Rincon Hill redevelopment survey areas and the Mid-Market redevelopment survey area. Environmental review documents have been prepared to analyze the specific planning and zoning changes proposed under those plans, and the commenter is referred to Planning Department Case File Nos. 2000.1081E (Rincon Hill Plan EIR) and 2002.0805E (Mid-Market Redevelopment Plan).[12] One objective of both Housing Elements is to provide housing to a variety of income levels. In some cases, provision of affordable housing involves increases to density or modifications of controls that impact density. However, the Housing Element itself does not directly result in increased density. Future development projects as well as previously evaluated Area Plan EIRs are

[12] The case files for the Transbay/Rincon Hill Plan and the Mid-Market Redevelopment Plan are available at the Planning Department at 1650 Mission Street, Suite 400, San Francisco, CA 94103.

required to evaluate their consistency with relevant General Plan policies. Ultimately, the City cannot approve a project that is inconsistent with the City's General Plan. However, both the 2004 and the 2009 Housing Element are not fundamentally inconsistent with the Urban Design Element. The Urban Design Element develops the parameters for height and bulk in the City and zoning is developed to be consistent with that Element. Thus, projects that are developed to existing zoning limits are consistent with the Urban Design Element. Lastly, as discussed throughout the Draft EIR, the Housing Elements do not affect height and bulk. Each specific development would be evaluated against the relevant General Plan element when undergoing project-level review.

Comment C-9

Amy Minteer, Chatten-Brown & Carstens

Despite this fundamental inconsistency, the DEIR determines that neither the 2004 nor the 2009 Housing Element would have significant impacts on aesthetics. The aesthetics analysis arrives at this incorrect conclusion because the Housing Elements will not themselves relax height and density restrictions. (See, DEIR p. V.C-18, V.C-23, V.C-26.) The DEIR's justification, however, flies in the face of the Court of Appeal decision that mandated preparation of this EIR. That decision held that an EIR was required for the 2004 Housing Element because, "Although it may be technically true that the Housing Element is not linked to any specific rezoning, ordinance changes, or future development…it is not a vague policy document, completely unconnected to future development or potential physical changes to the environment." (San Franciscans for Livable Neighborhoods v. City and County of San Francisco, 2007 WL 1793881 at *6.) On these same grounds, the court rejected the initial study, which repeatedly emphasized that the "Housing Element 'alone' will not produce new housing" so impacts need not be considered. (Id. at *11.) As both the Court and the City recognize, the Housing Element will be the foundation for future area plans that may relax height and density restrictions and increase building heights and bulk. Thus, contrary to the DEIR's conclusion, the Housing Element will likely result in increases in building height and bulk, increasing the potential for significant aesthetic impacts.

Comment C-10

Amy Minteer, Chatten-Brown & Carstens

Impacts to Scenic Views Would be Significant.

Since the analysis concludes that no aesthetic impacts will occur, it finds impacts to scenic views and visual resources to be minimal. The DEIR's conclusion is undermined by statements in the DEIR that admit to the potential for such impacts. The DEIR acknowledges that development under the proposed Housing Elements could result in impacts to scenic vistas "if it would be developed in a manner that obstructs views [of] a scenic vista from a public area or introduces a visual element that would dominate or unset the quality of a view." (DEIR p. V.C-11.) Specifically, the 2004 Housing Element, "could…result in development to the maximum allowable height and bulk limits, resulting in taller and bulkier buildings that could result in an adverse effect on a scenic vista" (DEIR p. V.C-12) and the 2009 Housing Element "could result in an adverse effect on a scenic vista by encouraging development of properties in emphasized locations to maximum building envelopes." (DEIR p. V.C-19.)

The likelihood of such impacts of either Housing Element is increased because 13 percent of the City's new housing capacity is in areas where development of increased height or bulk could block protected views. (DEIR p. V.C-12.) An additional 10 percent of this housing capacity is located downtown, where taller or bulkier growth will alter an internationally-recognized skyline.

The DEIR further claims that the 2004 and 2009 Housing Elements will not affect aesthetics because the General Plan's maximum building heights, provided in the Urban Design Element, will not change. However, even if the General Plan already allows higher maximum building heights than existing area or specific plans, these maximum heights have not yet been reached. For analysis under CEQA, impacts must be measured in relation to the existing baseline – in this case, the existing building heights in the area – not in relation to a maximum height that has never been reached in the area. (Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Cal.4th 310, 316.) Moreover, the 2004 Housing Element specifically proposes to increase building heights in Implementation Measure 1.6.2: "The Planning Department and Redevelopment Agency will propose increasing height limits, eliminating density requirements, and modifying off-street parking requirements in Transbay/Rincon Hill."

Response to C-9 and C-10

The 2004 and 2009 Housing Element EIR acknowledges that implementation of policies may result in increased density (see page V.C-16 through V.C-17 of the Draft EIR for the 2004 Housing Element and page V.C-21 for the 2009 Housing Element) and fully considers whether this would result in significant environmental impacts. The rationale

for the conclusion in the EIR is not merely based on the fact that the Housing Element itself does not directly result in rezoning and future development. Rather, the EIR considers all relevant policies, taken as a whole, to determine potential impacts. In the case of the 2004 Housing Element, there are several policies that mitigate potential aesthetic impacts that could result from policies related to density (see pages V.C-17 through V.C-18 of the Draft EIR). Similarly, the 2009 Housing Element, while it does not encourage density to a greater extent than the 1990 Residence Element, also contains policies that encourage retention of existing housing and maintaining existing neighborhood character (see page V.C-23 of the Draft EIR). This, combined with future compliance with other General Plan Elements (such as the Urban Design Element) or other City regulations such as the Residential Design Guidelines, results in a less-than-significant impact.

With respect to analyzing the project against the baseline, the Draft EIR does consider impacts against the existing setting or baseline. This is discussed on pages V.C-16 and V.C-17 (Aesthetics) of the Draft EIR (2004 Housing Element). The Draft EIR conclusion that the project would not result in significant impacts because it would not change building heights beyond what is already in place with existing zoning is only one of several justifications as to why the impact of the 2004 and 2009 Housing Elements on scenic resources is less than significant. Although the maximum buildout in many parts of the City has not been reached, the full buildout has been fully analyzed in the corresponding CEQA documents for the affected plan areas. In terms of the Rincon Hill and Transbay Terminal examples given in the Draft EIR on page V.C-17 (Aesthetics), the document further states that those EIRs appropriately evaluated the increases in building heights. Please note no other areas are specifically proposed as areas in which to increase building heights. This issue has been fully addressed in the respective EIRs and Implementation Measure 1.6.2 would not result in any previously unevaluated impacts.

Comment C-11

Amy Minteer, Chatten-Brown & Carstens

The DEIR's claim that policies designed to encourage preservation of existing units and promotion of existing neighborhood scale will counteract pressures to increase height and density to the detriment of views (DEIR p. V.C-21) is just as suspect. Density bonuses and policies that encourage increased heights, densities, and numbers of units provide incentives to demolish, rather than retain, smaller existing buildings. Also, Policy 11.4 of the 2009 Housing Element removes the prior requirement that new buildings or renovations be compatible with neighborhood scale. (DEIR p. V.C-20.) The requirement of compatibility with neighborhood character is retained, but "character" does not relate to height and mass the way that "scale" does. The DEIR also incorrectly claims that impacts will not be significant because the 1990 Residence Element promoted density on a broader scale than the 2009 Housing Element. However, Implementation Measure 79 removes the density compatibility component found in corresponding 1990 Residence Element Implementation Measure 2.2.1. (DEIR p. V.C-21.) Thus, this claim is not borne out by the analysis of the DEIR. The DEIR's analysis more adequately supports a conclusion that impacts on views will be significant.

Response to C-11

The Draft EIR relies on several factors to conclude that impacts related to aesthetics are less than significant, including the fact that policies relating to housing retention would counterbalance policies that encourage density. As explained in the Draft EIR, the Housing Elements themselves do not amend any controls on density or other regulations that impact density. It has not been demonstrated that significant environmental impacts would occur if an individual project of greater scale and/or density than surrounding properties were proposed. Conversely, proposed increases in scale or density in buildings on individual parcels would not be considered substantial adverse impacts unless those changes in scale and density would result in physical impacts. Also, future development, either on an individual or plan basis, must undergo CEQA review, at which time, impacts from increased heights, if they are proposed, would be fully analyzed. Policy 11.4 of the 2009 Housing Element does not remove the prior requirements that new buildings or renovations be compatible with neighborhood scale, the change involved replacing the word "set" with the word "maintain" in order to recognize that residential areas already have allowable densities. This change was

requested by participants of the 2009 Housing Element process. For further discussion, refer to Responses to C-9 and C-10 on page C&R-139.

Comment C-12

Amy Minteer, Chatten-Brown & Carstens

In order to comply with CEQA, the DEIR should be revised to include view simulations, depicting buildings constructed to maximum general plan heights, from the key viewpoints identified in the DEIR (DEIR Fig. V.C-2), and especially those viewpoints identified in the DEIR as vulnerable: Telegraph Hill, Russian Hill, Pacific Heights, Buena Vista, and Dolores Heights.

Response to C-12

There is no evidence to suggest that implementation of the Housing Elements would result in buildout of the City to maximum height limits, or would result in specific residential development. Inclusion of visual simulations showing these conditions would be highly speculative. As discussed previously, the Housing Elements would not result in changes to height or bulk districts. Actual building heights and bulks would be influenced not only by Planning Code height and bulk requirements, but also by other Planning Code requirements for open space, setbacks, and the residential design guidelines. For example, although maximum heights in a residential area may be 40 feet, the City's Residential Design Guidelines also require consideration of building setbacks above the ground floor to maintain compatibility with neighborhood scale and form. Design guidelines and other Planning Code requirements would influence continue building scale and neighborhood compatibility. Preparation of view simulations in absence of specific development proposals or changes to development standards would be speculative.

Comment C-13

Amy Minteer, Chatten-Brown & Carstens

Visual Resources and Neighborhood Character.

The DEIR's analysis of visual resources and impacts on neighborhood character is similarly deficient. The aesthetics analysis states, "much of the City is characterized by unique residential neighborhoods, which each exhibit their own distinctive visual character." (DEIR p. V.C-1.) It

also understands that, "Buildings and structures can also be considered visual resources within the City. They can reflect the character of districts and centers for activity, provide reference points for orientation, and add to topography and views." (DEIR p. V.C-2.)

These unique neighborhoods and other visual resources may be significantly impacted by policies of the 2004 and 2009 Housing Elements that relax neighborhood consistency and that could encourage the demolition of housing units. Architectural quality may decrease and the presence of discordant development may increase, exacerbated by policies that encourage increases in building height and bulk, reduced setbacks, and diminished private open space. Policies that encourage taller buildings may turn neighborhoods into sterile, high-walled canyons. These impacts will be greatest in areas of the City with a defined architectural character, such as Japantown.

Response to C-13

The commenter mischaracterizes the 2004 and 2009 Housing Elements. The Housing Elements do not relax standards for neighborhood consistency or encourage demolition of historic resources. On the contrary, the 2004 Housing Elements includes Policy 3.6 which calls for preservation of "landmark and historic residential buildings." Similar to the discussion related to scenic vistas, there are several factors that contribute to the conclusion that impacts from changes to the policies of the Housing Element on neighborhood character are less than significant. The Draft EIR acknowledges that increases in density could result in visual or neighborhood character impacts. However, the Draft EIR also relies on the fact that any proposed new development would be required to adhere to other General Plan Element policies and other requirements of the Planning Code and design review process, such as residential design guidelines, Section 317 of the Planning Code which discourages demolition of residential units, and Historic Preservation Bulletins Nos. 1-21. Furthermore, future environmental review is required of development proposals.

There is no evidence that implementation of Housing Element policies would reduce architectural quality throughout the City or otherwise result in the physical conditions described in the comment. The Planning Department has well developed design review procedures, and where necessary, future projects may be brought before the design review team for input.

Comment C-14

Amy Minteer, Chatten-Brown & Carstens

Neighborhood compatibility could be further impacted by housing element policies that encourage residential development in areas of the City currently dominated by commercial and industrial uses. (2004 Housing Element Policy 1.1 and Implementation Measures 1.3.2, 2.4.2.) New residential uses could be incompatible with existing commercial and industrial uses.

Response to C-14

Impacts associated with 2004 Housing Element Policy 1.1 and Implementation Measures 1.3.2 and 2.4.2 are discussed in Section V.B (Land Use and Land Use Planning) on page V.B-47.

Comment C-15

Amy Minteer, Chatten-Brown & Carstens

The DEIR also fails to assess any adverse visual impacts that may result from the Housing Elements' policies that allow reduced parking requirements. Cars that are unable to locate parking may park on sidewalks and block driveways, creating visual blight.

Response to C-15

Any analysis of aesthetic impacts associated with illegal activity such as parking on sidewalks and driveways would be speculative. There is no evidence that sidewalk parking would occur as a result of reduced parking requirements. The Department of Parking and Traffic enforces requirements regarding sidewalk parking and no aspect of the Housing Elements would preclude continued enforcement. Moreover, sidewalk parking is a temporary activity that would not result in a significant impact.

Comment C-16

Amy Minteer, Chatten-Brown & Carstens

The DEIR also fails to assess the shade and shadow impacts of larger buildings on the visual quality of the street itself. Although the DEIR does address impacts on outdoor recreation facilities (II-13), public street views are just as important in San Francisco. As visual quality will be reduced if the amount of light reaching the streets is reduced, the EIR must address this impact.

Response to C-16

The Draft EIR identifies street areas important to the perception of the City (Page V.C-5 [Aesthetics]). Shade and Shadow impacts are addressed in Section V.J (Wind and Shadow) of this Draft EIR. Planning Code Section 146(a) and 146(c) discussed on page V.J-6 of the Draft EIR regulate shadow effects in areas other than recreation facilities. Compliance with these regulations would help ensure shadow impacts would be less than significant. Shadow Impacts are also discussed under Impact WS-2 on page V.J-26 through V.J-28 (Wind and Shadow) of the Draft EIR. There is no evidence that any incremental increases in shadow on public streets would substantially degrade visual quality such that significant visual impacts would occur.

Comment C-17

Kathryn R. Devincenzi

With respect to the 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," the March 23, 2004 statement by expert David Golick explained that such proposed zoning changes could result in 50-foot tall buildings in neighborhood commercial areas, and such new construction could disrupt and divide the existing predominantly 1-2 story neighborhood commercial areas and would be incompatible with prevailing neighborhood scale and character. (8 AR 1923-1928, 1919-1920) Thus, existing structures in neighborhood commercial areas are lower than the current 40-foot height limit that applies to most such areas.

Even though the DEIR acknowledged that the 2004 Housing Element sought to encourage development in neighborhood commercial areas, it failed to analyze the direction of development to neighborhood commercial areas as having a significant impact on visual quality, aesthetics and traffic conditions and as significantly conflicting with priority policies.

Comment C-18

Amy Minteer, Chatten-Brown & Carstens

In addition, the Court specifically enjoined the proposed implementation of proposed 2004 New Policy 1.2 "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.' " As explained in the March 23, 2004 statement by planning expert David Golick

such proposed zoning changes could result in 50-foot tall buildings in neighborhood commercial areas, and such new construction could disrupt and divide the existing predominantly 1-2 story neighborhood commercial areas and would be incompatible with prevailing neighborhood scale and character. (Attachment 9, Statement by David Golick.) Thus, existing structures in neighborhood commercial areas are lower than the current 40-foot height limit that applies to most such areas.

Response to C-17 and C-18

Aesthetic-related impacts associated with 2004 Housing Element Policy 1.1 (which addresses density in neighborhood commercial districts) are discussed on page V.C-17 (Aesthetics) of the Draft EIR. Additionally, the proposed 2009 Housing Element does not propose additional NC-T zoning districts. Also refer to Response to C-8 and C-12 on page C&R-137 and C&R-142, respectively, which discuss other Planning Code requirements and the residential guidelines that influence building scale and form and are intended to ensure that new development is compatible with the surrounding neighborhood. The above comments do not address the adequacy of the Draft EIR and no further response is required.

D POPULATION AND HOUSING

Comment D-1

Rose Hillson, Member, Jordan JPIA

Page V.D-19: The DEIR states that the land in the City is a "finite supply." Yet the HE proposes to keep building more units. In the historically high-density commercial sections such as in Downtown, perhaps it is appropriate, but not in the long-standing neighborhoods with unique character. So the 2004 HE and the 2009 HE cannot ensure that there is adequate land available to meet future housing needs. SF is only about 49 square miles in total so the burden of the additional housing should be on some of the other nearby cities as well.

Response to D-1

As noted in the Draft EIR, San Francisco does not have the ability to expand beyond its current borders, and therefore has a finite supply of land. The additional housing capacity is based on the allowable zoning and the additional units that could be developed under existing and adopted zoning controls. It is important to note that the RHNA numbers are developed by ABAG, and all jurisdictions are allocated their "fair

share" of housing units. Based on this analysis, the Housing Element found that the City has adequate capacity to meet its RHNA under existing zoning and therefore would not need to rezone new land to accommodate the RHNA.

If the City did not have adequate capacity to accommodate the RHNA under existing zoning, the City would be required to rezone land with minimum density and development standards within three years, under Government Code section 65583.

Comment D-2

Rose Hillson, Member, Jordan JPIA

Page V.D-28: Although the DEIR states that the 2004 HE "contains policies that promote the preservation of existing housing units" and has "policies that are intended to mitigate the impacts of displaced individuals by providing relocation services and the right of first refusal to occupy replacement units." Tenants who have had rent-controlled units and are paying below market-rate rent, even if given funds to relocate, usually do not have the down payment on the new unit (if condominiumized) or enough funds to move back into the new unit at market rate and so are actually displaced. Then these new units have tenants that are not paying rent-controlled price rents and then the City needs to build more housing for the lower spectrum people and the cycle goes on so that there is never enough housing to accommodate the State requirements. So the "Impact PH-3: The proposed Housing Elements would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere" is 1) very general in nature, 2) does not define "substantial," and 3) not true; otherwise, this City would already have enough low- or extremely-low income housing. Although landlords are supposed to report when a tenant has been evicted for such purposes, this may not be happening and a new policy needs to be in place to ensure that deals behind the scenes are not occurring so the City is not always under pressure to build units for these displaced people. What data is provided for the tenants that have been displaced to support the "Impact PH-3" statement?

Response to D-2

The premise of the conclusions of Impact PH-3 on page V.D-28 (Population and Housing) of the Draft EIR is that the Housing Element is intended to provide housing, not remove housing. Based on the fundamental objective of the Housing Element to ensure adequate housing is available for San Francisco's residents, no displacement of existing tenants is anticipated. Further, condominium conversions are required to comply with San Francisco Subdivision Code Section 1302(c)(2), which seeks to prevent

displacement. As stated on page V.D-28 of the Draft EIR, "the 2009 Housing Element contains policies that explicitly state that in many cases where housing is being upgraded, those upgrades must not result in the displacement of existing tenants (See 2009 Housing Element Policies 3.2, 7.6)." Additionally, as described on page V.D-28 (Population and Housing) of the Draft EIR, "the 2004 Housing Element does not contain policies that explicitly prohibit the displacement of tenants. Rather, the 2004 Housing Element contains policies that are intended to mitigate the impacts of displaced individuals by providing relocation services and the right of first refusal to occupy replacement units." However, any displacement of existing tenants would not be at a scale large enough to require the construction of new housing which would result in significant impacts. Therefore, impacts on population and housing were determined to be less than significant.

Comment D-3

Hiroshi Fukuda, Richmond Community Association

The number of housing units needed by 2030 is reported to be 52,061 units.

The new jobs created from 2010 to 2030 is expected to be 140,060.

The population increase from 2010 to 2020 will be over 106,000.

Much of the growth of jobs will be for low to medium skilled workers, with salaries of $17,900-$22,800. The new job seekers will discover that only 15% of the new housing units will be affordable; 85% of the new housing units will be market rate which is affordable to only 10% of San Francisco residents. Most importantly, very little rental housing is expected to be produced.

Response to D-3

The City is required to provide a Housing Element that addresses the City's ability to meet the RHNA. The RHNA is based on ABAG projections, which incorporate employment and economic data. Housing Element policies are required to support development of housing at all income levels. Both the 2004 and 2009 Housing Element contain policies related to the provision of affordable housing. These include, but are not limited to, 2004 Housing Element policies 1.1, 1.2, 1.6, 4.4, and 4.5 as well as 2009

Housing Element policies 1.3, 1.5, 1.6, 1.8, and 7.5. The comment does not address the adequacy of the Draft EIR and no further response is required.

Comment D-4

M K Venkatachari

The methodology that appears to have been consistently applied for population growth estimates and for at least some of the impacts seem to rest on an earlier estimates done for the way-out years of 2030 or 2025 (Estimate Year) over a base line year such as the year 2005 or 2010. In each case, the average increase per year between the base year and the Estimate Year (2025 or 2030) has been used to figure the value for any year falling between the base year and estimate year assuming a linear growth. For example, for any calendar year, A, between 2005 and 2025, its relevant value has been estimated as follows: (Value for 2005) + (A-2005) x (Average yearly growth between 2005 and 2025).

The question is this: what are the justifications for assuming that (a) an estimate made now for Estimate Year that could be as far as 20 years into future would be more accurate than one undertaken for the year in question directly? (b) what are the justifications for assuming that the increase would be linear over the entire period up to the Estimate Year? Please see my reference below on completion of phase I of Parkmerced Expansion.

Response to D-4

The Planning Department provided data on population trends and projections (Appendix I of the Draft EIR). These population projections were used as the basis for analysis of growth projections for the Draft EIR. Population trends and projections were provided for year 2000, 2005, and 2030. A linear regression between years 2005 and 2030 were used to obtain current year population estimates (years 2009 and 2010), and projections in five year increment, as no growth projections are provided for those years. Although a linear regression analysis was used for the 2009-2025 growth estimates, the 2030 growth estimate closely matches ABAG growth projections for San Francisco which are intended to reflect the anticipate population changes within the region and within San Francisco. Other data may be available for years 2009-2025, however, this data may not be consistent with the City's population projections. Therefore, a linear relationship was assumed for the intermediate years between the population trends and projections.

Comment D-5

Public Hearing

MR. ANTONINI: Okay. Actually, I'm going to try to keep this in regards to what we're here to discuss and that is the adequacy of the report and the only thing I would say is that I did not see in some of the -- the talk about special needs, I didn't see a comparison of our special needs relative to other parts of the Bay Area and the other parts of the country and I guess some kind of, you know, assessment of our special needs population relative to those other areas and, you know, any kind of causative factors as to why that's the case. I think that's important to know.

Response to D-5

Both the 2004 and 2009 Housing Elements contain policies that are geared toward accommodating the special needs population of San Francisco. Section III.C of Part I of the 2009 Housing Element addresses the housing needs of special population groups. However, the Draft EIR analyzes the physical environmental impacts associated with implementation of Housing Element policies. No environmental impacts have been identified that are particularly associated with housing for special needs populations.

E CULTURAL AND PALEONTOLOGICAL RESOURCES

Comment E-1

Rose Hillson, Member, Jordan JPIA

Page V.E-32: The DEIR states that **Figure V.E-1** "Potential Housing Units: Capacity and Pipeline Units within Article 10 and Article 11 Areas" shows units that will have a high potential for the need to establish a historic APE (Area of Potential Effect). Would it be possible to list the addresses of the potential units in each Article 10 and Article 11 area?

Response to E-1

Information about specific parcels is available by request from the Planning Department. However, analysis at this level of detail is beyond the scope of this Draft EIR. Furthermore, inclusion of the parcel-level information would not change the analysis or the conclusions presented in the Draft EIR.

Comment E-2

Rose Hillson, Member, Jordan JPIA

Figure V.E-2: This map shows potential housing units within sites surveyed for potential historic resources (capacity/No. of units in the pipeline). The key states that the map does not show buildings not counted in previous or ongoing surveys. It also does not show buildings that are 50 years or older that could be historic resources. Before we can truly tell the historic resource areas, I think a survey of the entire City is required. It should not be up to various small neighborhood organizations to take on this survey. Some neighborhoods had a survey done because of some grant money. Other areas were left to their own resources. This is not equitable since those areas that are not surveyed are likely targets for development. To correct this inequality in determining where buildings can be built on sites that have not been surveyed for potential historic resources, the Planning Department should start with the oldest buildings in the neighborhood and those that are obviously known to have historical significance per National Register Criteria. The figures shown on this map is based on the assumption that all the buildings in the count for housing unit capacity are not historical resources and then stating that there are 26 within the surveyed sites. If one does not know, one cannot make a valid statement. Does the Planning Department or the Department of Building Inspection or any other department in the City have a list of buildings with addresses or block/lot numbers that show when they were built? Then make a map of these buildings starting from the earliest dates forward. I respectfully request such data prior to being asked to adopt DEIR document.

Response to E-2

Analysis at the level of detail requested by this commenter is beyond the scope of the Draft EIR. In the absence of a City-wide historic survey, each development project that has the potential to affect historic resources will be fully analyzed as part of the environmental review process. Therefore, the commenter is mistaken in stating that "…areas that are not surveyed are likely targets for development."

The purpose of Figure V.E-1 (Cultural and Paleontological Resources) of the Draft EIR is to show in general terms how many future housing units may be near a site previously surveyed for historical resources, not to provide the basis for a project-level analysis of each site. Figure V.E-1 does not necessarily assume that those parcels identified have existing capacity or have not been surveyed for historic resources.

The preservation survey team has been conducting Historic Resource surveys for many of the recently adopted area plans and other areas of the City. Please refer to the

Planning Department's website (http://www.sf-planning.org/index.aspx?page=1826) for more info on citywide Historic Resource surveys.

F TRANSPORTATION AND CIRCULATION

Comment F-1

Calvin Welch, CCHO

Failure to analyze differing car trip generation levels between affordable and market rate housing.

An additional significant failure of the HEDEIR is its absence of any discussion or analysis of the differing car usage between market rate and affordable households.

Indeed, it sobering to read no trip generation estimates are provided as part of this study (Appendix F, page 25)

How can decision makers be served about how new residential development can occur in this compact, transit rich city without having some analysis given them on the differing use of cars between residents of market rate housing and affordable housing? This is especially true when the City so over approves market rate development.

The objectivity of the HEDEIR on the subject of transit and transportation is placed in question when one reads:

"Increased density, particularly when located near areas rich in transit... generally produce lower vehicle ownership rates and therefore generates less parking demand than would otherwise occur ... "(page V.F-48)

How can this be known if there were no "trip generation estimates" done for this report? Is it reasonable to assume that because a million dollar condo was built adjacent to the F Market line the owner now rides MUNI? The failure to distinguish between market rate and affordable households, to take into account the cost of the housing and therefore the income of the resident and the use of private cars is a significant failure of the HEDEIR and must be corrected.

Response to F-1

The Housing Element is a policy document intended to provide a vision for how new housing in the City should occur as a result of population growth. The Housing Element would not change allowable land uses or result in any other changes to the Planning Code that would result in additional vehicle trips, beyond those that could occur under current zoning. Therefore, the 2004 and 2009 Housing Elements would not generate any

new person trips. Residential growth within the City would occur regardless of the policies contained in the proposed Housing Elements; the Housing Elements would provide direction for how new residential development in the City should occur, with an emphasis on affordability.

Because future residential growth will occur regardless of the adoption of the 2004 or 2009 Housing Element policies, the policies themselves would not generate new trips. It was not feasible to attribute specific trips to the Housing Element. The Transportation Impact Study (TIS) and the Draft EIR present future (2025) Cumulative Conditions that incorporate recently revised zoning controls, including, but not limited to, controls in the neighborhoods of Market/Octavia, Mission, East South of Market (SOMA), Showplace Square/Potrero Hill, Central Waterfront, and Balboa Park. The cumulative scenario for these area plans would not change as a result of the proposed Housing Elements. Future residential growth from the City's area plans and redevelopment plans, and incremental growth anticipated by individual residential projects (the City's pipeline) have been incorporated into the traffic analysis results for Cumulative 2025 Conditions in the TIS and Draft EIR.

The analysis of 2025 traffic and transit conditions presents a worst-case scenario, consistent with CEQA Guidelines. It is acknowledged that affordable housing generally requires less parking due to lower vehicle ownership rates, as outlined in the City's Transportation Guidelines. However, San Francisco's *Transportation Impact Analysis Guidelines* (October 2002) do not differentiate between affordable housing trip generation rates and market-rate trips. Rather, person trips are distributed among various transportation modes based on San Francisco Superdistricts, resulting in conservative (worst-case) impacts on the transportation network. See Response to F-2 for more detail on the effects of affordable housing with respect to the transportation and circulation system as compared with market-rate housing. The Draft EIR concludes that the policies of the 2004 and 2009 Housing Elements that could direct future growth to utilize the City's transit facilities at a higher rate, could result in additional transit riders,

which under 2025 cumulative conditions, could result in an exceedance of Muni's capacity utilization standard of 85 percent, resulting in a potentially significant transit impact.

Although the Housing Elements would not generate new trips, as discussed above, the Housing Elements do contain policies that direct growth to certain areas of the City and include policies intended to encourage a mode shift to transit, bicycling, and walking. The TIS and Draft EIR qualitatively analyze the potential for the 2004 and 2009 Housing Elements to affect the distribution of projected person trips among the City's transportation network. In support of the conclusions in the TIS and Draft EIR, a number of different studies related to vehicle trips, density, transit accessibility, and proximity to neighborhood services were assessed.

Comment F-2

Calvin Welch, CCHO

The HEDEIR fails to address the significance of SB *375* and HUD's "Sustainable Communities" planning process in setting new requirements of housing in San Francisco

The HEDEIR is totally inadequate in discussing how the California's SB 375 requirements for new, increase green house gas emission targets will effect the City's ability to shape new housing development contemplated in the Housing Element. By its failure to distinguish between the impacts of market rate and affordable housing transit and trip generation impacts it leaves local decision makers totally blind in meeting the new planning requirements for future housing and transportation planning. Equally silent on HUD's new sustainable communities requirement which will require joint planning for transit and housing development, the HEDEIR inadequate analysis of household income, transit use and car ownership places the City at a major disadvantage in the future pursuit of federal and state affordable housing funding.

The HEDEIR must be fundamentally amended to detail the differing transportation impacts of various housing types and income levels.

Response to F-2

SB 375 is discussed on page V.I-11 of the Draft EIR under the Regulatory Setting for Greenhouse Gases. In addition to the discussion provided in the Draft EIR, the following information is included.

SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) which prescribes land use allocation in that MPO's Regional Transportation Plan (RTP). The State Air Resources Board (ARB), in consultation with MPOs, is required to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. The ARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned GHG emission reduction targets. If MPOs do not meet the GHG reduction targets, transportation projects located in the MPO boundaries would not be eligible for funding programmed after January 1, 2012. SB 375 requires that the SCS follow the development pattern identified in the RHNA. ABAG will adopt the next RHNA at the same time that MTC adopts the RTP. Local governments will then have another 18 months to update their housing elements. Related zoning changes must follow within three years. Therefore, the current 2009-2014 RHNA is not subject to SB 375. The first RHNA that will be subject to SB 375 will be the 2013 RHNA.

As discussed throughout the Draft EIR, the Housing Elements do not propose new housing development projects. Rather, the Housing Element is a policy-level and programmatic document that addresses how to maintain the City's existing housing stock and how and where new housing in the City should be encouraged, with a focus on the affordability of housing. The Housing Elements would not demonstrably determine the amount of housing produced at various affordability levels, and there is no basis for the Draft EIR to incorporate a lower trip generation assumption. As discussed in the Draft EIR, the RHNA, provided by ABAG, identifies housing targets by affordability levels. The policies of the Housing Elements are intended to meet the affordability levels of the RHNA, as handed to local governments by ABAG. The City's *Transportation Impact Analysis Guidelines* (October 2002), acknowledges that affordable

rental housing does have a lower parking demand than market rate housing.[13] Meeting the City's RHNA targets for very low and low income categories could have beneficial impacts on the City's transportation network by relieving congestion and constrained parking conditions to a certain degree. The Draft EIR does conclude that the policies of the 2004 and 2009 Housing Elements that could direct future growth to use the City's transit facilities at a higher rate, could result in additional transit riders, which under 2025 cumulative conditions, could result in an exceedance of Muni's capacity utilization standard of 85 percent, resulting in a potentially significant transit impact.

Comment F-3

Bernard Choden, San Francisco Tomorrow, Written Comments

The draft seeks a jobs/ housing assessment of need that ignores the regional realities that exist beyond the political boundaries that affect both opportunities for mitigation and deficiencies in likely resources and means. For example, more lower paid workers are forced to travel from the city to lower density areas with less public transit. These are areas with necessarily less public transit. Because much of this employment often is short term, workers must be able to use their automobiles. Although such *areas* have limited affordable housing, outbound workers must continue to reside in San Francisco. Yet this unfortunate but necessary process is inhibited by the city's *indiscriminate* policies of car less housing developments abetted by the DEIR's indiscriminate recommendations.

Response to F-3

As discussed in Response to F-2 on page C&R-154, affordable housing generally generates less parking demand. The Draft EIR addresses the impacts of the proposed project to respect to parking on pages V.F-61 through V.F-63 (Transportation and Circulation) of the Draft EIR and on pages V.F-75 through V.F-77. The commenter has not provided any information to support claims that lower paid workers are forced to travel from the City to lower density areas with less public transit and that these areas have limited affordable housing options. This level of analysis is beyond the scope of the

[13] Appendix G, page G-2 of the *Transportation Impact Analysis Guidelines* identifies a parking demand of 1.1 vehicles/unit for market-rate one bedroom or studio units and 1.5 vehicles/unit for 2+ bedrooms. The parking generation rate for affordable rental units by contrast is 0.45 vehicles/unit for one-bedroom and studio units and 0.92 vehicles for 2+ bedrooms.

Draft EIR for the Housing Elements. As noted in Response to F-1 on page C&R-152, the Draft EIR analysis assumed that future population growth would generate market-rate vehicle trips, presenting a conservative analysis of the impacts of such growth on the City's transportation network.

Comment F-4

Lisa Carboni, Department of Transportation

Thank you for continuing to include 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 Draft Environmental Impact Report.

Response to F-4

This introductory statement by the commenter does not address the adequacy of the Draft EIR or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

Comment F-5

Lisa Carboni, Department of Transportation

Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that the plan will generate so that impacts and mitigation measures can be quantified. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures.

Also, please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

Response to F-5

As discussed throughout the Draft EIR and in Response to F-1 on page C&R-152, the 2004 and 2009 Housing Elements would not enable actions that directly generate a quantifiable number of new person trips. Residential growth within the City would occur regardless of the proposed Housing Elements; the Housing Elements would

provide direction for how and where new residential development in the City should occur, with an emphasis on housing affordability.

The TIS and the Draft EIR describe future (2025) Cumulative Conditions that incorporate recently revised zoning controls, including, but not limited to, the neighborhoods of Market/Octavia, Mission, East South of Market (SOMA), Showplace Square/Potrero Hill, Central Waterfront, and Balboa Park. The cumulative scenario for these area plans would not change as a result of the proposed Housing Elements. Future residential growth from the City's other area plans and redevelopment plans, and incremental growth anticipated by residential projects (the City's pipeline) have been incorporated into the traffic analysis results for Cumulative 2025 Conditions in the TIS and Draft EIR.

The analysis of 2025 traffic and transit conditions presents a worst-case scenario, consistent with CEQA Guidelines. Although the Housing Elements would not generate new trips, the Housing Elements do contain policies that direct growth to certain areas of the City and include policies intended to encourage a modal shift to transit, bicycling, and walking. The TIS and Draft EIR qualitatively analyze the potential for the 2004 and 2009 Housing Elements to affect the distribution of projected person trips among the City's transportation network. The Draft EIR concludes that the policies of the 2004 and 2009 Housing Element that could direct future growth to utilize the City's transit facilities at a higher rate, could result in additional transit riders, which under 2025 cumulative conditions, could exceed Muni's capacity utilization standard of 85 percent, resulting in a potentially significant transit impact. The Draft EIR proposes two approaches to reduce overcrowding that would result from increased capacity: 1) decrease travel times by implementing transportation plans and programs and 2) provide additional buses. However, because the efficacy of these options is unsure and funding for new buses would require additional sources of revenue, the Draft EIR concludes that these potential mitigations measures are infeasible. (See Response to F-8 on page C&R-160). No feasible mitigation measures have been identified.

In addition, the Draft EIR qualitatively assesses the potential for the housing element policies to affect bicycle and pedestrian facilities. No significant environmental impacts with respect to bicycle and pedestrian facilities were found and therefore, no mitigation measures are required.

Comment F-6

Hiroshi Fukuda, Richmond Community Association

The Planning Department has taken San Francisco's Transit First Policy far beyond its original intent. The plan for the future is to FORCE San Franciscans not only to take Muni, hike, bike, or car share, but to discourage auto ownership. The City's plans include the following drastic measures:

Remove 1:1 parking, this is to increase housing and reduce the cost of housing. This only adds to the horrendous parking situation. Planning Department will not acknowledge that many seniors, disabled, and families rely on their cars for transportation to go to medical appointment, grocery shopping, participate in after school activities, attend church, etc. Public transportation can be great for commuting to work but difficult if one has many obligations during lunch, after work, or on a tight schedule. The City continually reduces parking without knowing the number of off street parking and on street parking available in the City. The Planning Commission in July approved an affordable housing project of over 90 units near City College with 5 parking spaces. Commission Antonini was correct in stating that it is unrealistic to believe that the residents will not add to the parking deficit in the City College area.

Comment F-7

Hiroshi Fukuda, Richmond Community Association

Pg Parking Provision V.F.-61;

Pg V.F.-48 Parking Demand, second paragraph, which states the 2004 and 2009 Housing Elements will promote increased density in certain areas of the City. If the projected population increase for 2030 is 106,000, and there are policies which will allow less parking than previously allowed, there will still be a large number of additional automobiles in the City. How can this not give a very significant impact in parking demand and in trips generated. The Market Octavia and Eastern Neighborhood Area Plans allow buildings to be subdivided to increase the number units without additional parking. This will exacerbate the parking shortage.

Response to F-6 and F-7

The commenter is referred to Section 9 (Parking) of this document and to the discussions in the Draft EIR on pages V.F-61 to V.F-63 (parking impacts from the 2004 Housing Element) and pages V.F-75 to V.F-77. In addition, the City's *Transportation Impact Analysis Guidelines* identifies a lower vehicle trip rate for senior housing as compared with market rate housing. According to the above stated Guidelines, regular (market rate housing) parking demand is 1.5 spaces for two units and 1.1 spaces for one bedroom or studio; for affordable housing those rates are 0.92 and 0.45, respectively; and for senior housing the parking demand is 0.20 spaces per unit regardless of size. Impacts as they relate to parking are adequately analyzed in the Draft EIR. Comments regarding City policy on off-street parking address the merits of the projects and not the adequacy of the analysis in the Draft EIR.

Comment F-8

Hiroshi Fukuda, Richmond Community Association

Local Transit Service, pg V.F-6

The report is incomplete because it does not discuss the unacceptable level of service. Muni admits that it does not meet its goals/expectations in its own on-time service report. Muni is under-funded, and it seems like it has financial problems every year.

Both the Market Octavia and Eastern Neighborhood Area Plans state that the level of service during the commute hours and cannot be mitigated. How will over 106,000 new residents impact Muni in 2030.

Response to F-8

As discussed throughout the Draft EIR, the proposed Housing Elements are policy-level documents and would not result in an increase in person-trips. The Housing Elements do, however, contain policies that encourage a mode shift away from vehicles in favor of transit, pedestrian and bicycle modes. The TIS and Draft EIR qualitatively assess the potential for any such mode shift to result in significant impacts upon the transportation and circulation system. A numerical mode shift that might result from a policy or group of policies in the Housing Element cannot be estimated with any degree of certainty. As

such, the TIS and Draft EIR assess the conservative scenario of future development upon the transportation and circulation system and finds that any substantial mode shift away from vehicles and on the transit system could result in potentially significant transit impacts. The Draft EIR also notes that the impact of the Housing Element policies on transit capacity can be mitigated by reducing transit travel time, or providing additional transit vehicles, or a combination thereof. The Draft EIR concludes, however, that due to the SFMTA's recent fiscal emergencies, the ability to expand transit service is uncertain at this time. Page V.F-15 to V.F-18 (Transportation and Circulation) of the Draft EIR also discusses a number of adopted and proposed citywide transportation plans and programs, many of which could help alleviate the impacts of future growth upon the City's transit network.

Comment F-9

Hiroshi Fukuda, Richmond Community Association

Pg V.F- Muni Screenline Analysis Table V.F-3

The 2030 capacity of 36,954 is an increase of 20% over the 2010 capacity of 30,373. It is difficult to imagine that Muni will increase capacity by purchasing buses and light-rail cars to increase capacity 20% and while also replacing its aging fleet of buses and light-rail cars. Please explain how this will be accomplished.

Response to F-9

The requested information is beyond the scope of the Draft EIR, which acknowledges the obstacles to maintaining services levels below 85 percent capacity utilization. Impact TR-1 is identified as a significant and unavoidable impact due to the uncertainty regarding Muni's ability to increase capacity to accommodate future residential housing growth. The increase in capacity on Muni is a result of improvements from the proposed Transit Effectiveness Project (TEP). Specific information for capacity enhancements on each Muni route can be obtained on the TEP website at www.sftep.com. These projections are consistent with Muni's Short Range Transit Plan (also available on the SFMTA website), which is Muni's 20-year planning document.

Comment F-10

Hiroshi Fukuda, Richmond Community Association

Pg. V.F.-47 Trip Generation

Housing Element policies do not directly propose to develop new housing. Therefore, the 2004 and 2009 Housing Element would not generate any new trips.

This is false because the Housing Element 2004 and 2009 will lay the ground work to allow for increased population by increasing density, increasing heights, reducing parking on transit corridors. The sheer increase in population and car ownership will generate up to 20% increase in trips generated.

Response to F-10

As discussed in the Draft EIR, the Housing Element is a policy-level document and approval of the Housing Element would not result in approval of any specific development proposal. The policies of the Housing Element are intended to allow the City to better meet its RHNA allocation, by affordability levels, as identified by ABAG. The policies of the 2004 and 2009 Housing Element concerned with density, heights and parking, would not change allowable densities, heights and parking requirements already allowed by the current Planning Code. The 2009 Housing Element acknowledges this explicitly stating that, "Adoption of the Housing Element does not modify land use, specify areas for increased height or density, suggest specific controls for individual neighborhoods, implement changes to the Zoning Map or Planning Code, or direct funding for housing development. Any such changes would require significant community and related legislative processes, as well as review and public hearings before the Planning Commission and Board of Supervisors."[14]

The 2004 and 2009 Housing Element policies related to promoting increased density, heights and reduced parking (although not above levels currently allowed by the Planning Code) are housing strategies that are intended to improve housing affordability. As discussed in Response to 7-4 on page C&R-157, the planning effort for

[14] City and County of San Francisco, Planning Department. 2009 Housing Element Update, Working Draft 2, page 2. June 2010.

the Housing Element was focused on strategies to help attain the RHNA goals for additional housing units at the described affordability levels; these policies serve to encourage the development of affordable housing. As subsidies are limited, urban zoning controls can support lower construction costs per unit.

The Housing Element policies themselves would not generate new person-trips as discussed in Section V.F. (Transportation and Circulation) in the Draft EIR. The Housing Element policies would shape where new development within the City would occur, as projected by future population growth, by advocating for housing that is located in proximity to neighborhood services, transit and other infrastructure. These policies would not, however, generate a quantifiable number of new person-trips.

Any specific development proposal, rezoning proposal, or amendment to the Planning Code would be required to undergo environmental evaluation pursuant to CEQA. This evaluation would address the potential for the specific proposal to generate vehicle trips or person trips.

Comment F-11

Amy Minteer, Chatten-Brown & Carstens

Second, the 2004 and 2009 Housing Elements do propose changes to the City's land use objectives and policies that will have environmental impacts. These changes will be implemented in the City's area plans. Specifically, the Housing Elements propose removing minimum parking requirements from areas targeted for increased housing. The goal is to encourage density in transit-served areas that would be otherwise barred from increasing density. In Japantown, for example, the City's draft Better Neighborhood Plan suggests removal of minimum parking standards and outright prohibition of new parking lots. (Draft Japantown Better Neighborhood Plan, p. 52.) This change, which would be enabled only by the Housing Elements, will have impacts on transportation and circulation, with corresponding impacts on greenhouse gas emissions. CEQA requires the disclosure, analysis, and mitigation of these impacts.

Response to F-11

The comment mischaracterizes the 2004 and 2009 Housing Elements. These documents are policy-level documents that provide direction for how new housing in the City

should occur, with a specific emphasis on affordability. Although the 2004 Housing Element may contain policies to "encourage" higher residential densities and decreased parking requirements, the 2004 Housing Element would not result in increased densities or heights above those already allowed by the Planning Code, nor would the 2004 Housing Element reduce citywide parking requirements. As with the 2009 Housing Element, the 2004 Housing Element discusses increasing density and heights as strategies to be considered only through a comprehensive community planning process. With respect to parking, the 2009 Housing Element does not promote reduced parking requirements. Instead, the 2009 Housing Element calls for preventing the removal of housing units in favor of parking spaces (Policy 2.3) and promotes development that can utilize multiple modes of transportation (Policy 13.3).

As discussed throughout the Draft EIR and in the introduction to the 2009 Housing Element, any changes to the City's allowable density, heights or parking requirements would require a Planning Code or Zoning Map amendment and corresponding legislation. Any such proposal to amend the Planning Code or Zoning Maps would require a separate environmental review pursuant to CEQA. Similarly, any changes to the Planning Code or Zoning Map resulting from a community planning process would be required to undergo a separate environmental evaluation. With no such proposal for increases in densities, heights, or reduced parking requirements, any such analysis beyond the programmatic analysis presented in the Draft EIR would be speculative.

The commenter incorrectly states that any changes to the Planning Code or Zoning Map pursuant to the Japantown project would be enabled by the Housing Element projects. As the commenter has noted, the Japantown project may result in changes to parking standards in that neighborhood; however, such changes in parking standards would be supported by the City's Transportation Element, including Policy 14.8, and would not rely on the Housing Elements. This project is currently in the preliminary development phases and environmental review has not begun on the project. However, prior to approving or disapproving the Japantown Area Plan, an analysis of that project's

environmental impacts pursuant to CEQA would be required. This analysis would consider the potential for the proposed project to affect the transportation system. Land use changes in Japantown could occur in the absence of Housing Element policies identified as potential mechanisms for increased housing affordability.

Comment F-12

Amy Minteer, Chatten-Brown & Carstens

Traffic Impacts and Parking Reductions Are Inadequately Analyzed and Mitigated.

The EIR should adequately 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 in the Housing Element work programs or implementation actions. The DEIR identifies numerous intersections and areas where existing conditions are already operating at unacceptable service levels and future conditions are predicted to be worse. (DEIR, pp. V.F-31 to -32.) However, the DEIR fails to correlate where its policies direct growth with impacts to these intersections and areas. Instead, the DEIR claims "the degraded service levels are expected due to proposed development and expected growth trends" and that the "proposed Housing Elements are not expected to result in additional growth beyond the projected amount reflected in the cumulative analysis." (DEIR, p. V.F-33.) This is insufficient analysis. Instead the DEIR must analyze the impacts from growth that would occur in response to Housing Element policies redirecting growth to certain areas.

Response to F-12

The transportation analysis in the Draft EIR has grouped the policies of the 2004 and 2009 Housing Elements into three broad categories that may affect the transportation network. These categories focus on policies that: 1) direct growth to certain areas of the City, 2) are parking-related, and 3) promote increases in density. The 2004 Housing Element policies related to directing growth include those that promote new development in neighborhood commercial areas, mixed-use areas, areas served by transit, on surplus sites and previously industrial areas of the City. The 2009 Housing Element policies related to directing growth include directing growth through community planning processes, in the City's mixed-use areas, in areas served by transit, and on surplus sites.

The EIR evaluates the potential for the 2004 and 2009 Housing Element policies that direct growth to certain areas of the City to affect the transportation system. The policies of the 2004 and 2009 Housing Element broadly identify areas as desirable locations for growth where housing could be developed that would help the City meet its RHNA goals and do not change allowable land uses by limiting growth elsewhere in the City. Therefore, it is speculative to tie an increase in trips to any given area as a result of the 2004 or 2009 Housing Element policies. The EIR qualitatively analyzes the impacts of the Housing Element policies upon the transportation network and acknowledges that the 2004 and 2009 Housing Element polices encourage housing in areas of the City that may experience increased congestion under the 2025 Cumulative Conditions. However, the EIR concludes that these policies may also result in a reduction in overall vehicle trips and VMT that would otherwise occur by encouraging development in areas that are located in proximity to jobs, services, and transit. The Draft EIR acknowledges that any mode shift to transit as a result of the Housing Element policies could result in an increase in transit ridership, above Muni's 85 percent capacity utilization standard and as such, impacts to the transit network were determined to be significant. With respect to parking, the commenter is referred to Section 9, Parking, of this document.

Comment F-13

Amy Minteer, Chatten-Brown & Carstens

Contrary to this requirement, the EIR claims that Housing Element policies "would not directly generate new trips" so "no trip generation estimates are provided as part of this EIR." (DEIR, p. V.F-23 and p. V.F-47.) Instead the EIR claims that "The cumulative scenario" for various area plans "would not change as a result of the proposed Housing Elements" and that future residential growth from the plans has been incorporated into the traffic analysis for "Cumulative 2025 Conditions in this EIR." (DEIR, V.F-23.) This type of analysis is insufficient and fails to inform the public of how the change in Housing Element policies might lead to changes in area plans, which in turn would lead to changes in future traffic impacts. The DEIR must address the way in which policy changes could lead to impacts. The Court of Appeal has already pointed out the following:

Taken together the changes to the Housing Element cited above reflect a shift away from preserving existing housing density and a movement toward allowing denser housing development, and decreased off-street parking, which in turn could lead to increased traffic

congestion, air pollution, and noise, as well as a change in the aesthetic quality of City neighborhoods.

(*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2007) nonpub. opn., Case No. A112987, 2007 WL 1793881, p. 11, emphasis added.) Likewise, the Court of Appeal concluded "it is beyond dispute that specific developments will be proposed in the future, and developers would be able to argue that taller buildings are consistent with the Housing Element." (Id., p. 13.) The DEIR improperly fails to address the increased impacts that would result from Housing Element changes.

Comment F-14

Amy Minteer, Chatten-Brown & Carstens

A 2003 EIR prepared by the San Francisco Transportation Authority also projected that as a result of population and employment growth, time spent in congested traffic conditions in the City (vehicle miles traveled at level of service F) is expected to double by 2025. (Attachment 13, excerpts from 2003 San Francisco Transportation Authority EIR, 20 AR 5502-03, 5507-08, 5510-11; Attachment 10, Golick Declaration, paragraph 22.) These projections were consistent with the projected and planned growth identified by ABAG and were "designed to compliment and support the city's proposals to concentrate future development along transit routes and transfer points as set forth in the Citywide Land Use Action Plan and proposed rapid transit network. (Attachment 13.)

Response to F-13 and F-14

Regarding trip generation estimates, the commenter is referred to Response to F-1 on page C&R-152. The cumulative transportation analysis in the Housing Element Draft EIR includes the transportation impacts of all approved and reasonably foreseeable areas plans to the extent possible. These various area plan EIRs analyzed the greatest impact of the Area Plan rezoning proposals on the transportation network.

Comment F-13 mischaracterizes the policies and objectives set forth in the 2004 and 2009 Housing Elements. The 2004 and 2009 Housing Elements would not change the allowable heights or densities as permitted by the Planning Code or as shown on the City's Zoning Maps. Since the maximum development scenarios for each area plan have been incorporated into the cumulative analysis and because the Housing Elements would not increase heights or densities above that already allowed under the Planning Code, the cumulative analysis would not change as a result of the proposed Housing

Elements. Although some policies of the 2004 and 2009 Housing Elements promote or advocate for increased densities, they would not increase densities above that already allowed by the Planning Code or the 1990 Residence Element.

The Planning Department disagrees with the statement that Housing Element policies could lead to changes in area plans. The area plans that have been incorporated into the Housing Element transportation analysis are already adopted. The Draft EIR does not rely on any area plans or associated policies that have not been adopted by the City. Implementation of Housing Element policies do not have the potential to change any of the adopted area plans.

While the Court of Appeals required the preparation of an EIR on the 2004 Housing Element, it did not mandate what impacts would be significant, as this is a conclusion properly reached based on EIR analysis. The effects of promoting increased density are addressed in the Draft EIR on pages V.F-63 to V.F-65 (2004 Housing Element) and on pages V.F-77 to V.F-78 (2009 Housing Element). The Draft EIR concludes that the 2004 Housing Element promotes increased density to a greater degree than the 1990 Residence Element. The 2009 Housing Element, on the other hand, does not promote increased density more so than the 1990 Residence Element. The 2009 Housing Element promotes increased densities primarily as a strategy to be pursued during community planning processes. Overall, the 1990 Residence Element promotes increased density more generally Citywide. The Draft EIR concludes that density-related policies could redirect growth that is anticipated by ABAG within the City. However, the Draft EIR concludes that because of the relationship between residential densities and vehicle miles traveled, any increase in density could result in corresponding reductions in VMT, resulting in beneficial impacts to the City's transportation network. The Draft EIR goes on to acknowledge that any subsequent mode shifts towards transit may result in potentially significant impacts to the City's transportation network.

The comments regarding the conclusions reached in the 2003 Transportation Authority EIR do not specifically pertain to the adequacy of the 2004 and 2009 Housing Element Draft EIR.

Comment F-15

Amy Minteer, Chatten-Brown & Carstens

SFLN's October 5, 2009 scoping comment letter stated there must be baseline conditions of peak traffic, morning, and afternoon. However, the EIR only provides baseline conditions and impact analysis for p.m. peak traffic on weekdays. (DEIR, p. V.F-19.) In order to provide a complete analysis of impacts, the DEIR must also address morning and afternoon peak hours and weekend traffic.

Response to F-15

According to the City's *Transportation Impact Analysis Guidelines* (October 2002) the weekday PM peak period (4:00 PM to 6:00 PM) represents the period when the maximum use of much of the transportation system occurs. It is also the time when most of the transportation system capacity and service is at a maximum.[15] Therefore, the weekday PM peak period represents the most congested conditions of the transportation network and the analysis contained in the Housing Element Draft EIR analyzes the worst-case traffic scenario. Morning, afternoon, and weekend traffic conditions would generally be less congested than the weekday PM peak period and resulting LOS conditions would show more efficient movement of vehicles on the transportation network.

Comment F-16

Amy Minteer, Chatten-Brown & Carstens

SFLN noted that the 2004 Housing Element's work programs include new area plans and rezoning for downtown areas such as the Transbay Terminal and Rincon Hill areas and requested that the EIR analyze all traffic impacts from construction of new residential units or mixed use developments in these areas, including potential impacts on bridge approaches and

[15] San Francisco Planning Department. *Transportation Impact Analysis Guidelines for Environmental Review*. October 2002.

arteries leading into the downtown area in both the morning and afternoon peak traffic periods. The DEIR completely fails to address these types of impacts.

Response to F-16

The LOS analysis for Cumulative 2025 Conditions, as presented in the Draft EIR, includes the impacts of the City's latest area plans and specifically includes the potential impacts of the Transbay Terminal and Rincon Hill area plans. The analysis includes LOS determinations at 60 Intersections. Figure V.F-1 on page V.F-3 (Transportation and Circulation) of the Draft EIR illustrates which of those 60 intersections are in the downtown area. Please see Response to F-15 on page C&R-169 for a discussion of morning and afternoon traffic periods.

Comment F-17

Amy Minteer, Chatten-Brown & Carstens

The DEIR fails to meaningfully identify significant impacts from Housing Element policy changes. With regard to significant traffic impacts from directed growth, the DEIR states directing growth to certain areas of the City "could reduce the overall growth in the number of vehicle trips to the Downtown area, as compared to the 1990 Residence Element." (DEIR, p. V.F-60.) However, the traffic within the areas where the additional growth is directed would inevitably increase. Therefore, the DEIR must address traffic impacts within the areas where growth is directed, not just the traffic that occurs between those areas and Downtown.

Response to F-17

The commenter is referred to Response to F-12 on page C&R-165. The Draft EIR concludes that the 2004 and 2009 Housing Element policies direct growth to areas that are: 1) close to jobs, 2) close to services, 3) close to transit, or 4) in proximity to a combination of jobs, services and transit. For 2025 Cumulative Conditions, the Draft EIR concludes that directing growth to these areas could reduce reliance on personal vehicles and potentially result in a reduction in the growth of vehicle trips or VMT, any such reduction would result in beneficial impacts to the City's transportation network under 2025 Cumulative Conditions. The Draft EIR concludes, however, that any resulting mode shift towards transit could result in potentially significant impacts on the City's transit network. The traffic analysis notes the LOS determinations at 60 different

intersections, including intersections that could be affected by growth directed to the areas noted in Response to F-16 and F-19.

Comment F-18

Amy Minteer, Chatten-Brown & Carstens

There must be mitigation for potentially significant impacts. The DEIR admits that impacts to transit are significant (DEIR, p. V.F-61 and -80), but claims that they are unavoidable and no feasible mitigation measures or improvement measures have been identified (DEIR, p. V.F-81). The DEIR states the City could implement various measures such as additional bus runs or providing more buses, but then states funding shortfalls make such service uncertain. There are numerous measures other than increasing bus service that should be analyzed. When the City of Los Angeles evaluated a Transportation Improvement Mitigation Plan, its TIMP included "several proposals to improve the existing transportation infrastructure and increase its capacity, provide additional rail and bus transit, and encourage greater use of public transit and telecommuting." (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1256.) The DEIR must analyze measures including improving transportation infrastructure and encouraging greater use of public transit and telecommuting before declaring impacts to transit to be significant and unavoidable. The DEIR should also analyze the capacity of transit for each area of the City and the Housing Elements should not encourage increases in density in areas of the City where transit cannot serve that growth.

The City could also develop a program to charge development impact fees to mitigate traffic impacts, rather than imposing them on a project-by-project basis. The Court of Appeal has noted:

> We also note that the City [of San Francisco] required the developer, Foster City, to pay $1.5 million for the development of parking solutions in SOMA, and at least $1.25 million more for improvements to the BART/MUNI station at Powell Street and other improvements to help facilitate use of public transit. Although not termed as such by the EIR, this nearly $3 million in funds to alleviate the traffic and parking impacts of the Project constitutes a significant mitigation measure in and of itself. (Cf. Save Our Peninsula, supra, 87 Cal.App.4th at pp. 139 142, 104 Cal.Rptr.2d 326 [upholding EIR calling for developer payments to government fund as mitigation measure for traffic impacts].)

(San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 Cal.App.4th 656, 698.)

Furthermore, given the uncertainty of mitigating transit impacts, the DEIR may not rely on transit measures to reduce traffic in areas along transit corridors. If transit is significantly impacted and those impacts are not mitigated, people will be dissuaded from using transit and

likely resort to private transportation, thus causing increased congestion impacts in areas where growth is directed.

There must be mitigation for the Transit Oriented Neighborhood Commercial District (NC-T) Zoning that could utilize less than one on-site parking space for each new residential unit. One means to mitigate this impact would be to retain the requirement of at least one parking space per residential unit. The DEIR states the City "does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA." (DEIR, p. V.F-76.) However, the DEIR should consider the extent that shortages of parking supply can lead to physical impacts such as on traffic and air quality. (San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 Cal.App.4th 656, 697 ["the secondary effect of scarce parking on traffic and air quality" is an environmental impact.]) Programmatic mitigation measures to address these secondary impacts should be addressed through the Housing Element EIR rather than addressed as each individual project is proposed.

Response to F-18

The Draft EIR found that the 2004 and 2009 Housing Element policies do in fact encourage a greater use of the City's transit network and that any mode shift towards transit could result in an exceedance of Muni's capacity utilization standard of 85 percent at some screenlines. Therefore, the impact of encouraging transit ridership was determined to be potentially significant. The Draft EIR discusses a number of approved and proposed plans and projects that would increase the efficiency of the City's transportation network (see pages V.F-15 to V.F-18). Specifically, there are a number of plans and projects related to transit improvements including the Transit Effectiveness Project, the Van Ness and Geary BRT, the Better Streets Plan, the Bicycle Plan, Central Subway, the Transbay Terminal, Caltrain Electrification, and High Speed Rail. All of these would either directly or indirectly increase the efficiency of the City's transit network. The Draft EIR concludes that the City should implement the transportation plans and programs identified on pages V.F-15 to V.F-18, which would reduce congestion and decrease transit travel times. However, the Draft EIR determines that it is unknown whether implementation of these measures would provide a sufficient decrease in travel time to carry all of the projected riders. The Draft EIR discusses that the second approach would be to increase capacity by providing more buses, but finds

that given that this would increase costs for SFMTA and funding has not been identified for such actions and that given SFMTA's budget shortfalls, securing additional funding would require new revenue. Because there are uncertainties surrounding implementation of the identified mitigation, impacts to the City's transit network were determined to be significant and unavoidable.

With respect to development impact fees, the City already implements a Transit Impact Development Fee for all commercial uses. Fees are paid to the SFMTA to improve local transit services.

Transit Impact Development Fees

ECONOMIC ACTIVITY CATEGORY	TIDF/GSF
Cultural/ Institution/ Education	$10.00
Management, Information and Professional Services	$10.00
Medical and Health Services	$10.00
Production/ Distribution/ Repair	$8.00
Retail/Entertainment	$10.00
Visitor Services	$8.00

Source: San Francisco, California, Planning Code, Article 4 Section 411.3

The Draft EIR found that under 2025 Cumulative Conditions, no transit corridors in the analysis actually exceed Muni's capacity utilization standard of 85 percent. Two transit corridors approach Muni's capacity utilization standard. The California corridor in the Northwest screenline is anticipated to reach 84 percent capacity and the Subway corridor in the Southeast screenline is anticipated to reach 82 percent capacity. The Draft EIR acknowledges that Housing Element policies that advocate housing to be developed in proximity to services and transit may result in an increase in transit ridership. The degree to which policies encourage housing near transit or services may actually result in increased transit ridership is somewhat speculative. Therefore, the Draft EIR cannot state for certain how much increase in transit ridership could be expected from such policies and determines that any increase in transit ridership could result in a potentially

significant impact on transit if it were to exceed Muni's capacity utilization standard of 85 percent. Although for CEQA purposes the Planning Department considers projects that result in an exceedance of Muni's capacity utilization standard to result in a significant transit impact, Muni considers the optimum operating capacity to be its 85 percent capacity utilization standard.

The commenter states that the Draft EIR must identify mitigation measures for the City's Transit Oriented Neighborhood Commercial District (NC-T) zoning that allows projects to provide less than one parking space per dwelling unit. The 2004 and 2009 Housing Elements do not make any changes to the City's land use designations and therefore, the Housing Elements would not result in any impacts due to a change in zoning. The commenter is referred to Response to H-3 on page C&R-186 for discussions of the Draft EIR's analysis of parking impacts and potential secondary impacts resulting from a lack of parking.

The following discussion is provided with respect to parking and impacts on transit. Requirements for higher parking ratios (more parking spaces per unit) could also encourage vehicle ownership, which would result in increased vehicle usage, potentially increasing vehicle trips. These additional vehicle trips may affect the ability for transit to meet its on-time performance targets because more vehicles on City streets results in more congestion and delays for all vehicles, including transit. Similarly, an increase in the number of curb cuts needed for new development in order to provide parking where currently there is no off-street parking can also affect the ability for transit to meet its performance targets because curb cuts have the potential to conflict with transit stops. Therefore, projects that provide less parking not only encourage other modes of travel, including transit, but also have less of a potential to conflict with transit operations. Overall, there could be a variety of potential outcomes for travel behavior under different parking scenarios. Beyond identifying these potential outcomes, it is not feasible to quantitatively assess the impacts of Housing Element policies at any individual site or in the City overall.

Comment F-19

M K Venkatachari

How does the Report account for traffic generated by business activities in the City with clients all over the Bay Area?

I understand that the Elements Reports under discussion use data provided by other agencies of the City and their reports. Did the current authors get satisfaction, for example, that the traffic generated by new businesses and large and ever –expanding institutions like SFSU got included in the traffic flow calculations and estimates, the traffic flow that does not directly relate to the resident population?

Response to F-19

The Draft EIR presents the existing LOS conditions at 60 intersections throughout the City. The Draft EIR also presents Cumulative 2025 Conditions at these same intersections. Based on the Transportation Authority's citywide traffic model, the trip generation and assignment patterns in the transportation analysis account for trips related to work, shopping, and other travel conditions, including work-related trips to and from San Francisco. The cumulative analysis includes all reasonably foreseeable projects and accounts for projected population growth as required by CEQA Guidelines Section 15130(b)(1).

Comment F-20

M K Venkatachari

Forecasts as to the street traffic, transit rider-ship and other T-C issues

As we recall how badly the so called Gurus in Economics, some with Nobel certification, failed to warn the country of the economic free fall of 2008 and the deepest recession the nation has had to undergo since the Great Depression, we realize how important it is that we take such forcasts with a pinch of salt even as we view the methodology and the algorithms for the statistics and data more carefully with caution and Plan Bs. Most of all, we are not to overlook what we see and experience despite what experts might say.

I am referring now in particular to the N and S bound traffic jam on Lake Merced Blvd that I watch on most days, around its intersections with Brotherhood and Higuara. It is unbelievable how bad the situation is on most days including Sundays, particularly at peak hours. Conditions are worse during the months of the year when SFSU is in session. The N bound vehicular back up could go, I am sure, all the way up to 280N. Further, in the plan period for

Element 2009, most of the 1855 additional units included under Parkmerced expansion (Phase I) alongside Lake Merced Blvd. (with two new signaled feeder roads to this Blvd) is expected to be completed and possibly other housing under developments in the neighborhood as well. The Executive Summary Table II-1 under Impact TR-1 (Transportation and Circulation) delivers a SU rating, prior and after mitigation, since no feasible mitigation method has been identified. There must be many other problem intersections in the city. Now, does this kind of expressed helplessness in the context of a known, definite and inevitable deterioration of conditions get a free-pass as if it were an act of God and thus get ignored under the label "no impact" which could be true in the sense that conditions were terrible even before any one built anything under the plans under consideration?

Response to F-20

The transportation analysis in the Draft EIR identifies existing and cumulative 2025 LOS conditions at 60 intersections in the City including the intersection of Lake Merced Boulevard and Brotherhood Way. The cumulative analysis incorporates all foreseeable projects, including the referenced Parkmerced Expansion (Phase I). This particular intersection is expected to deteriorate from LOS D to LOS F under cumulative 2025 conditions. This is primarily due to anticipated development, including the Parkmerced Expansion. A number of mitigation measures are proposed as part of that project and the commenter is referred to Planning Department Case File No. 2008.0021.

The Parkmerced project is a separate application not attributable to the Housing Element, but is reflected in the Housing Elements Draft EIR cumulative analysis. The Draft EIR analyzes the potential for the Housing Element policies to affect the City's transportation network and concludes that the changes embedded in the 2004 nor 2009 Housing Element policies would not result in significant traffic impacts. The Draft EIR finds, however, that policies that promote the use of transit, such as policies that advocate for housing near transit corridors, could result in an increase in transit ridership and does have the potential to increase ridership above Muni's capacity utilization standard of 85 percent, resulting in a potentially significant impact. Response to F-5 discusses suggested transit-related mitigation measures and why they are not feasible to implement. Because no feasible mitigation measures were identified, impacts to transit were determined to be significant and unavoidable.

Comment F-21

Public Hearing

MR. WELCH: The EIR makes near religious assertions. Increased density on Page VF 48. Increased density, particularly when located near areas in transit generally produce lower vehicle ownership rates and, therefore, generates less parking demand than would otherwise occur.

Absolutely no proof. Absolutely no supporting data. Indeed, you'll find on Appendix F on the CD rom on Page 25 of Appendix F no trip generation estimates are provided for the study. So, how is it that you can so safely assume that increased density particularly when located near transit rich areas generally produce lower vehicle ownership?

Response to F-21

Page V.F-64 (Transportation and Circulation) of the Draft EIR cites a study by Holtzclaw et al (2004) that analyzed the relationship between residential density, auto ownership and VMT. Furthermore, as discussed in Response to 8-3 on page C&R-91, the California Air Pollution Control Officer's Association (CAPCOA) released a white paper titled *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (January 2008).[16] Appendix B of this document identifies greenhouse gas mitigation measures and includes residential density that supports the use of public transportation as a measure to mitigate greenhouse gas emissions from residential projects, citing to a number of studies that support this conclusion. CAPCOA recently published a subsequent document titled *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (August 2010).[17] This document provides methodology for quantifying greenhouse gas emissions from land use projects and includes a section dedicated to the relationship between density and

[16] California Air Pollution Control Officer's Association (CAPCOA). *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. January 2008. Website: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf. Accessed March 7, 2011.

[17] CAPCOA. *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures.* August 2010. Website: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf. Accessed March 7, 2010.

vehicle miles traveled (VMT). This document relies on a number of studies for developing the methodology for calculating greenhouse gas emissions reductions based on the relationship between density and VMT, as described by the elasticity.

G NOISE

Comment G-1

Rose Hillson, Member, Jordan JPIA

Page V.G-6: Table V.G-3: Reference is made to this Table that is on Page V.G-9. It shows HUD noise acceptability standards and shows "Normally unacceptable" as >65-75db and "Unacceptable" as >75db. (Source cited is the Code of Federal Regulations (CFR), Part 51, Section 51.100 – 51.105.) Based on this information, many streets in the City are already at the "normally unacceptable" and "unacceptable" mark already.

What is not seen in the DEIR is that the noise level is not in relation to the noise generated by just the construction of the projects but also the traffic associated with building the structures. Dump trucks, cement trucks, water trucks, re-routed traffic for larger construction, etc. do not seem to be accounted for in this DEIR. Where the noise levels on the streets are already in the "normally unacceptable" or "unacceptable" ranges, there should be a policy and implementation measure to get special approvals for environmental review prior to plan approval on those streets per the Figure V.G-1 map of "Background Noise Levels, 2009." Please put into the HEs and DEIR.

Response to G-1

Individual development projects are required to undergo environmental review pursuant to CEQA. This review would include a discussion and/or analysis of noise impacts, including from construction. A project-level analysis is not required for the Draft EIR, since the project would not directly result in development. The discussion of construction noise in Section V.G (Noise) of the Draft EIR assumes both actual construction as well as noise generated from construction vehicles.

Mitigation Measure N-NO-1 outlines additional noise analyses required for residential development along streets with noise levels above 75 dBA.

Comment G-2

Rose Hillson, Member, Jordan JPIA

Page V.G-42: The DEIR states, "…new residential uses are generally discouraged in areas where ambient noise levels exceed 75dB." It states that both the 2004 HE and the 2009 HE encourages the building of new units "near transit" and that there will be significant impact due to exposure to higher noise levels in these areas but that since these units will be near transit, there will be fewer vehicles that would make the noise level increase. I think that with greater number of units, i.e. taller buildings, the fact that noise echoes has not been considered in this study of impacts. There will be significant impact even with mitigation measures M-NO-1: Interior and Exterior Noise.

Response to G-2

When a wall or building is constructed adjacent to a noise source, such as a roadway, there is potential for reflection of the noise off the wall or building. Multiple noise reflections can also occur if two walls or buildings are constructed on opposite sides of a roadway. This is likely the "noise echoes" referred to in the comment.

Studies have been conducted by the Federal Highway Administration (FHWA) to evaluate these effects as they relate to noise reflection from soundwalls.[18] If all the noise striking a noise barrier were reflected back to the other side of a highway, the increase would be theoretically limited to three dB (equivalent to the doubling of the sound energy). In practice, not all of the acoustical energy is reflected back to the other side. Some of the energy goes over the noise barrier, some is reflected to points on the opposite side, some is scattered by ground coverings (for example, grass and shrubs), and some is blocked by the vehicles on the highway. Additionally, some of the reflected energy is lost due to the longer path that it must travel. Measurements made to quantify this reflective increase have never shown an increase of greater than one to two dB. The same is true for parallel barriers. Any measured increases in noise levels for receptors with two sound barriers have been less than 3 dB.

[18] Federal Highway Administration, Highway Traffic Noise Barriers at a Glance. Website: http://www.fhwa.dot.gov/environment/keepdown.htm. Accessed October 26, 2010.

The issue of noise reflection between buildings is similar to the effects evaluated by the FHWA related to sound barriers. In areas where there is a row of buildings on one or both sides of a street, there is potential for an increase in noise due to reflection. This would be associated primarily with development near the ground floor. The higher floors of a building would have less of an effect on noise reflection. This is because these floors would be farther away from the ground-level noise sources, and the noise energy would be reduced due to the longer path of travel, and scattering and absorption by the building surfaces.

San Francisco is highly urbanized and there are relatively few vacant spaces within the City. It is expected that under the proposed Housing Elements new housing units would be developed primarily on sites that already contain some development under existing conditions. As described above, the primary effect of noise reflection is associated with the first few floors of a development, and this effect would be less than a 3 dB increase for the reasons described above. Therefore, since an increase in height would, as referred to in the comment, result in even less of an impact, a height increase would not result in a significant increase in the noise levels within the area. With implementation of Mitigation Measure M-NO-1, Interior and Exterior Noise, a 24-hour noise measurement at the site would be required for future residential development. This measurement would include any reflected noise that currently exists in a given project area and any additional noise that might result from a given project from additional height or density would not be significant compared to the overall noise levels in the project area. Therefore, M-NO-1 would be sufficient to mitigate noise levels for the new residents.

Comment G-3

Rose Hillson, Member, Jordan JPIA

The requirement of the Planning Department for the preparation of an "analysis of potential noise-generating uses within two blocks of the project site" does not consider the physics of sound. Some sound is not generated. They are deflected off various surfaces. So the analysis must also take into account all noises whether being generated or deflected. Also, the number

of blocks set at a random "two," may not work if the project is located on a slope and noise from a source farther than two blocks is impacting it. How is the number of blocks determined?

It appears that an assumption is being made that all the blocks are of equal length in San Francisco and that is not true. The distance sound travels diminishes as one gets farther from the source (originating source or source at deflection point) so it would be better to study the noise issue based on noises around the project site that fall into the "normally unacceptable" and "unacceptable" categories determined by the Code of Federal Regulations at minimum.

Response to G-3

Mitigation Measure M-NO-1 on page V.G-48 (Noise) of the Draft EIR includes a requirement for the preparation of a noise analysis. The measure identified in the comment notes that the analysis must identify noise generating uses within two blocks of the project site. The two-block radius is a minimum, not maximum, requirement for the noise analysis required under this mitigation measure. Each noise analysis would be completed on an individual basis in cooperation with the Planning Department. If other noise sources outside of the two block radius influence the noise levels at the development site, the Department would require that these sources also be included in the analysis. In addition, the mitigation measure requires at least one 24-hour noise measurement at the site. This measurement would document any existing noise sources, including those outside of a two-block radius that may affect the development site. Furthermore, as noted by the commenter, noise attenuates rapidly with distance, and there does not appear to be substantial evidence for increasing the noise radius beyond that in M-NO-1. Please also refer to Response to G-2 on page C&R-179 regarding noise reflection.

Comment G-4

Rose Hillson, Member, Jordan JPIA

Another point on noise is that it is not clear from the analysis in this DEIR that the direction of the wind is being considered. On the western side of town as in the Richmond area, and to the same extent for the Sunset District, the prevailing winds come from the west to the east except perhaps during winter storms when the wind comes predominantly from the south to the north during rain storms.

What this DEIR fails to study is how the sounds borne on air waves will impact the project site and its surrounding properties.

Response to G-4

As noted under Response to G-3, Mitigation Measure M-NO-1 requires the preparation of a noise analysis. Each noise analysis would be completed on an individual basis in cooperation with the Planning Department. The noise analysis would be required to include at least one 24-hour noise measurement at the site. This measurement would document any existing noise sources that may affect the site, including the effects of wind.

Comment G-5

Rose Hillson, Member, Jordan JPIA

Additionally, the Planning Department requirement to mitigate the significant impact of noise by having "open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space" is only taking into consideration the noise that impacts the occupants of that building. One suggestion mentioned is the "use of a site design that uses the building itself to shield on-site open space from the greatest noise sources." This will deflect any noise toward other neighboring structures and open areas so then those neighbors will have to "shield" their "on-site open space" and then a domino effect arises.

Another suggestion mentioned for noise mitigation is the "construction of noise barriers between noise sources and open space." Again, the fact that these barriers take into account only the inhabitants and their use of their open space in order to prevent noise pollution on their site but does not address the noise pollution that could be deflected onto adjacent and other properties lead one to believe that even a basic non-technical perspective has not been addressed. Other stronger mitigation measures must be in place.

Additionally, putting up these barriers so a proposed building itself will block noise from bothering its occupants is also going to likely impact the stylistic integrity of the building within the character of the neighborhood. How would this impact historic resources and landmark buildings?

Response to G-5

Please refer to Response to G-4, above, regarding noise reflection. Any barriers or noise deflection structures that might be integrated into a historic or landmark building would

be required to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (the governing regulatory framework for proposed changes to historic structures). Historic resources are discussed further on page V.E-25 (Cultural and Paleontological Resources) of the Draft EIR.

Comment G-6

Rose Hillson, Member, Jordan JPIA

Moreover, in Appendix D, "Noise Data," there does not appear to be any reference to data on noise other than light duty trucks, heavy trucks and other vehicles. The City has other noise generating sources such as landscaping equipment, Muni bus audible signals, vehicle horns, loading dock buzzers and audible signals, etc. Existing surround noise where a project is being proposed must be studied prior to approval of building.

Response to G-6

Appendix D of the Draft EIR provides calculations used for traffic noise. It does not include other sources of noise, such as those listed in the comment. In most urban areas, such as San Francisco, traffic noise is the primary source of noise for residential uses. There are also a variety of other noise sources within the City; however, these sources would vary for each location and would be difficult to quantify on a City-wide basis. Therefore, consistent with the Environmental Protection Element of the General Plan traffic noise was used to estimate existing noise levels in the Draft EIR. Mitigation Measure M-NO-1 on page V.G-48 (Noise) of the Draft EIR requires the preparation of a noise analysis for new development, which would include a measurement of all existing noise sources prior to project approval; this analysis would include noise sources other than traffic.

Comment G-7

Amy Minteer, Chatten-Brown & Carstens

Noise Analysis Is Flawed.

The DEIR states "In 2008, The San Francisco Department of Public Health (SFDPH) produced a comprehensive map showing the transportation noise levels on every street throughout the City, as shown in Figure V.G-1, as well as the areas subject to noise levels over 60dBA (Ldn).

(DEIR p. V.G-17.) Therefore, the DEIR should analyze how noise would be expected to increase in areas where development is encouraged by the change in policies in the proposed Housing Element. The DEIR should show this information on comprehensive map showing noise levels on every street throughout the City and how they would be anticipated to change.

Response to G-7

The level of detail requested by the commenter cannot be provided in the Draft EIR because, as shown in Figure IV-3 (Generalized Citywide Zoning Map) on page IV-15 of the Draft EIR, residential uses are permitted in many areas of the City and it is unknown at this time exactly where or what type of future development would occur. Any proposal to measure noise levels on all affected City streets would be speculative. However, Figures V.G-2 and V.G-3 (Noise) of the Draft EIR illustrate the number of pipeline and capacity units that are near roadways with noise levels greater than 60 Ldb and 75 Ldn, respectively. Further, individual development projects would be required to undergo noise analyses as required under CEQA as well as in compliance with Mitigation Measure M-NO-1.

H AIR QUALITY

Comment H-1

Rose Hillson, Member, Jordan JPIA

Page V.H-7: Explanations are given in the DEIR on "sensitive receptors" and who they are: children, elderly, acutely and chronically ill. Previous chapters of the DEIR spoke about building units along transit corridors. Many residential lots abut next to these areas "well served by transit." If there is an pre-school, elementary or middle school within 4 City blocks of a new project, there should be a mitigation measure to not allow as many housing units along these corridors.

Response to H-1

Some of the 2004 and 2009 Housing Element policies encourage housing to be developed near or along transit corridors. The commenter is referenced specifically to 2004 Housing Element Policies 1.1 and 1.3 and Implementation Measure 1.3.1, and 2009 Housing Element Policies 4.6, 10.3, 12.1 and 13.1 and Implementation Measures 6 and 14. However, neither of the Housing Elements would modify the Planning or Zoning Codes

to change the allowable uses in the City. Residential uses typically do not generate air quality concerns; residential uses are not generally associated with stationary sources of air pollution and the primary source of pollutants resulting from residential uses are mobile source emissions from vehicles. As discussed on pages V.H-39 to V.H-42 (Air Quality) of the Draft EIR, Housing Element policies that direct housing near transit could reduce the expected growth in overall vehicle trips and associated vehicle emissions. Therefore, locating housing near transit corridors could result in air quality benefits citywide, potentially reducing the growth in exposure of existing sensitive receptors to traffic-related pollutants. The Bay Area Air Quality Management District (BAAQMD) considers only projects that generate more than 10,000 vehicle trips per day have the potential to result in mobile source air pollutants that may affect sensitive receptors. As such, only very large (i.e., approximately 2,000 units or more) residential projects have the potential to generate enough vehicle trips to be considered a potential source of air pollution. Any such project would be subject to a separate environmental evaluation that would consider the potential of the project to affect existing sensitive receptors. Similarly, any new buildings proposed to house sensitive receptors in the City would be required to undergo a separate environmental review, which would analyze the potential for the project to expose those new sensitive receptors to elevated levels of air pollutants. As discussed above, providing housing near transit could reduce the growth in traffic-related pollutants, resulting in air quality benefits. No air quality impacts were identified, and no mitigation measures are necessary.

Comment H-2

Rose Hillson, Member, Jordan JPIA

Page V.H-38: Landscape maintenance: The DEIR states, "Landscape maintenance emissions are assumed to occur only during the summer (i.e., non-winter) days." I think this is a false pretense to work off of because in San Francisco, the weather is mild. People continue landscape maintenance tasks that add to the air pollution in this City year-round. Defining "non-winter" days as only summer days is wrong because Spring and Fall days are also "non-winter" days and are not accounted for in this study to generate the data on air pollution emissions in Table V.H-6 and on Page V.H-39.

Response to H-2

The BAAQMD is the primary agency responsible for comprehensive air pollution control in the entire San Francisco Bay Area Air Basin. The BAAQMD in their CEQA Air Quality Guidelines (2010) recommends that landscape maintenance activities in the Bay Area be assumed to occur for 180 days (or approximately 6 months) spanning the summer months, and accounting for portions of both spring and fall months. The methodology presented in the Draft EIR is consistent with the BAAQMD's methodology for estimating emissions from landscape equipment and does account for maintenance activities for portions of the spring and fall months.

Comment H-3

Amy Minteer, Chatten-Brown & Carstens

Moreover, 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. (See Attachment 10, September 10, 2008 Declaration of Golick paragraph 24 and Exhibit K thereto and Exhibit 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.) Although reduction or elimination of on-site parking spaces is a principal goal of the Housing Elements, the DEIR fails to analyze the potential effect of increased vehicle emissions from displaced vehicles seeking parking spaces. According to the analysis of an expert planner, the effect on air quality could certainly be significant, since the City Planning Department previously projected that "130 acres of land" would be needed for parking if one parking space were required for every dwelling unit needed by 2020 and a City study showed that 64% of residents living within four blocks of transit still own automobiles. (Attachment 9, pp. 13-14; Attachment 11, excerpts from City parking studies, 8 AR 2278, 10 AR 2667-68, 2760, 2768-2772.) Moreover, according to that City study, vehicle ownership is relatively higher for new housing than for existing housing, and location near transit has produced no conclusive evidence of lowering vehicle ownership. (Id.) The EIR should analyze the potentially significant impact on air quality resulting from reducing parking spaces and causing displaced vehicles to circle and emit significant amounts of pollutants while seeking parking.

Response to H-3

As discussed on page V.F-61 (Transportation and Circulation) of the Draft EIR, adoption of the proposed Housing Elements themselves would not generate new vehicle trips, and growth in number of vehicle trips associated with the City's expected population

growth would not be above those projected for 2025 cumulative conditions (which equates to expected population growth in 2025). Both the 2004 and 2009 Housing Elements do, however, contain policies that allow for a reduction in the parking requirements for new residential units. Overall, a lack of parking can constrain parking conditions. As stated on page V.F-63 (Transportation and Circulation) of the Draft EIR, the transportation analysis accounts for potential secondary effects of a limited supply of parking, such as cars circling and looking for parking, by assuming that all drivers would first attempt to find parking at or very close to the project site, and only seek parking farther away if on-site or very close parking was unavailable.

However, as discussed on page V.F-61 of the Draft EIR, in the experience of San Francisco transportation planners, the absence of a ready supply of parking spaces close to a project site, combined with available alternatives to automobile travel (e.g., transit service, taxi, bicycles, travel by foot), and a relatively dense pattern of development, induces many drivers to find alternative parking facilities or shift to transit, bicycle or pedestrian modes of transportation. A number of studies are cited to in the Draft EIR on page V.F-62 which conclude that reducing the number of otherwise required parking spaces may be an effective measure at discouraging auto travel and encouraging drivers to use different transportation modes. Therefore, any potential increase in secondary effects of drivers searching for parking is typically offset by the reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area and who do not seek parking nearby or who shift to other transit modes. Any subsequent shift in transportation modes, away from single occupancy vehicles, would result in overall air quality benefits. However, the transportation analysis presented in the Draft EIR analyzes the worst-case transportation scenarios (maximum number of single occupancy vehicle trips under existing and year 2025 conditions) and therefore does not consider the potential benefits of reduced parking on the transportation system. As such, air quality impacts under cumulative 2025 conditions are also a worst-case, conservative assessment of future air quality conditions.

I GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment I-1

Rose Hillson, Member, Jordan JPIA

Page V.I-20: Table V.I-3: "Baseline Greenhouse Gas (GHG) Emissions from Residential Development (2009)" shows Total Operational greenhouse gas emission in metric tons of carbon dioxide equivalent per year as 4,350,988. Then, on Page V.I-21, Table V.I-4: "Projected Greenhouse Gas Emissions from Residential Development (2020 and 2025)" shows 4,689,835 and 4,840,481 respectively. The majority of the GHG emissions are from vehicular use. If, as the DEIR states that all the vehicles will mostly be off of our City streets due to less off-street or no parking requirements and practically everybody using bicycles or walking or public transit, please explain the assumptions used to arrive at the higher values for the total GHG (MT CO_2e per year). I could not find them in the Appendices.

Response to I-1:

The comment mistakes the conclusions of the Draft EIR regarding transportation and mode share. The greenhouse gas analysis presented in the Draft EIR assumes a worst-case trip generation associated with population growth under cumulative 2025 conditions, in that it assumes all future housing would be market rate, which yields a higher trip generation than other types of residential uses. As shown in Table V.D-1, on page V.D-1 (Population and Housing) of the Draft EIR, ABAG estimates that the City's population in 2025 will grow by approximately 100,000 people. This population growth is assumed to increase the number of vehicle trips that occur in the City according to typical trip generation rates used by the URBEMIS 2007 v.9.2.4 computer model.

The Draft EIR acknowledges that there are policies in both the 2004 and 2009 Housing Elements that, if development of the City proceeds according to such policies, could result in lower vehicle trips than those assumed in the greenhouse gas analysis. The greenhouse gas analysis is conservative in nature, and does not assume a different mode split (e.g., reduced vehicle trips and increased transit, bicycling and walking trips) based on the Housing Element policies. It is not possible to tie a numerical reduction in vehicle trips with any Housing Element policy or group of policies. The qualitative analysis of reductions in VMT associated with housing in proximity to job cores, neighborhood

services and transit, increased housing density, and infill development is based on best practices planning strategies that are founded in scientific literature. Appendix A of the January 2008 California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* White Paper (http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf) provides the relevant literature associated with VMT reduction strategies. The BAAQMD, in their *CEQA Air Quality Guidelines (2010)* also identifies these policies as providing greenhouse gas benefits.

Comment I-2

Rose Hillson, Member, Jordan JPIA

Page V.I-20: Also, "form" should be "from" under "Landscaping Equipment," second paragraph.

Response to I-2

In response to this comment, the text on page V.I-20 (Greenhouse Gas Emissions) of the Draft EIR has been changed to read:

> Table V.I-3, below, presents the GHG emissions ~~form~~ from operational sources associated with projected growth in new housing units for the baseline year, 2009.

Comment I-3

Rose Hillson, Member, Jordan JPIA

Are all the "Emissions Sources" in Table V.I-7 based on year-round? If not, which ones are not and what are their basis? Please clarify.

Response to I-3

The analysis of greenhouse gas emissions resulting from future residential development, as shown in Table V.I-7 (Greenhouse Gas Emissions) of the Draft EIR are annual emissions. Construction emissions occur only during the construction period and therefore do not continue to generate greenhouse gases after construction. For purposes of quantifying emissions on an annual basis, total construction emissions associated with projected housing development was estimated and annualized over a 40-year

building lifetime. BAAQMD does not have a significance threshold for construction emissions; therefore, the approach to annualize emissions and include them in the overall cumulative scenario is conservative. These emissions are added to the annual emissions as shown in this table. Landscape maintenance equipment emissions are estimated for 180 days, or six months, consistent with the BAAQMD's *CEQA Air Quality Guidelines* (2010). Please see Response to H-2 on page C&R-186, for additional detail regarding landscape maintenance emissions.

Comment I-4

Amy Minteer, Chatten-Brown & Carstens

The DEIR's greenhouse gas (GHG) analysis declares that adoption of the 2004 or 2009 Housing Elements will have less than significant impacts on the environment with regard to the generation of GHG emissions or conflicting with a GHG emission reduction plan. (DEIR p. II-13.) In doing so, the DEIR carries forward the mistaken conclusions that adoption of the Housing Elements would not result in (1) an increase in growth beyond that predicted by ABAG projections; or (2) any changes to the City's land use objectives and policies. (DEIR p. V.I-17.)

Response to I-4

The commenter misquotes the Housing Element. The Draft EIR states that the 2004 and 2009 Housing Elements would not change land use objectives and policies for the City's area plans or redevelopment plans. The comment has provided no evidence that either of the stated outcomes would result from adoption of the Housing Elements, or provided a basis for the statement that the Draft EIR's conclusions are incorrect. Accordingly, no further response is required.

Comment I-5

Amy Minteer, Chatten-Brown & Carstens

These assertions are incorrect and an improper basis for environmental analysis. First, the Housing Elements would allow much more population growth than deemed necessary by the RHNA. Consequently, the projects' DEIR GHG emission estimates, calculated based on ABAG population projections (DEIR p. V.I-18), are far too low. The DEIR grossly understates impacts by eliminating the impacts generated by a majority of the new people that will inhabit the City after plan implementation. The analysis should be repeated prior to the final EIR, taking into

account the Housing Elements' growth- inducing impacts. This new information should then be recirculated prior to the City's consideration and possible adoption.

Response to I-5

The Draft EIR Project Description explains that, per HCD requirements, the Housing Element must contain an inventory of land suitable for residential development. This inventory ascertained that vacant and underdeveloped sites could accommodate approximately 60,995 new housing units (Draft EIR page IV-14). The Draft EIR also included information on the City's development "pipeline", that is, projects that are approved, under construction, or for which an application has been filed with the Planning Department or Building Department; the pipeline as of the first quarter of 2009 was 56,435 units. The commenter is correct in stating that both of these numbers exceed the RHNA goal of 31,193 units.

As explained in the Draft EIR, "As described in Section V.D (Population and Housing), approximately 41,651 housing units are projected to be developed between 2009 and 2025 to accommodate projected population growth. The year 2025 was the assumed buildout year for the Draft EIR and associated transportation analyses. A GHG analysis was conducted to determine increased GHG emissions from anticipated population and housing growth…"(p. V.I-18). The commenter's assertion that the Housing Elements "allow" much more growth than deemed necessary by the RHNA, and that the GHG emissions calculations are too low, is unclear. It is inaccurate to say that the Housing Elements "allow" residential growth, particularly to a level that exceeds the RHNA or projected growth. Instead, the Housing Element objectives and policies are intended to encourage residential growth to occur in a manner that promotes achievement of the RHNA goal (particularly its income goals) in the 5-year planning period, and as noted, a substantial amount of residential growth is "allowed" under existing conditions.

The GHG analysis was based on population growth projections provided by the Planning Department and is consistent with regional ABAG growth projections. A cumulative 2025 analysis of GHG emissions associated with growth anticipated to occur

within the City was conducted (predicted at 41,651 housing units by 2025, exceeding the RHNA goal of 31,000 housing units). As analyzed throughout the Draft EIR and specifically within Section V.I (Greenhouse Gas Emissions) of the Draft EIR, the Housing Element policies would not promote new residential growth beyond that already assumed by regional projections. Therefore, the GHG analysis presented in the Draft EIR presents a conservative (worst-case) analysis of GHG emissions associated with future growth within the City and there would not be a reason to revise the GHG analysis as the commenter suggests.

Comment I-6

Amy Minteer, Chatten-Brown & Carstens

Another potential impact of the Housing Elements' parking policies is that the elimination of on-site parking would discourage the use of ultra-low emission and zero emission electric cars, which require overnight parking in order to recharge their batteries. The market share of these vehicles is expected to increase dramatically in the near future with the release of the Chevy Volt and Nissan Leaf. These cars are expected to perform best in areas such as the City of San Francisco, where the cars' distance limitations will not impact commutes. If new residents are unable to park, the incentive for purchasing an electric vehicle is reduced because the owners of the vehicles would be unable to charge them overnight. Higher GHG emission vehicles may also be retained with the corresponding GHG emissions, instead of replaced. Thus, the parking reduction policies may arrest the growth of the electric car market in the City, with GHG emissions impacts that should have been discussed in the DEIR.

Response to I-6

The City is undertaking efforts to provide alternative fuel charging stations throughout the City, including DC Fast Chargers, which charge alternative fuel vehicles within 30 minutes. These chargers are anticipated to be located at appropriate retail stores, such as grocery stores. The GHG analysis did not assume the proliferation of electric vehicles, and it is speculative to presume that the changes in the Housing Element would result in inadequate parking for alternative fuel vehicles. If future zoning changes to parking requirements are considered, such issues would be reflected in the planning process.

Comment I-7

Amy Minteer, Chatten-Brown & Carstens

The 2004 and 2009 Housing Elements also contain policies that encourage increasing height limits and reducing setback requirements as means for achieving increased density. Increased building heights and setback reductions could result in GHG impacts if these taller and larger buildings are built adjacent to shorter buildings with rooftop solar power systems. The new buildings could block the sunlight relied upon by these systems, limiting their ability to reduce GHG emissions. The City must prohibit the construction of buildings that would block sunlight to rooftop solar powered systems. The City of West Hollywood has adopted such an ordinance. (Attachment 12, West Hollywood Municipal Code section 19.20.170.)

Response to I-7

Refer to Response to J-3 on page C&R-196 for a discussion regarding the less-than-significant conclusion regarding shadow impacts presented in the Draft EIR. As discussed, the Housing Elements themselves would not result in increased density, reduced setback requirements, or increased height and bulk. Projects that could result in shadow impacts will be evaluated in the relevant CEQA documentation as specific development proposals are put forth. While the City could consider an ordinance as suggested by the commenter, this would not be necessary to mitigate the impacts of the Housing Element. Further, a determination regarding shadow impacts are made on a case-by-case basis and future projects could, if solar panels are present on a nearby building, consider whether impacts would result. It is speculative to conclude that Housing Element policies would block sunlight to rooftop solar powered systems.

Comment I-8

Edith McMillan

Not enough details enumerated as to the effects produced-questionable benefit-increase buildings and residents on air/wind patterns (climate change) although covering pollution emissions is shown VI 12 +13 and subseq.

Response to I-8

As discussed throughout the Draft EIR, the proposed 2004 and 2009 Housing Elements are programmatic policy-level documents that identify the locations of where new

housing could occur, as identified by the City's existing zoning maps, and identify a number of policies intended to meet the RHNA affordability targets, as identified by ABAG. The Housing Element document is required to demonstrate that the City has available capacity to meet the RHNA. As discussed in the Draft EIR, the City has available capacity to meet the RHNA and therefore does not need to rezone any lands to meet the RHNA targets. Furthermore, the proposed Housing Elements do not propose new housing projects. Any new development projects would be required to undergo a separate environmental evaluation pursuant to CEQA. The effects of the proposed 2004 and 2009 Housing Element policies with respect to air quality and greenhouse gas emissions are addressed programmatically in Sections V.H (Air Quality) and V.I (Greenhouse Gas Emissions) of the Draft EIR. The Draft EIR also identifies the air quality and greenhouse gas impacts that could result from expected population growth by 2025. Table V.H-6 identifies the potential air pollutant emissions resulting from projected 2025 residential development. This analysis includes annual summer and winter emissions resulting from natural gas, landscape maintenance, consumer products, architectural coatings, and vehicle emissions. Table V.I-4 identifies the greenhouse gas emissions resulting from projected residential development for year 2025. This analysis includes emissions from construction, natural gas, electricity use, water consumption, waste generation, landscape maintenance equipment and vehicle emissions.

J WIND AND SHADOW

Comment J-1

Rose Hillson, Member, Jordan JPIA

Page V.J-4: Wind: Section 148: The DEIR states, "Section 148 of the Planning Code establishes an equivalent wind speed of seven miles per hour (mph) for seating areas and 11 mph for areas of substantial pedestrian use. New buildings and additions to buildings may not cause ground-level winds to exceed these levels more than 10 percent of the time year round between 7:00AM and 6:00PM." On the western part of the City, where the wind speeds are the highest due the land being so close to the Pacific Ocean, the encouragement of building along streets on such an

intense scale as to have tall buildings that form a canyon effect, should not be pursued without input from the neighbors. The conclusion on…

Response to J-1

As illustrated on Figure IV-4 (Project Description) of the Draft EIR, the western areas of the City allow buildings no more than 40 feet in height. As discussed on page V.J-2 (Wind and Shadow) of the Draft EIR, buildings below 85 feet generally do not have the potential to affect ground level wind speeds. Any development that could change wind patterns is subject to compliance with Section 148 of the Planning Code, which requires, as mentioned by the commenter, an analysis of future wind conditions. This is often done as part of the CEQA review, which involves a public involvement component.

Comment J-2

Rose Hillson, Member, Jordan JPIA

Page V.J-7 which states, "Impact WS-1: The proposed Housing Elements would not alter wind in a manner that substantially affects public areas. (Less than Significant)" is silly.

When the HE is worded so that the intent is to densify the City, and especially along the transit corridors, of course the wind is funneled through the alley created by the taller buildings. And, it should be noted that for livability, such wind alterations with the construction of these buildings should not affect the rear yards of the residents either. The rear yards are places of respite in an otherwise concrete jungle and should not be made so the wind prevents the quiet enjoyment of the rear yards. Since the 2009 HE states that density will be increased in two scenarios -- 1) where family sized housing is on transit-oriented commercial areas and 2) for affordable housing – there would be more impact in this iteration of the HE than the 2004 HE so those two exceptions must be looked at more closely.

Response to J-2

The conclusion associated with Impact WS-1 on page V.J-7 (Wind and Shadow) of the Draft EIR is based on several factors. First, implementation of the Housing Elements would not enable new residential development or changes to zoning that would increase allowable heights. Second, future development projects that have the potential to change wind patterns will require a full environmental analysis to assess those impacts. Substantial study of the effect of development on wind has demonstrated that significant impacts occur when buildings in excess of 85 to 100 feet in height, extending

above neighboring buildings, interact with prevailing winds to accelerate ground-level speeds. The Housing Element would not allow for taller structures than could otherwise be built under existing zoning and therefore would not create new potential hazard-level wind speeds.

While many policies in the Housing Elements encourage density, there are also policies that discourage demolition and promote maintenance of the existing housing stock, thereby reducing the potential for wind-related impacts. These are discussed on pages V.J-17 (2004 Housing Element) and V.J-25 (2009 Housing Element). Future residential development is also required to comply with the regulatory framework discussed on pages V.J-4 through V.J-6. These factors, taken together, result in a less-than-significant impact. Section V.J of the Draft EIR looks at each Housing Element separately and assesses the impacts of each based on the specific policies.

Regarding impacts related to rear yards, these private areas are generally shielded by surrounding buildings. Moreover, as discussed above, wind impacts are created by tall buildings in windy areas extending above surrounding buildings; residential areas containing rear yards do not typically have zoning that allows for such height variations.

Comment J-3

Rose Hillson, Member, Jordan JPIA

Page V.J-28 states, "Because the 2009 Housing Element does not propose increased height limits in any areas, the effect of shadows would be less than significant."

The Housing Element contains policies and implementation measures that would likely result in increase of height limits so to say that the "effect of shadows would be less than significant" is baseless unless nothing was built.

Response to J-3

Similar to wind-related impacts, the conclusions regarding shadows are based on several factors. First, implementation of the Housing Elements would not result in changes to zoning or specific residential development. Also, as discussed on page V.J-26

(Wind and Shadow) of the Draft EIR, the majority of the City's open spaces are located in the western half of the City, while the City's potential for new residential development is greatest in the eastern areas. While the Housing Elements do encourage increased density, future development proposals will require environmental review, including a shadow analysis as necessary. Also, there are many policies that encourage the maintenance of existing housing stock, as discussed in Response to J-2, above. Future residential development is also required to comply with the regulatory framework discussed on pages V.J-4 through V.J-6. These factors, taken together, result in a less–than-significant impact.

K RECREATION

Comment K-1

Rose Hillson, Member, Jordan JPIA

Page V.K-7: Please provide "Map 9" of the "General Plan Recreation and Open Space Element" for easy reference.

Response to K-1

Map 9 of the General Plan Recreation and Open Space Element is available on the Planning Department's website at: http://www.sf-planning.org/ftp/General_Plan/images/I3.recreation_openspace/ros_map9.pdf

Comment K-2

Rose Hillson, Member, Jordan JPIA

Page V.K-21: "SFRPD would continue to acquire new open space/recreation facilities pursuant to Proposition C. Therefore, the 2004 HE would have a less than significant impact with respect to the construction or expansion of recreational facilities or the need for new or expanded park or recreational facilities." So when there is no "open space" available for acquisition by SFRPD, would the expansion and/or construction of recreational facilities stop?

Response to K-2

As discussed on page V.K-1 (Recreation) of the Draft EIR, areas termed "open space" are typically unimproved parklands. However, the term open space is also used to describe

outdoor areas in residential developments as required by the Planning Code. Parks and recreational facilities are usually separate categories and are areas set aside for public recreational activities. The open space referred to in Implementation Measure 11.8.1, which is discussed on page V.K-21 of the Draft EIR, is referring to outdoor area requirements for residential development as outlined in the Planning Code and thus is not necessarily related to SFRPD facilities.

The discussion on page V.K-21 (Recreation) of the Draft EIR also states that reductions in open space would be incremental and that only limited areas of the City are not currently served by open space areas. As shown in Figure V.K-2 (Recreation) of the Draft EIR, only small areas of the City are not currently within the service area of an existing or proposed open space (or park) area. The future expansion or construction of recreational facilities, beyond the horizon year of the RHNA, is beyond the scope of this EIR.

Comment K-3

Rose Hillson, Member, Jordan JPIA

Page V.K-29: **Impact RE-2**: "The proposed Housing Elements would not physically degrade existing recreational resources. (Less than Significant)"

"The proposed Housing Elements do not propose any zoning changes and Public Districts, where much of the City's open space and recreational facilities are located, and would therefore not be at risk for conversion to residential uses."

Although it is stated that there is a "Less than Significant" impact since the City's open space is mostly on publicly zoned land (zoned "P") will not be at risk for conversion to residential uses, the Housing Element does not state that with the increase in units built, there could be an impact depending on what open space one is addressing in a particular neighborhood. It does not analyze according to planning districts, e.g.

Response to K-3

As discussed in Response to K-2, the open space discussed in various Housing Element policies is referring to open space requirements for residential buildings as required by the Planning Code. There are no Housing Element policies that would affect public open

space areas or park and recreational facilities for the reason cited by the commenter. However, Figure V.K-2 and the discussion under Impacts RE-1 and RE-2 consider how increases in density could affect the availability of public recreational facilities and parks. The purpose of Figure V.K-2 is to illustrate that only a small portion of the City is not within the service area of an existing or proposed public open space. The conclusion for Impact RE-2 relies on the fact that, programmatically, the City's residents are adequately served by existing and proposed facilities. Moreover, implementation of Proposition C, which helps ensure that adequate public open space will be available to meet the needs of San Francisco residents accounting for potential growth within the City.

L UTILITIES AND SERVICE SYSTEMS

Comment L-1

Steve Lawrence

The Housing Element EIR Draft 2 relies on the Urban Water Management Plan to conclude, with very little analysis or discussion, that there is sufficient water to support planned development.

Firstly, the Urban Water Management Plan of 2005 is very out of date now. When that plan was drafted it was expected that the program now called WSIP would add capacity to take, store and deliver more water by 2015 than has ever been taken. In late 2008, however, SFPUC agreed through 2018 not to take any more water than what has been taken (265 mgd), and it is likely that in 2018 the commitment will be extended. To survive the design drought posited by planners, the water system will have to buy water (called water transfers). But it has not yet made arrangements to do so. It is not accurate that existing water resources are adequate to supply the additional population implied by the Housing Element; indeed, San Francisco does not now have sufficient water to honor its Water Supply Agreement with wholesale customers and supply the City during the drought posited by planners. It is involved in negotiations and hopes to enter into purchase arrangements with irrigation districts to bridge the gap. (These arrangements are now overdue--were to have been completed in 2009.)

Response to L-1

Section V.L (Utilities and Service Systems) of the Draft EIR references data from the 2005 Urban Water Management Plan (UWMP), but the conclusions are based on the results from the 2009 Water Supply Availability Study (WSAS). The WSAS is an interim study

commissioned by the San Francisco Public Utilities Commission (SFPUC) to provide updated information for use in Water Supply Assessments until the next UWMP update in 2010. The WSAS uses data from the 2005 UWMP, but was updated to reflect the current planning conditions. For example, there were proposed land development projects, such as the Candlestick Point Hunters Point Shipyard Project and the Treasure Island Yerba Buena Island Project that were not accounted for in the 2005 UWMP. The WSAS, which the Draft EIR is based on, also addresses the Water System Improvement Program (WSIP); SFPUC's projected timeline for completion, implementation, and negotiations of the WSIP; and SFPUC's self-imposed limit for water diversion off the Tuolumne River.

Adoption of the 2004 and 2009 Housing Elements would not permit new development; any new development would be required to undergo separate environmental review. The Housing Elements are policy-level documents that are intended to provide a vision to guide the anticipated future increase in population and subsequent housing. The Draft EIR determined that the City has adequate capacity to meet the existing needs of the population and that policies set forth in the Housing Elements would not create the need for construction of new water delivery infrastructure. Policies within the Housing Elements are intended to minimize the impacts of growth by encouraging the full utilization of density regulations. The promotion of multi-family residential housing units in downtown and underutilized commercial and industrial areas would decrease water demand as compared to single family residential units.

Comment L-2

Steve Lawrence

Secondly, there is no analysis of what happens when a catastrophe befalls San Francisco. The Spring Valley Water Company served the City adequately until April 1906. That month San Francisco suffered an earthquake, and the City burned for lack of water. We had enough water for ordinary times, but not enough to survive an earthquake. Will history repeat? Do we permit development without asking what happens when an epidemic, drought, earthquake or the like occur? During the next twenty-five years a serious earthquake is probable. Planners should prepare. The Housing Element draft 2 fails to address the matter.

Response to L-2

The SFPUC has approved the WSIP, which will repair, replace, and seismically upgrade the system's infrastructure. The WSIP is a multiple year, system-wide capital improvements program. Many aspects of the WSIP are rooted in the 2000 Water Supply Master Plan and various water system vulnerability studies. The WSIP investigated the potential options of developing local water resources such as water recycling, groundwater, desalination and improved conservation to meet SFPUC purchase requests or demands. One of the main objectives of the WSIP is to reduce vulnerability of the water system to damage from earthquakes.[19] The conclusions in the Draft EIR assume that the WSIP will be implemented by the SFPUC, which addresses water reliability issues in the event of an earthquake.

Comment L-3

Steve Lawrence

Thirdly, demand for water is hardening. San Franciscans have responded to pleas and use much less water per person. Plumbing Code changes and further aggressive conservation efforts of SFPUC will lower water use per person further. While this is good, there is less flexibility. When demand goes to irrigation and inessential uses, these can be cut out in an emergency. But when irrigation is by recycled water in a separate system, and inessential use has been cut to the bone, emergencies such as earthquake (with pipe breaks and leaks) and epidemics will quickly stress the water supply system. The less flexible is more prone to breaking than the flexible. This has not been discussed or addressed by the draft 2 Housing Element.

Response to L-3

Please refer to Response to L-2, above. The issue of water reliability in the event of an earthquake or other such emergency has been addressed through SFPUC's WSIP.

[19] San Francisco Public Utilities Commission, About WSIP. Website: http://sfwater.org/msc_main.cfm/MC_ID/35/MSC_ID/434. Accessed October 27, 2010.

Comment L-4

Bernard Choden, San Francisco Tomorrow, Written Comments

The holding capability of city for residence *and* commerce is more limited than acknowledged by the draft. For example, water availability at an affordable cost is limited both by source limitations, especially with regard climate change, and the increased service demands of its 2,500,000 service populations in the Central Valley and San Mateo County. The continued upgrades of this service is further impaired by severe costs overruns. Waste disposal is constrained by cost limitations imposed by the need to improve its digester treatment with regard to secondary and tertiary treatment and reuse principally for residentially associated uses.

Response to L-4

Water supply and wastewater treatment have been addressed in Section V.L (Utilities and Service Systems) in the Draft EIR. As discussed in the section, the local provider for both water and wastewater is the SFPUC. SFPUC has developed a Water System Improvement Program (WSIP) to address water reliability issues that come with increased service demands and potential water shortage conditions, such as a drought. The upgrades to this service would be provided by the SFPUC, and any increase in service costs would be determined by the SFPUC. The improvements planned for in the SFPUC WSIP are for the entire system to improve not only the available water supply to meet increased demands but to improve reliability of the system and infrastructure. These improvements are not directly related to any particular housing project, or the proposed Housing Elements, but rather improvements planned for by the SFPUC. These improvements, along with any associated costs, would be implemented with or without approval of the proposed Housing Elements.

SFPUC is also currently developing a Sewer System Master Plan (SSMP) to address anticipated infrastructure issues to meet forthcoming regulatory requirements, as well as to accommodate projected growth. As with the planned water improvements, these wastewater improvements are not directly related to any particular housing project, or the proposed Housing Elements, but rather improvements planned for by the SFPUC.

These improvements, along with any associated costs, would be implemented with or without approval of the proposed Housing Elements.

Comment L-5

Rose Hillson, Member, Jordan JPIA

Page V.L-47: Impact UT-5: "The proposed Housing elements would not be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs. (Less than Significant)"

"Additional collection trucks and personnel could be required to provide services to new housing."

Perhaps these additional garbage truck trips should also be a consideration for the section on Air Quality (Section V.H).

Response to L-5

Policies set forth in the Housing Elements are directed toward providing a vision for accommodating the anticipated growth that would occur regardless of the proposed Housing Elements. As such, the Housing Elements would not directly result in new trash collection vehicle trips.

Comment L-6

Rose Hillson, Member, Jordan JPIA

Page V.L-53: Please explain specifically how the increase in density that will result from the Housing Element policies and implementation measures and thus increase the population of San Francisco will result the "potential to decrease solid waste generation." This makes no sense to me.

Response to L-6

The discussion on page V.L-53 (Utilities and Service Systems) cited by the commenter states that solid waste generation could be decreased through policies that encourage greater density within building envelopes and retain the existing housing stock. Implementation of these policies could ultimately reduce the growth in construction and demolition waste that would otherwise be greater due to lower-density development and associated growth in solid waste generation.

Comment L-7

Amy Minteer, Chatten-Brown & Carstens

The Proposed Plan Would Exacerbate Existing Wastewater System Inadequacies.

Contrary to the assertions in the DEIR, the City of San Francisco is already at its wastewater capacity. Increases in population, derived from an increase in density, will exacerbate capacity issues and adversely impact bay and ocean water quality. San Francisco is unique on the Pacific Coast for its use of a combined sewer system that captures both runoff and sewage, treating both before discharge into the receiving waters. (DEIR p. V.L-7.) While this system operates below capacity most of the year, the system overflows during storm events, causing discharge of only primary-treated sewage into the Pacific Ocean and San Francisco Bay. According to the DEIR, this occurs one to ten times per year at each overflow location. (DEIR p. V.L-12.)

These overflows have dire consequences for the City and cause local receiving waters to violate both state and federal water quality standards. Last year, 17 percent of all water samples taken in San Francisco County exceeded the state's daily maximum bacterial standards. (Natural Resources Defense Council, Testing the Waters 2010, p. CA.2, available online at http://www.nrdc.org/water/oceans/ttw/sumcal.pdf, herein incorporated.) These standards measure enterococcus, E. coli, and total coliform. (Ibid.) Many of San Francisco's water quality standard exceedences were traceable to heavy first flush rain events in October 2009 that led to system overflows. Not surprisingly, testing sites near combined sewer overflows failed to meet state daily maximum bacterial standards most frequently. Several beaches located south of a discharge site (See, DEIR Fig. V.L-1) near Candlestick Point failed 46 percent, 26 percent, and 35 percent of the time. (Natural Resources Defense Council, Testing the Waters 2010, p. CA.18.) Baker Beach, located northeast of a discharge site, saw 36 percent of its samples exceed state bacterial standards. (Ibid.) Ocean Beach saw 40 percent of its water samples exceed standards, at two different locations. (Ibid.) Consequently, the DEIR's assertion that the City is currently in compliance with all permit requirements and water quality standards is incorrect. (DEIR p. V.L-8.)

Adoption of the Housing Elements will compound the City's existing wet weather sewage problems by increasing the City's population, water use, and wastewater discharge. The 2004 Housing Element has been estimated to enable the addition of up to 78,000 housing units to the City and could be as high as 133,359 units. (See Section I.B.) The similar policies of the 2009 Housing Element would result in a similar addition to the City's housing stock. This addition would encourage capacity far beyond the population growth of 31,000 units predicted in the RHNA. This increase in capacity could allow for a resultant population increase of more than 78,000 residents and water users. SFPUC currently serves 800,000 customers, so the increased development of housing units that would be promoted by the 2004 Housing Element could represent an increase in water use and discharge of nearly 10 percent. The true population increase would likely be much higher, given the Housing Elements' emphasis on providing family and multiple-unit housing, as well as its emphasis on retaining existing housing. If

system operations are already having significant impacts on water quality during times of wet weather, a ten percent increase in inflows will certainly have significant impacts.

Response to L-7

The commenter has incorrectly stated the number of residential units that are included in the RHNA. Figures IV-5 and IV-6 (Project Description) of the Draft EIR portray the available capacity for new residential development and the number of units currently in the development pipeline, giving the best available information as to where new units could be located or are proposed by project sponsors. The commenter has mistakenly cited this capacity and pipeline data as the RHNA. This is further addressed in Response to 7-2 on page C&R-82. As stated on page IV-10 and IV-11 (Project Description) of the Draft EIR, the total RHNA for the 2004 Housing Element is 20,372 and 31,193 for the 2009 Housing Element, respectively. Neither the 2004 nor the 2009 Housing Element would result in 78,000 units or 133,359 units.

Additionally, the Housing Elements do not change zoning codes within the City or otherwise increase the number of housing units that may be developed. The Housing Elements set forth policies to encourage density in accordance with existing zoning, but do not include stipulations to change zoning codes nor result directly in new residential housing. As stated throughout the Draft EIR, the Housing Elements provide a vision that directs the City's accommodation of its RHNA as determined by ABAG on a policy-level. The Housing Elements would not enable growth beyond citywide projections. Thus, the City's wastewater system would not be impacted by implementation of the Housing Elements.

The commenter mischaracterizes the Housing Elements. The Housing Elements are policy level documents and do not "enable 78,000 housing units." The Housing Elements do not make any planning or zoning changes. As discussed on page V.L-8 (Utilities and Service Systems) of the Draft EIR, the City's wastewater system treats approximately 91 percent of the City's stormwater runoff, 60 percent of which receives full secondary treatment and disinfection. The City's system is operational and all

discharges, treatment plants, combined sewer discharges, and outfalls are currently in full compliance with EPA and State-mandated criteria that require capture, detention, and treatment of combined sewage, the treatment of discharges that occur prior to transport to the treatment plant (overflows, or combined sewer discharges), and the operation of all facilities at maximum capacity. As such, the system is currently considered to be without deficiencies.

To address concerns related to aging infrastructure, climate change, and operational efficiencies, the SFPUC is currently developing a capital improvement plan, the Sewer System Improvement Program (SSIP). As necessary, the SSIP will address how to serve future increases in wastewater generation. The SSIP is based, in part, on the SSMP, which outlines a long-term strategy for management of the City's wastewater and stormwater, provides a detailed roadmap for improvements needed over the next few decades, and estimates funds to implement these improvements, address specific challenges facing the system, and maximizes system reliability and flexibility. The population projections used in the SSMP and ultimately guiding the SSIP are based on ABAG projections,[20] which, as discussed throughout the Draft EIR and this document, is the basis for Housing Elements.

The commenter expresses concern regarding combined sewer discharges (CSDs) and the effects on receiving waters. CSDs in San Francisco are legally allowed as the result of rainfall. There were five permitted combined sewer discharge events between April 1, 2009 and March 31, 2010 that resulted in portions of San Francisco beaches being posted (not every discharge affected every beach). CSDs occurred on October 13, 2009, January 18, 2010, and January 19, 2010, affecting a combination of Fort Funston, Ocean Beach, China Beach, and/or Baker Beach. The October 13, 2009 and January 19, 2010 events also impacted Candlestick Point. Baker Beach experienced two additional CSD events on

[20] San Francisco Public Utilities Commission, City and County of San Francisco 2030 Sewer System Master Plan. Task 100, Technical Memorandum No. 102, Wastewater Flow and Load Projections. August 2009. Website: http://sfwater.org/detail.cfm/MC_ID/14/MSC_ID/120/MTO_ID/760/C_ID/5127. Accessed December 14, 2010.

January 29, 2010 and February 26, 2010. The February 26, 2010 event also impacted China Beach.[21] As stated in the Draft EIR (page V.L-8) and reiterated by the commenter, "flows in excess of … treatment capacity receive the equivalent of primary treatment prior to being discharged to the Bay and ocean." All discharges into receiving waters receive treatment, which, as discussed above, is consistent with the City's permits and not in violation of relevant law and regulations. No untreated discharge from the City's combined sewer system is released into receiving waters.

The commenter also mentions several violations of water quality standards related to bacterial standard exceedences. The bacterial standard exceedences are not necessarily entirely linked to CSDs. Legislation, such as the statewide Beach Bathing Water Standards and Public Notification bill (AB411), and the protocol for identifying sources of fecal indicator bacteria (FIB) at high-use beaches that are impacted by flowing storm drains (AB538), have been signed into law.[22] The water quality violations in the National Resources Defense Council (NRDC) report, as cited by the commenter, are in relation to AB411, which do not monitor sewage discharges, but rather trigger when beach monitoring is required. Thus, the data presented in this report is not solely linked directly to CSDs. Furthermore, many natural bacteria, including coliforms, are present in the environment and can be used as an indicator for other potentially harmful bacteria.

Regarding the statistics cited by the commenter, the claim that 17 percent of all water quality samples collected in San Francisco in 2009 exceeded bacterial standards is not accurate: of the 2,781 beach monitoring samples collected, 265 or 9.5 percent exceeded the single sample maximum (SSM) for one of the indicator bacteria.[23]

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21 Heal the Bay, 20th Annual Report, 2009-2010. Beach Report Card. Website: http://sites.healthebay.org/assets/pdfdocs/brc/annual/2010/HtB_BRC_Annual_2010_Report.pdf. Accessed May 26, 2010.

22 Heal the Bay, 20th Annual Report, 2009-2010. Beach Report Card. Website: http://sites.healthebay.org/assets/pdfdocs/brc/annual/2010/HtB_BRC_Annual_2010_Report.pdf. Accessed May 26, 2010.

23 San Francisco Public Utilities Commission, Discharge Monitoring Report, Monthly Shoreline Report to Regional Water Quality Control Board, 2009.

The commenter's claim that many of San Francisco 2009 water quality exceedences were traceable to October storm events is accurate; 87 (33 percent) of the 265 exceedences occurred in October.[24] However, as stated above, to the extent that a CSD contributed to this exceedence does not indicate the City has violated a permit requirement.

The commenter's claimed exceedence rates of 46 percent, 26 percent, and 35 percent at Candlestick Point are not correct; 15.4 percent of the samples collected at Sunnydale Cove exceeded the SSM, 27.9 percent at Windsurfer Circle, and 13.1 percent at Jackrabbit Beach.[25] The high rate of exceedences at Windsurfer Circle is due to the storm drain that serves Monster Stadium, not the combined sewer system.[26] The Candlestick Point State Recreation Area (CPSRA) has separate storm and sewer systems. Stormwater in this area does not flow to the City's Combined Sewer System, but is discharged to the Bay via separate stormwater system outfalls and overland flows.

The claim that 36 percent of 2009 samples collected at Baker Beach exceeded bacterial standards is also not accurate. Of the 681 samples collected at Baker Beach, 70 (10.3 percent) exceeded the single sample maximum for one of the indicator bacteria. The highest rate of exceedence on that beach (23 percent) occurred at the Lobos Creek station, not at the station opposite the discharge site (1.2 percent exceedence rate).

The claim that two sites on Ocean Beach saw 40 percent exceedences is not accurate. Of the three sites that are only sampled after a CSO, Fort Funston had a 40 percent exceedence rate (6 of 15 samples), while Pacheco and Vicente each had a 33.3 percent exceedence rate (5 of 15 samples). To put these into perspective, the discharge site at Lincoln (sampled year round) had a 4.1 percent exceedence rate (7 of 171 samples).

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24 San Francisco Public Utilities Commission, Discharge Monitoring Report, Monthly Shoreline Report to Regional Water Quality Control Board, 2009.

25 San Francisco Public Utilities Commission, Discharge Monitoring Report, Monthly Shoreline Report to Regional Water Quality Control Board, 2009.

26 San Francisco Public Utilities Commission, Discharge Monitoring Report, Monthly Shoreline Report to Regional Water Quality Control Board, 2009.

Sewage overflows are legally, quantitatively, and qualitatively distinct from raw sewage spills that occur in communities with separate sewers. In addition to most CSD stormwater discharges being treated, sewage overflows are also of much shorter duration and lower volume than discharges in communities with separate storm drain systems.[27] Because of the nature of the City's combined sewer system, the City's ocean shoreline has no flowing storm drains in dry weather throughout the year, and therefore is not subject to AB411 monitoring requirements, but the City does have a year-round program that monitors beaches each week.[28] Thus, the bacterial standard exceedences cited by the commenter are not entirely a result of CSDs.

Comment L-8

Amy Minteer, Chatten-Brown & Carstens

Even so, the DEIR incorrectly finds that the Housing Elements would have no significant impacts related to wastewater because implementation would not exceed the wastewater treatment requirements of the regional water quality control board (DEIR p. II-14); would not require new or expanded treatment facilities (DEIR p. II-15); would not overwhelm wastewater treatment capacity (DEIR p. II-15); and would not violate existing water quality or waste discharge requirements or otherwise substantially degrade water quality (DEIR p. II-18). Considering that system is already periodically overwhelmed, leading to discharge of water that does not meet state requirements and that causes receiving waters to exceed state bacterial limits, these conclusions are suspect. A recirculated EIR must admit the significance of these impacts and mitigate them to the greatest extent feasible.

Response to L-8

As discussed in Response to L-7, above, the system is operating within capacity. The CSDs that occur are allowed under the City's permits. If the conditions substantially change to the point where discharges have markedly increased, the Regional Water Quality Control Board will reopen the City's existing permits to analyze the design

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27 Heal the Bay, 20th Annual Report, 2009-2010. Beach Report Card. Website: http://sites.healthebay.org/assets/pdfdocs/brc/annual/2010/HtB_BRC_Annual_2010_Report.pdf. Accessed May 26, 2010.

28 Heal the Bay, 20th Annual Report, 2009-2010. Beach Report Card. Website: http://sites.healthebay.org/assets/pdfdocs/brc/annual/2010/HtB_BRC_Annual_2010_Report.pdf. Accessed May 26, 2010.

criteria. Also, as discussed above, exceedance of bacterial limits is not directly a result of CSDs.

Comment L-9

Amy Minteer, Chatten-Brown & Carstens

The DEIR again justifies its finding of no significant impact with the assertion that the Housing Elements will not result in construction of residential units. (V.L-23.) How can a plan drawn up specifically to increase the City's housing capacity, by encouraging density bonuses and relaxed height and setback requirements, not lead to such a result? Similarly, the DEIR claims that no construction or expansion of existing treatment facilities would be needed to meet increased demand (V.L-24), yet the DEIR also states that SFPUC is formulating a Sewer System Master plan to address future needs. (V.L-23.) This plan is needed, in part, to handle projected population increases. The DEIR then recognizes that new construction could result in environmental impacts (V.L-24), but then declares these impacts to be less than significant because "the proposed Housing Elements do not propose new development." (Ibid.) This reasoning is as circular as it is incorrect.

Response to L-9

As discussed throughout this document, the Housing Elements are policy documents designed to provide a vision for how new housing in the City should occur as a result of anticipated population growth. The changes to the 1990 Residence Element embedded in the Housing Elements would not directly result in increased density or other changes to development standards. Section V.L (Utilities and Service Systems) of the Draft EIR concludes that no additional housing or wastewater treatment capacity is needed to accommodate the RHNA. The SSMP described on page V.L-18 of the Draft EIR is required, in part, to meet future growth anticipated in the City. As discussed in Response to L-7 on page C&R-205, the SFPUC bases its long-term objectives and expansion of the combined sewer system on ABAG regional growth projections. The SSMP is tied directly to these projections.[29] Growth within the City is projected to occur

[29] San Francisco Public Utilities Commission, City and County of San Francisco 2030 Sewer System Master Plan. Task 100, Technical Memorandum No. 102, Wastewater Flow and Load Projections. August 2009. Website: http://sfwater.org/detail.cfm/MC_ID/14/MSC_ID/120/MTO_ID/760/C_ID/5127. Accessed December 14, 2010.

with or without implementation of the Housing Elements and is a process that is entirely separate from that of the Housing Element.

The quote from page V.L-24 of the Draft EIR is meant to summarize the threshold of significance as articulated in Impact UT-2. The purpose of this sentence is not to state that the Housing Elements would result in new construction and, therefore, would result in environmental impacts. Rather, this statement is to articulate that, in accordance with Appendix G of the CEQA Guidelines, a project could result in significant impacts if a project would result the construction of new or expanded wastewater treatment facilities. Accordingly, the text on page V.L-24 (Utilities and Service Systems) of the Draft EIR has been revised to read:

> In accordance with Appendix G of the CEQA Guidelines, ~~N~~new development ~~construction~~ could result in impacts related to water or wastewater treatment facilities if new housing would result in additional need for water or wastewater treatment in areas that do not have the available capacity to transport or process the additional water or wastewater. This could ~~require~~ include the construction or expansion of water or wastewater treatment facilities.

Comment L-10

Amy Minteer, Chatten-Brown & Carstens

Despite the DEIR's premise that the Housing Elements will not cause an increase in construction or population, the analysis points to policies in the proposed Elements that will reduce water consumption. However, relevance and applicability of these policies is unclear because the DEIR fails to quantify future water use, expected water usage and discharge, or any other metrics that can be used to determine whether the policies will truly offset the anticipated water demand and discharge of 78,000-plus new residents.

The 2004 Housing Element will encourage conversion of higher-quantity industrial water uses to lower-quantity residential uses, which intuitively may decrease City water consumption if those high water uses are not replaced. The analysis fails to explain, however, how increasing building heights and envelope usage and reducing required building setbacks will reduce water consumption. It is true that multifamily housing, on average, uses less water per unit than single-family housing (DEIR p. V.L-32), but the DEIR fails to explain how gains in water conservation will not be offset by increases in population. Additionally, the DEIR neglects to mention that the vast majority of housing in San Francisco already consists of attached housing, much of it multi-family, so any gains in this area would likely be modest, at best. The DEIR's assurance that new construction will use more water-efficient fixtures and appliances than

currently exist (V.L-32) is similarly deficient. The decrease in water use per person, while admirable, will not offset a 78,000 person-plus increase in the City's population. The analysis also seems to refer only to water and sewer hookups, not to treatment capacity. The DEIR's claims that wastewater-caused impacts will be offset by compliance with city code, a waste pretreatment program, the green building ordinance, and other existing plans (V.L-32) is too vague and devoid of quantification to be useful.

The correlation between the 2009 Housing Element policies and their ability to mitigate the water demand of an increasing population is unclear. After noting that the 2009 plan "could result in an increased demand on water or wastewater treatment facilities by promoting intensification of uses on undeveloped or underdeveloped sites" (DEIR p. V.L.33), the DEIR claims that the same policies will reduce water demand and infrastructure impacts by identifying suitable housing sites, considering service ability, ensuring sustainable infrastructure capacity, and encouraging water conservation measures. The identified policies, however, merely encourage placing greater density near transit. Aside from the green building ordinance, which requires water efficient fixtures, the connection between the policies and wastewater production is not explained. The same is true for local, state, and federal policies. (DEIR p. V.L-40.) As with its analysis of the 2004 plan, the DEIR is correct that multifamily housing units use less water per unit than single family homes, but it fails to address the fact that any gains in water efficiency will likely be outstripped by the water demands of numerous new units it promotes.

Response to L-10

Population growth in San Francisco will occur regardless of the changes in the Housing Element, due to such factors as births, immigration, San Francisco's proximity to jobs, and as a desirable place to live. The point the Draft EIR makes is residential growth that is compliant with Housing Element policies would likely result in a reduced water demand than the level of demand might occur if less dense development were to occur. However, the text on pages V.L-32 and V.L-33 (Utilities and Service Systems) of the Draft EIR has been changed as follows:

> Although the 2004 Housing Element would not result in the construction of residential units, it would shape how new residential development should occur and ensures that there is adequate land available to meet future housing needs. The ~~P~~potential impacts of growth related to water and wastewater treatment facilities would be ~~offset~~ reduced by compliance with the previously discussed regulations, including Article 4.1 of the San Francisco Public Works Code and the City's industrial waste pretreatment program to regulate the discharge of pollutants into the sewage system, Water Quality Protection Program, the City's

Stormwater Management Plan, the City's Stormwater Ordinance, and the City's Construction Site Runoff Pollution Prevention Program requirements.

Comment L-11

Amy Minteer, Chatten-Brown & Carstens

Global climate change and aging infrastructure will place additional stresses on the City's wastewater treatment system. The City is already planning to face "…certain challenges, including 1) aging infrastructure … 2) readiness for climate change (e.g. rising sea levels, changes in storm intensity and frequency), 3) operational efficiency related to changes in land use conditions…" (DEIR p. V.L-8.) Capacity challenges should not be added to the system's burdens unless all feasible mitigation measures have been exhausted.

Response to L-11

While the system is currently in compliance with all permit requirements, page V.L-8 (Utilities and Service Systems) of the Draft EIR explains that SFPUC is preparing a SSIP to address certain issues including the structural integrity and seismic reliability of aging infrastructure, readiness for climate change, operational efficiency, and public nuisances and safety hazards related to flood and odor control. The improvements outlined in the SSIP will not serve as mitigation measures for the changes in the Housing Element or other future development, but rather lay out how the system will be improved over time. As discussed in Response to L-7 on page C&R-205, the changes embedded in the Housing Elements will not place any additional capacity burdens on the system.

Comment L-12

Amy Minteer, Chatten-Brown & Carstens

The City has long been a leader in the implementation of green planning policies and should be commended for embracing low impact development, green building ordinances, and water conservation requirements. However, even the full implementation of these policies will not prevent the incorporation of 78,000 additional housing units from significantly impacting the City's wastewater treatment capacity and the water quality of its receiving waters. A thirty percent reduction in water use is not enough. In addition requiring additional water conservation measures for new residential development – dual flush toilets, lower flow showers, cisterns for water capture, graywater reuse, and low impact development strategies – the DEIR should discuss caps on development pending implementation of the SFPUC sewer system master plan and stormwater control program.

Response to L-12

The commenter has incorrectly stated the number of residential units that are included in the RHNA. Figures IV-5 and IV-6 (Project Description) of the Draft EIR portray the available capacity for new residential development and the number of units currently in the development pipeline, giving the best available information for where new units could be located or are proposed by project sponsors. The commenter has mistakenly cited this capacity and pipeline data as the RHNA. This is further addressed in Response to 7-2 on page C&R-82. As stated on pages IV-10 and IV-11 (Project Description) of the Draft EIR, the total RHNA for the 2004 Housing Element is 20,372 and 31,193 for the 2009 Housing Element, respectively. Neither the 2004 or the 2009 Housing Element would result in 78,000 units or 133,359 units.

The SFPUC has not identified any capacity shortfalls in the wastewater treatment system. Also, the purpose of the SSIP is not to increase capacity but rather to update the system, preparing for climate change, etc. This is discussed further in Response to L-11 on page C&R-213. It is not expected that the SSIP, when finalized, will present the maximum capacity of the system.

Additionally, pursuant to the City's recently adopted Stormwater Management Ordinance, any new development and redevelopment disturbing 5,000 square feet or more of the ground surface is required to manage stormwater on-site. The Stormwater Design Guidelines associated with the Ordinance show project applicants how to achieve on-site stormwater management using low impact design (LID) strategies, also known as green infrastructure. These strategies include vegetated roofs, swales, rainwater harvesting, and rain gardens. The Guidelines protect San Francisco's environment by reducing pollution in stormwater runoff in areas of new development

and redevelopment and by reducing the wet weather burden on San Francisco's combined sewer.[30]

Comment L-13

Amy Minteer, Chatten-Brown & Carstens

The DEIR also incorrectly concludes that the Housing Elements' cumulative impacts on wastewater treatment will not be significant because growth will occur with or without the proposed housing elements. (DEIR p. V.L-50.) First, as set forth above, population growth within the City is not a foregone conclusion; the population of the City could and has decreased at times. Moreover, the 2004 and 2009 Housing Elements allow for at least three times the amount of growth forecast in the RHNA, and the City already exceeds state water quality standards due to sewage system overflows. The DEIR's reliance on connection fees as mitigation is misplaced. Although the City may collect fees as mitigation, the arrangement does not negate the requirement that the DEIR disclose potential impacts.

Response to L-13

The cumulative discussion cited by the commenter was prepared in accordance with Section 15130 of the CEQA Guidelines. Due to the nature of the Housing Element, it would not have an incremental effect that would be cumulatively considerable and impacts are considered less than significant. The population projections cited on page V.L-50 (Utilities and Services Systems) in the Draft EIR are provided by ABAG and were not generated by the City. While the City's population could indeed decrease at some point in the future, the projections provided by ABAG serve as a conservative estimate of future growth. Furthermore, because they are long-term projections, annual deviations are expected but overall future growth is anticipated to be close to ABAG projections.

A variety of local, State, and national factors support growth projections for San Francisco. Locally, the desirability of San Francisco, with its wealth of natural and urban amenities, has always appealed strongly to consumers. This desirability has resulted in continued high demand for housing, as evidenced by high property values and a

[30] San Francisco Public Utilities Commission, Stormwater Management, Stormwater Design Guidelines. Website: http://sfwater.org/mto_main.cfm/MC_ID/14/MSC_ID/361/MTO_ID/543. Accessed February 13, 2011.

growing population. Population trends for the City are discussed in Section V.D (Population and Housing) of the Draft EIR.

As a result of the recently adopted State Bill 375, the State of California is now taking an active role in shaping local planning efforts, requiring that localities address statewide goals of AB 32. Smart growth policies at the State level will support, and in some cases require, continued growth in urban areas like San Francisco. At a national level, resource constraints and their economic consequences are generating trends towards transit and desires for shorter commutes. The combination of rising gas prices and economic conditions is prompting citizens to place more emphasis on alternatives to driving (e.g., transit, walking and bicycling, carpools, etc), and to consider changes in their living situations to support alternatives to solo driving, further increasing the desirability to live in urban areas like San Francisco and increasing growth in those areas.

The Housing Elements would not result in any rezoning that would increase the capacity for future development in the City and, thus, do not "allow" for additional growth beyond that already allowed by existing zoning or the 1990 Residence Element. The Housing Elements provide policy guidance for residential development to ensure that the RHNA can be met with a focus on affordability, as required by law. The commenter's statement regarding the Housing Elements' allowance for three times the RHNA is likely in reference to the fact that the current RHNA calls for a total of 31,193 residential units in the City (Table IV-2 on page IV-11 [Project Description] of the Draft EIR) while as discussed on page IV.14, approximately 60,995 new housing units could be accommodated under existing zoning. There are approximately 1,649 parcels totaling 366 acres that are classified as vacant or near vacant (sites that are developed to less than five percent of their maximum potential) where approximately 20,543 new housing units could potentially be constructed. Another 4,111 lots are also seen as underdeveloped and could be redeveloped for residential uses, which could possibly yield another 40,452 new units. Further, as discussed on page IV-22 through IV-23, the City's pipeline projects, if built to capacity, collectively represent 56,435 new potential residential units.

The numbers identified as capacity or pipeline projects are independent of the Housing Elements and represent existing conditions in the City. The 60,995 units of housing capacity indicates that the RHNA can be accommodated within the existing zoning code.

As discussed in Response to L-7 on page C&R-205, the City's combined sewer system does not exceed State water quality standards. The Draft EIR does not identify connection fees as mitigation measures. Connection fees are mentioned in the cumulative analysis on page V.L-50 (Utilities and Service Systems) of the Draft EIR regarding future growth in the SFPUC service area but this is not presented as mitigation. One mitigation measure related to interior and exterior noise has been identified in the Draft EIR (page V.G-48). The Draft EIR did not identify significant impacts to the City's utility system; therefore, no mitigation is required.

Comment L-14

Amy Minteer, Chatten-Brown & Carstens

Water Supply Impacts Must Be Thoroughly Analyzed.

The Analysis of Water Supply Impacts is Flawed.

The DEIR's analysis of water supply impacts is based on the assumption that implementation of the policies contained in the 2004 and 2009 Housing Elements would not lead to an increase in the City's population. There is no support for this claim. As discussed above in sections I.B and C, the policies in the 2004 and 2009 Housing Elements promote an increase in density and the number of residential units far above what would be required to meet the demand predicted by ABAG in the RHNA.

Comment L-15

Amy Minteer, Chatten-Brown & Carstens

As noted above, the City's 2009 water supply analysis admits that significant increases in population are expected to result from the City's proposed increased density policies. Rather than taking existing local land use policy as a given (as had previously been the case), the projections in the 2009 water supply study assumed that local policy will be amended in the future to adopt 'smart growth' principles, that higher density growth will be focused in urban core areas, and that more housing will be produced in those areas, compared to that previously

assumed. The result of these assumptions is to increase the expected population in already developed areas. (2009 Water Study p. 22)

Response to L-14 and L-15

The conclusions of the water supply impacts are based only in part on the premise that the Housing Elements themselves do not result in changes to zoning or specific development proposals and, thus, will not directly result in significant increases in the need for water supply. The discussion also rests on the conclusions presented in the 2009 WSAS, which illustrate that there is adequate water supply to accommodate the residential growth through the year 2030. The number of residential units for the year 2030 used in the WSAS was developed by the City's Planning Department based on numbers from ABAG Projections, but also taking into account information regarding projects currently in various stages of the entitlement process (commonly referred to as the "development pipeline"). As noted on pages IV-21 through IV-22 (Project Description) of the Draft EIR, the development pipeline units are estimated to be 56,435, while the 2009 RHNA numbers are 31,000. The WSAS indicated that adequate supply is available to accommodate the development pipeline which is in excess of the RHNA numbers. Thus, development of the RHNA can be accommodated by available water supply. Impacts were, therefore, determined to be less than significant. Finally, although the Housing Elements do include policies that promote density, even if future development were built at a greater density to achieve the RHNA allocation, total development still would not be expected to exceed the units identified in the City's pipeline.

Comment L-16

Amy Minteer, Chatten-Brown & Carstens

The DEIR also claims multi-family housing uses less water than single-family housing as one of the bases that the adoption of the 2004 and/or 2009 Housing Elements would not result in a significant water quality impact. This statement is misleading. While one unit in a multi-family housing building would use less water than one single family home, multi-family housing buildings obviously include more than one unit. Thus, if you had site with a single family home, and that single family home was torn down and replaced with a 20 unit multi-family

housing building, the water usage for the site would increase because 20 multi-family units use more water than one single family home. (DEIR p. V.L-44.) The 2009 Water Supply Availability Study included in Appendix H of the DEIR estimates a water usage rate of 98.7 gallons per day per multi-family residential unit. How many gallons per day do single family residences use?

The DEIR's flawed assumptions lead to an inaccurate analysis of impacts to the City's water supply and an underestimation of the water supply impacts associated with the 2004 and 2009 Housing Elements.

Response to L-16

As noted under Response to L-14 on page C&R-218, the conclusions of the Draft EIR are based on 2009 WSAS, which illustrate that there is adequate water supply to accommodate residential growth through the year 2030. However, the Draft EIR, in evaluating the policies of the proposed Housing Elements at a programmatic level, also notes that policies to encourage housing density could be partially achieved by the construction of multi-family housing. On average, multi-family housing units result in less water use per unit than single-family housing units, allowing the SFPUC to meet the water demands of a growing population while minimizing the need for construction of additional water and wastewater systems. Single-family housing typically has both front and rear setbacks that are normally landscaped and require irrigation water for maintenance, while multi-family units may also have landscaped front and rear areas for open space, but typically less area per unit than single-family housing. Further, the reasoning presented in the Draft EIR is based on a per household basis, not on the number of units on a given parcel or geographic area. However, as noted, the conclusions presented in the Draft EIR on the availability of water supply are based on the WSAS, and not whether these residential units are multi-family or single-family units.

Comment L-17

Amy Minteer, Chatten-Brown & Carstens

The City Has Inadequate Water Supply.

The DEIR's analysis of water supply and the 2009 Water Study upon which it is based acknowledges that demand would exceed the City's water supply in multiple drought years in 2030. These multiple dry-year events may be even more common due to increasing impacts of climate change. Does the City have a plan for acquiring additional water in these conditions as required by Water Code section 10911? It appears that instead of identifying alternative sources of water, the City's solution to a future lack of water supply is water rationing. (DEIR Appendix H, 2009 Water Study pp. 29-30.) This is a significant adverse impact that the DEIR fails to acknowledge.

The 2009 Water Study also identifies an inadequate water supply for the years 2010-2015, prior to the City's proposed Water Supply Improvement Program coming online. The DEIR's water supply assessment overlooks these water supply inadequacies, claiming that the City's use of water in years 2007-2008 was actually below predicted demand, so demand would likely be less in the 2010-2015 as well. (2009 Water Study p. 29, DEIR p. V.L-6.) If the demand does exceed the supply, the SFPUC is authorized to implement a surcharge so it can purchase additional water. However, the Water Supply Assessment does not identify the sources of additional water for purchase.

Response to L-17

The 2009 WSAS concluded that in years with average or above-average precipitation, the SFPUC has sufficient supplies to serve 100 percent of normal, single dry, and multiple dry year demand up to the year 2030. In multiple-dry year events after 2030, however, it is possible the SFPUC will not be able to meet 100 percent of demand, and will therefore have to impose restrictions. The SFPUC has in place the Water Shortage Allocation Plan and the Retail Water Shortage Allocation Plan to balance supply and demand if such a situation occurs. Further discussion of the above mentioned plans can be found on pages V.L-3 to V.L-7 (Utilities and Service Systems) of the Draft EIR.

Comment L-18

Amy Minteer, Chatten-Brown & Carstens

The city cannot rely upon the untested Water System Improvement Plan to provide an adequate water supply. The DEIR states that total retail demand in 2010 is 91.81 mgd and 93.42 mgd in 2030 (p. V.L.-5) and admits that current water supply sources amount to 84.5 mgd (p. V.L.-3).

Therefore, there is a current water shortage of 7.31 mgd. The DEIR claims that the "SFPUC's retail water supplies increase to 94.5 mgd in 2015 when the SFPUC's Water System Improvement Plan (WSIP) water supply sources are readily available." (DEIR p. V.L-3.) However, this overly optimistic projection lacks adequate factual support and is based on water supply improvements that have not been approved or implemented. The DEIR's projection that "the SFPUC's retail water supplies increase to 94.5 mgd in 2015" is admittedly based on "the SFPUC's Water System Improvement Plan (WSIP) water supply sources" being "readily available." (DEIR p. V.L-3)

Response to L-18

According to the SFPUC, the water demand under current conditions is lower than the predicted demand. Water use in 2010 was 81.8 mgd versus the 91.8 mgd projected demand from the model. This current water use is less than the current water supply sources of 84.5 mgd. Therefore, even though the model predicts a potential deficit in 2010 of 7.31 mgd, in reality, there was a surplus of 2.7 mgd.[31]

The commenter is correct that the projected increase in water supply in 2015 is based on the WSIP sources being readily available. The conclusions in the Draft EIR are based on the findings of the 2009 WSAS, this study captures the most current water supply planning and demand information and is the latest published information on San Francisco's water supply and demand through 2030. This study indicates that the WSIP will be completed within the timeframe indicated, and that water supplies would be available by 2015.

Comment L-19

Amy Minteer, Chatten-Brown & Carstens

The WSIP is nothing more than an unrealized plan that relies upon construction of groundwater extraction facilities and recycled water treatment facilities, none of which have been built, in addition to increased conservation to save a total of 10 mgd, without which there would clearly be a water shortage. The 2009 Water Study admits that '[c]urrent gross per capita water use within San Francisco is 91.5 gallons per capita per day (gpcd) with residential water use calculated to be approximately 57 gpcd, the lowest use of any major urban area in California." (2009 Water Study p. 8.) Significant water conservation has already been implemented and there is no support for the conclusion that "local conservation programs implemented through

[31] San Francisco Public Utilities Commission, Water Enterprise, Billing Data. 2010.

2030 could cumulatively reduce Retail purchases from the SFPUC RWS by 4.5 mgd in year 2030." (2009 Water Study p. 11) These new conservation programs include high-efficiency toilet replacement in low-income communities, plumbing retrofits and water efficient irrigation systems in municipal parks. What factual support is there for the conclusion that "[t]hrough its conservation program, the SFPUC anticipates reducing gross per capita consumption from 91.5 gpcd to 87.4 gpcd by 2018 for an average daily savings of nearly 4.0 mgd"? (2009 Water Study p. 11.) Which of these conservation programs have been approved, funded and implemented and which have not? According to SFPUC's website, it does not appear that any of the conservation programs are even in the design phase yet. (SFPUC's description of WSIP projects and programs http://sfwater.org/mto_main.cfm/MC_ID/35/MSC_ID/393/MTO_ID/649, incorporated by reference.) Is it feasible to expect City residential water users to conserve more water when they have already achieved the lowest usage of any major urban area in California? What proof is there that the purported additional conservation will be achieved for each potential conservation program? How much water can realistically be potentially saved in each such program?

Another major component of the WSIP is a groundwater supply project which proposes the construction of up to six wells and associated facilities in the western part of San Francisco to extract up to 4 mgd of groundwater from the Westside Groundwater Basin for distribution to the City. (2009 Water Study p. 10) "The extracted groundwater, which would be used both for regular and emergency water supply purposes, would be disinfected and blended in small quantities with imported surface water before entering the municipal drinking water system. " (Id.) Has environmental review for this project been completed? The 2009 Water Study states that it was to have begun in November 2009. According to the SFPUC's website, the San Francisco Groundwater Supply Program is still in the initial design phase, meaning the program is already at least a year behind schedule. (http://sfwater.org/mto_main.cfm/MC_ID/35/MSC_ID/393/MTO_ID/649.) Is the groundwater program still in the design phase? If not, what is the status of that project? If it has been approved, what is the status of its implementation and has any funding been committed to its implementation? If not already funded, what are the funding sources expected for this project? If additional facilities would be needed to disinfect extracted groundwater, are there committed funding sources for these facilities, and if so, please describe them.

Another major component of the WSIP is the proposed construction of three recycled water treatment facilities which would provide 4 mgd of recycled water to a variety of users in San Francisco. (2009 Water Study p. 11) The 2009 Water Study asserts that only the Harding Park Project has completed environmental review. (Id.) What is the status of the implementation of the Harding Park Project and has any funding been committed to its implementation? According to the SFPUC's website, the Westside Project is in the design phase, and the Eastside Project is only in the planning process; environmental review documents have not yet been released for either of these Projects. Have any of these projects been funded? If not, what is the status of these projects? If not already funded, what are the funding sources expected for all three of these projects?

The other component of the WSIP, the Lake Merced Water Level Restoration Project is planned to protect and balance the beneficial uses of Lake Merced, but the 2009 Water Study does not assert that it is intended to produce water savings for the use of the City. (2009 Water Study p. 10)

The City has unlawfully relied upon potential projects that are not in place as mitigation for a highly significant water supply deficit in years 2015 to 2030. In 2030 there would be an 8.92 mgd deficit in the water supply, when 93.42 mgd would be needed and currently only 84.5 mgd can be supplied without the WSIP.

The lack of certainty as to the implementation of the WSIP and the ability of the WSIP to obtain the claimed water savings is particularly significant in light of the July 2009 Master Water Sales Agreement. If the City is not able to provide the estimated 10 mgd via the WSIP, it would not be able to make up the difference in water supply requirements with additional Hetch Hetchy water because the Wholesale Customers in the suburbs of San Francisco have priority to a specific supply. "The amount of water made available to the Wholesale Customers may not be reduced, however, merely because the water recycling and groundwater projects which the WSIP envisions to be constructed within San Francisco, or the conservation programs intended to reduce water use by Retail Customers that are included in the WSIP, do not generate the yield or savings (10 MGD combined) anticipated by San Francisco." (July 2009 Master Water Sales Agreement, pp. 8-9 http://www.bawsca.org/docs/FINAL_WSA_with_Attachments.PDF, included by reference) In drafting the 2009 Master Water Sales Agreement, the City and Wholesale Customers clearly considered the possibility that the WSIP may not be able to provide the anticipated water savings and yield, yet the DEIR completely fails to consider this possibility. How would the City provide adequate water supply to residents in normal rainfall years, let alone drought years, in 2015 and beyond if the WSIP does not provide the anticipated water use reductions or the groundwater supplies? The 2009 Water Study merely states that the City is investigating the possibility of dry-year water rights transfers from two senior water rights holders and construction of a proposed regional groundwater storage and recovery project which is currently undergoing environmental review and a potential regional desalination project which appears to be in conceptual stage only. Are there any committed funding sources for any of these projects or any contractual commitment by senior water rights holders to provide certain amounts of water to City residents in dry years? (2009 Water Study p. 13-14.)

Response to L-19

The analysis in the Draft EIR does not rely upon the implementation of the conservation measures cited in the WSIP. Further, as discussed above in Response to L-1 on page C&R-199, the conclusions regarding water supply are based on the WSAS, not the WSIP. The conclusions presented in the WSAS do not assume these measures are in place when calculating current demand. Implementation of these conservation measures would not

change the conclusions of the Draft EIR. However, the WSAS does assume that these measures would be in place to supply water in future years, including 2030. Inclusion of these conservation measures for water demand calculations for future years is a reasonable assumption since water demand has historically decreased over time.

Regarding the groundwater projects cited by the commenter, the implementation of this project does not affect the conclusions in the Draft EIR.

The commenter has also requested information on the status of the Harding Park Project, Westside Project, and Eastside Project. The Harding Park project will remove drinking water currently used for irrigation of Harding Park with recycled water supplied by the North San Mateo County Sanitation District.[32] This project, therefore, has no adverse effects on the supply of potable water and does not affect the conclusions reached in the Draft EIR and could potentially result in beneficial impacts to the potable water supply. The Westside Recycled Water Project is also related to providing recycled water[33] and would achieve similar goals of the Harding Park project and also does not affect the Draft EIR conclusions. As discussed in the WSAS, the Eastside Recycled Water project is also in the planning phases and, like the projects discussed above, would not affect the availability of potable water. The current water supply and demand is discussed in Response to L-7 on page C&R-205.

The commenter has requested additional information on the Lake Merced Water Level Restoration project. This project is geared towards reducing groundwater pumping to replenish Lake Merced and this project involves replenishing groundwater in the Westside Basin by providing alternative water supplies for drinking and irrigation.[34] This project addresses the issues that have historically depleted the Westside Basin

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32 SFPUC, Harding Park Recycled Water Project. Website: http://sfwater.org/msc_main.cfm/MC_ID/13/MSC_ID/ 379. Accessed November 2, 2010.

33 SFPUC, San Francisco Westside Recycled Water Project. Website: http://sfwater.org/msc_main.cfm/MC_ID/13/ MSC_ID/377. Accessed November 2, 2010.

34 SFPUC, Lake Levels and Restoration. Website: http://sfwater.org/mto_main.cfm/MC_ID/20/MSC_ID/179/ MTO_ID/674. Accessed November 2, 2010.

groundwater levels and has no adverse effect on the City's water supply discussed in the WSAS.

Based on the information provided above, the WSAS 2030 estimated supply is 94.5 mgd is accurate and will be available for use in 2030.

Finally, as discussed throughout this document, the Housing Element itself would not result in increased water demand. The 2004 and 2009 Housing Elements are policy documents that encourage certain patterns for future residential development, but do not propose specific development projects.

M PUBLIC SERVICES

Comment M-1

Rose Hillson, Member, Jordan JPIA

Page V.M-39: "Increasing the residential population could potentially reduce crime, as criminal activity is more likely to occur in isolated and hidden."

This is not a complete sentence. How is it that the denser areas of town would have less crime? In San Francisco, the densest part of town is the Tenderloin and Downtown areas. Crime is the highest in these areas. Look at San Francisco Police Department Crime Maps.

Response to M-1

In response to this comment, page V.M-39 (Public Services) the Draft EIR has been modified to read:

> Increasing the residential population could potentially reduce crime, as criminal activity is more likely to occur in isolated and hidden areas of the City.

The Draft EIR states that crime *could* be reduced in areas that experience increases in population. While it is true that much of the City's crime occurs in the densest areas, this statement cannot be applied to the entire City. Many areas of the City that have experienced redevelopment efforts or new development have had reduced crime rates based on the generally understood concept that reducing blight often reduces crime. The conclusions presented in the Draft EIR do not rely on the concept that crime may be

reduced as a result of increased density. Rather, the Draft EIR discusses the potential for the Housing Element to increase density and that policies in the Housing Elements would mitigate any potential impacts related to police services. For the 2004 Housing Element this includes Policy 11.1, which would enhance neighborhood vitality. For the 2009 Housing Element this includes Policies 1.8, 1.4, and Policy 11.5, which promote mixed use development, comprehensive community planning processes, and high quality architectural design. Further, crime is a socioeconomic issue, not a physical environmental impact. The Draft EIR addresses any need for increased police services that could result from construction of new facilities.

Comment M-2

Edith McMillan

How will increased density (more residents) impact e.g. Fire and Police (Fig V.M-1) and subseq.

Response to M-2

Impacts associated with fire and police protection services are discussed in detail in Section V.M (Public Services) of the Draft EIR. The conclusions in the Draft EIR regarding potential impacts related to police services are described in Response to M-1 on page C&R-225. Regarding fire protection services, the Draft EIR discloses that increased density and increased development in certain areas of the City could result in impacts related to fire protection services. However, the Draft EIR concludes that these impacts would be less than significant based on required compliance with identified laws and regulations as well as implementation of various Housing Element policies that encourage preservation and rehabilitation of existing housing and seismic upgrades to housing units.

N BIOLOGICAL RESOURCES

Comment N-1

Rose Hillson, Member, Jordan JPIA

Page V.N-2: In this "Biological Resources" section, it states that for the species listed in **Tables V.N-1** and **V.N-2**, "it is improbable that any of the aforementioned species occur on or in the immediate vicinity of developable areas of the City. Many occurrences are confined to areas in the Presidio or are located on lands under the control of the Department of Recreation and Parks." And on Page **V.N-19, Table V.N-3** lists the "Features of Natural Areas in San Francisco." What data is used to determine what species occur in the "developable" areas of the City? Have surveys been done to determine what grows in the "Natural Areas in San Francisco"? Without this kind of data, how can one draw conclusions?

Response to N-1

The "developable" areas of the City shown in the Draft EIR, as explained in Section IV (Project Description) and illustrated in Figure IV-5, are determined by available capacity. The capacity identified in the Draft EIR has been developed through a soft site analysis. This analysis identifies only those sites that are currently developed to only 5 percent and 30 percent of their existing capacity and therefore are intended to represent sites likely to be redeveloped. The number of units that could be redeveloped within each planning district and/or plan area is based on the maximum density allowed under existing, adopted zoning.

Tables V.N-1 and V.N-2 in Section V.N (Biological Resources) of the Draft EIR were derived from a search of the California Natural Diversity Database (CNDDB), which identifies reported occurrences of special status species. Therefore, the search is an indication of where special status species have occurred but is not representative of a citywide survey.

The map of Natural Areas presented in Table V.N-3 on page V.N-19 (Biological Resources) of the Draft EIR is derived from the San Francisco Natural Heritage Map. This map, prepared by the organization Nature in the City, is derived from information provided by the San Francisco Recreation and Parks Department, Candlestick State

Recreation Area, and the Golden Gate National Recreation Area. Properties in such public ownership are not considered "developable." New development proposals in the City are required to undergo CEQA review, which would include an analysis as to whether special status species could occur on the site and/or could otherwise be impacted by the proposal.

O GEOLOGY AND SOILS

Comment O-1

Steve Lawrence

The draft fails to address not only water, but also emergency response to an earthquake. It is said to be probable that San Francisco will experience a significant earthquake within the next twenty-five years. SFPUC designs for an earthquake of 7.9 on the Richter scale. What will happen? The Housing Element, as well as the Candlestick/Hunters Pt. proposal and others, call for a larger population, a denser concentration of people within San Francisco, and more people located in rather remote areas: Hunters Pt., Candlestick Pt., and Park Merced to give three examples. San Francisco's population is aging; by 2030 a fourth is expected to be over 65; these more vulnerable people will require more emergency help after a quake. San Francisco housing grows more expensive, and fewer emergency workers (first responders) live in the City. The City should not grow, densify, age, and become more vulnerable while its ability to respond to crisis erodes. The Housing Element should consider ability to respond to crisis, including earthquake, epidemic, and terror attack.

Response to O-1

Water supply, water demand, and water sources are discussed in detail in Section V.L (Utilities and Service Systems) of the Draft EIR. Section V.O (Geology and Soils) of the Draft EIR analyzes whether implementation of the Housing Elements would expose people or structures to potential adverse effects involving seismic hazards. The discussion under Impact GE-1 on pages V.O-26 through V.O-48 focuses on how increased density and development in areas containing artificial fill could be affected by seismic activity. Although the 2004 and 2009 Housing Elements would not result in the construction of residential units, they would shape how new residential development should occur and ensures that there is adequate land available to meet future housing needs. Potential impacts related to increased density would be offset by compliance with

the previously discussed regulations, including the San Francisco Building Code (Building Code), Earthquake Hazards Reduction Act, Alquist-Priolo Earthquake Fault Zoning Act, and Seismic Hazards Mapping Act of 1990. The State of California provides minimum standards for building design through the California Building Code. The availability of emergency workers based on high housing costs is not a CEQA issue and is not discussed in the Draft EIR.

Comment O-2

Bernard Choden, San Francisco Tomorrow

The seismic endangerment study. "Preventing a Catastrophe," by the Dept. of Building inspection identified approximately 4,900 soft story residential buildings with five or more units subject to retrofit needs. Of these, about 3,000 buildings have rent controlled units involved, therefore, is more than 10% of the housing stock for which there is no assistance program to protect both seismic safety and affordability.

High rise residential structures are insufficiently protected against seismic survivability especially with the delay in adoption of CAPS II. Yet, the Planning Commission continues to approve construction of such buildings often on unstable land. This issue is a prime example of the lack of government actionable commitment to the policies of past Housing Elements.

Response to O-2

This comment addresses the merits of the project and raises issues for consideration in deliberations regarding Housing Element adoption. The commenter does not specifically cite any 2004 or 2009 Housing Element policies nor does this comment speak to the adequacy of the Draft EIR. However, the Community Action Plan for Seismic Safety (CAPSS) is designed to update existing soft-story housing and does not apply to new residential development which is required to be designed consistent with current seismic-related laws and regulations. Any new structures are required to be built in accordance with all seismic-related building standards.

Comment O-3

Rose Hillson, Member, Jordan JPIA

For the section on "Geology and Soils," **Page V.O-4**, "Naturally Occurring Asbestos (NOA)," please provide a map of the specific areas in SF where it is known to exist?

Response to O-3

As discussed on page V.O-4 of the Draft EIR, naturally occurring asbestos is commonly found in serpentine rocks. Please refer to Figure V.Q-1 in Section V.Q (Hazards and Hazardous Materials) of the Draft EIR. This map identifies known areas of serpentine rock and this section of the Draft EIR also discusses serpentine rock as a potential environmental hazard.

Comment O-4

Edith McMillan

Putting the burden (shifting) responsibility to DBI (pg VM-36) to revise the Building Code is side-stepping Planning Department's responsibility.

Response to O-4

Pursuant to the regulatory framework for development in the City, CAPSS is managed by the Department of Building Inspection (DBI). The focus of the CAPSS program is to identify ways to reduce the damage that earthquakes cause and facilitate San Francisco's post-earthquake recovery. This focus is carried out through the efforts of DBI whose mission includes: "the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Plumbing, Electrical, and Mechanical Codes, along with the Disability Access Regulations."

P HYDROLOGY AND WATER QUALITY

Comment P-1

Rose Hillson, Member, Jordan JPIA

For "Hydrology and Water Quality," concludes with similarly to that of other sections: No mitigation or improvement measures are warranted by the proposed Housing Elements. If the City of San Francisco has not identified any special flood hazard areas (SFHA), would it not be premature to base any conclusions in regards to the impact on hydrology and water quality? If so, what steps will be taken to determine such SFHA areas? Refer to **Page V.P-46** and **Figure V.P-3** ("Potential Housing Units: Capacity and Pipeline Units within Flood Prone Areas") and **Figure V.P-4** ("Potential Housing Units: Capacity and Pipeline Units in Areas at Risk of Inundation Due to Rising Sea Levels"). Perhaps these maps of the flood-prone areas SFHAs are already published since the Board of Supervisors introduced legislation to "enact a floodplain

management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco" per **Page V.P-51**. If these maps are not done first, it would be difficult to come to any accurate conclusion.

Response to P-1

At the time this document was prepared, the Board of Supervisors had not passed the amended Floodplain Management Ordinance. Information regarding the City's Floodplain Management Program can be found here: http://www.sfgsa.org/index.aspx?page=828 (accessed February 13, 2011), and by request from the City. If a project site is located in a flood prone area identified on the draft maps, that issue would be addressed in the project-specific environmental review. As described on page V.P-51 (Hydrology and Water Quality) of the Draft EIR, the proposed Floodplain Management Ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. In general, the ordinance requires first floor structures in flood zones to be constructed above the Base Flood Elevation or to be flood proofed.[35] This is, in part, what the Draft EIR relies upon to reach a less-than-significant conclusion. However, even in the absence of an adopted ordinance, because the Housing Elements would not result in new development, impacts would be considered less than significant. The Draft EIR goes on to explain that projects that might be granted a variance from the ordinance may be deemed ineligible for federally backed flood insurance by FEMA. Furthermore, the Housing Elements do not specifically encourage new development in these areas. Many of the areas are port lands or industrial lands and other areas include Mission Bay, Hunters Point Shipyard/Candlestick, or Treasure Island. These plan areas have all undergone separate environmental reviews at which point impacts related to flooding were identified and, if necessary, mitigated.

[35] Office of the City Administrator, San Francisco Floodplain Management Program Fact Sheet, January 29, 2010. Website: http://sfgsa.org/Modules/ShowDocument.aspx?documentid=6769. Accessed December 13, 2010.

Comment P-2

Rose Hillson, Member, Jordan JPIA

Page V.P-55: "The 2004 Housing Element and 2009 Housing Element would not result in the construction of residential units, although they could enocurage (sic) how and where new residential development would occur and would assist in ensuring that there is adequate land available to meet future housing needs." "Enocurage" should be "encourage."

Response to P-2

In response to this comment, the following text change has been made on page V.P-55 (Hydrology and Water Quality) of the Draft EIR.

> The 2004 Housing Element and 2009 Housing Element would not result in the construction of residential units, although they could ~~enocurage~~ encourage how and where new residential development would occur and would assist in ensuring that there is adequate land available to meet future housing needs.

Comment P-3

Timothy Doherty, Bay Conservation and Development Commission

Sea level rise will likely pose a risk to the shoreline of San Francisco Bay in the future. The latest research published by the California Climate Change Center indicates that sea levels may rise between 23 inches – 55 inches (60 – 140 centimeters) above 2000 mean sea level by the end of the century (Cayan et al 2009). As depicted in Figures V.P-2, V.P.-3 and V.P.-4 there are portions of the plan area within flood prone areas. Therefore, it is appropriate that the City of San Francisco has created maps that depict flood prone areas, has considered a Floodplain Management Ordinance and has considered participating in the National Flood Insurance Program. The City should be recognized for analyzing the number of housing units that may be constructed in susceptible areas such as Candlestick, Treasure Island, Mission Bay and Hunters Point. In order to decrease the exposure of people to flood hazards it will be important to conduct further flood hazard analysis and to require appropriate flood management measures in the future Floodplain Management Ordinance.

BCDC recently conducted an assessment of the region's vulnerability to sea level rise which is based on a projected 16-inch (40 cm) sea level rise at mid century (2050) and 55-inch (140 cm) sea level rise at the end of the century (2100). Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project…Bay water levels are likely to increase in the future because of a relative rise in sea level… Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with

responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on the safety of fill and sea level rise.

Finally, sea level rise and coastal flooding will likely impact biological resources, transportation infrastructure, utilities, public services and hazard response and as such each of these sections should reflect the likely impacts of climate change and suggest ways in which the City of San Francisco would respond to these likely impacts. The current process is an opportunity to design a thoughtful response to climate change impacts that could make the City of San Francisco more resilient to future impacts.

Response to P-3

The Draft EIR acknowledges the potential impacts of global warming in Section V.I (Greenhouse Gas Emissions) and Section V.P (Hydrology and Water Quality). Section V.I identifies the potential impacts of climate change with respect to decreased water supply, diminished air quality, sea level rise and flooding, stressed ecosystems and the effects on biodiversity. This section also discusses the Draft 2009 California Climate Change Adaptation Strategy which has developed preliminary recommendations for addressing adaptation to climate change.

While it is acknowledged that climate change will affect California and more specifically San Francisco, neither the 2004 or 2009 Housing Element would result in changes to the allowable land uses within the City and would therefore not result in the exposure of more residents to potential impacts resulting from sea level rise. Recent development plans for Treasure Island and Candlestick-Hunters Point Shipyard have incorporated sea level rise planning into those developments. As shown in Figure V.P-4 in the Draft EIR, these two development projects along with lands owned by the San Francisco Port comprise the majority of those areas within the City subject to inundation from sea level rise. However, there are other areas of San Francisco that are at risk of sea level rise, most notably Mission Bay. New construction in these areas could be affected by sea level rise, but these projects do not rely on the Housing Element for implementation. In

addition, these projects would be subject to a separate environmental evaluation pursuant to CEQA, which could consider such impacts as sea level rise on the proposed development project. These projects, as suggested by the commenter, must be consistent with BCDC's Bay Plan policies and would be evaluated on a project level basis.

The degree to which sea level rise within the Bay Area, and San Francisco in particular, may affect biological resources, transportation infrastructure, utilities, and public services requires various strategies to be developed to adapt and mitigate those impacts and additional evaluation at with the City's affected departments and stakeholder groups. A multi-departmental effort is currently underway to develop a citywide Climate Adaptation Plan. Spearheaded by the Department of the Environment, and identified in their Strategic Plan 2010-2012, the City is coordinating climate adaptation planning, which would consider the impacts of climate change on its various resources in developing an adaptation strategy.[36]

Q HAZARDOUS AND HAZARDOUS MATERIALS

Comment Q-1

Virginia Lasky, Project Manager, Department of Toxic Substances Control

Thank you for the opportunity to review the Draft Environmental Impact Report (DREIR) for the San Francisco 2004 and 2009 Housing Element project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

Response to Q-1

The commenter broadly addresses the adequacy of the Draft EIR in regard to remediation procedures for the release of hazardous substances. A detailed discussion of the relevant plans and policies pertaining to hazardous materials management can be

[36] San Francisco Department of the Environment. Strategic Plan 2010-2012. Website: www.sfenvironment.org. Accessed October 18, 2010.

found under the Regulatory Setting and Impacts analysis of Section V.Q (Hazards and Hazardous Materials) of the Draft EIR.

Comment Q-2

Virginia Lasky, Project Manager, Department of Toxic Substances Control

Under Section Q (Hazards and Hazardous Materials), page V.Q-38, par. 3, line 3, please add "DTSC" as one of the regulating agencies (pursuant to Section 25358.3 for overseeing investigation and cleanup for non-petroleum, including unknown contaminated sites). Under the same paragraph, line 10, please add the following at the end of the sentence: "under the oversight of a regulatory agency."

Response to Q-2

In response to this comment, the following text has been added on page V.Q-38 (Hazards and Hazardous Materials) of the Draft EIR.

> The likelihood that significant adverse effects would result from the discovery of previously unidentified contaminated sites is minimal because there are multiple existing requirements in place to address such effects, such as Article 22A, SFRWQCB, DTSC, and SFDPH UST.

The same paragraph on page V.Q-38 of the Draft EIR has also been revised as follows:

> The findings of this assessment may include discovery of past contamination of the site. Under such circumstances, appropriate mitigations would be applied to the project to address the contamination under the oversight of a regulatory agency.

Comment Q-3

Rose Hillson, Member, Jordan JPIA

Page V.Q-26: The 2004 Housing Element "encourages new housing in Downtown and in underutilized commercial and industrial areas. The 2004 Housing Element also encourages increased housing in neighborhood commercial districts and mixed-use districts near Downtown. On the other hand, the 2009 Housing Element encourages housing in new commercial or institutional projects and accommodating housing through existing community planning processes."

According to **Figure V.Q -1** ("Potential Housing Units: Capacity and Pipeline Units within Potential Hazard Sites" and **Figure V.Q-2** ("Potential Housing Units: Capacity and Pipeline Units within Potential Contaminated Sites"), a lot of the proposed housing sites are in the

Downtown, Mission Bay, Hunters Point, Candlestick Point, Visitacion Valley and Treasure Island Redevelopment Areas as well as the Park Merced area. These areas show artificial fill and serpentine which are hazardous and by having the Housing Element "encourages" housing in these places, they are knowingly putting housing in contaminated or hazardous areas and say the Housing Element has no mitigation or implementation measures in relation to these hazards. When one combines both maps for hazard sites and contaminated sites, one sees that the above sites are also the areas of most concern. When the housing element encourages higher residential density, it is putting more people in harm's way. I think this is important for the safety of the public.

Response to Q-3

The 2004 and 2009 Housing Element Draft EIR acknowledges and analyzes the hazards described by the commenter. Impact HZ-2 on pages V.Q-35 through V.Q-40 (Hazards and Hazardous Materials) of the Draft EIR discuss potential impacts related to construction in areas containing serpentine rock and concludes that compliance with the State ARB ATCH for Construction, Grading, Quarrying, and Surface Mining Operations would ensure that adverse impacts resulting from the release of Naturally Occurring Asbestos remain less than significant. Seismic hazards associated with artificial fill are discussed in Impact GE-1 on pages V.O-26 through V.O-45 (Geology and Soils) of the Draft EIR. As concluded, new development is required to follow the City's Interdepartmental Review, and fully comply with the City's Building Code. Regulations related to seismic hazards are discussed on pages V.O-22 through V.O-24 of the Draft EIR. As discussed in Response to O-1, O-2, and O-4 on page C&R-228, C&R-229, and C&R-230, respectively, the Draft EIR determined that impacts related to Geology and Soils are less than significant.

R MINERAL AND ENERGY RESOURCES

Comment R-1

Rose Hillson, Member, Jordan JPIA

Page V.R-7: "**Impact ME-1**: The proposed Housing elements would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. (Less than Significant)"

On the contrary, since the HE encourages denser housing, it leads me to believe that more people will be occupying housing per square foot and each person will require energy and water resource needs so the more people, the more consumption. And, we have had PG&E manhole explosions in the Downtown area and if we still keep adding to the electrical grid, there could be more explosions because we have taxed a system that needs to be upgraded to accommodate the extra load generated by all the new people. If people are not going to use any PG&E, SFPUC-Water Department, and Hetch Hetchy Water and Power sources, then perhaps it can be assumed that there would be "less than significant" impact. If the 2004 Housing Element and its encouragement to build higher density housing in San Francisco had such insignificant impact on energy resources, it is puzzling that "on April 29, 2006, the 27-mile Jefferson-Martin 230,000 volt Transmission Line from the Jefferson substation in San Mateo County to the Martin substation was released into service to improve capacity and reliability of the electricity supply in San Francisco and on the Peninsula" per **Page V.R-2.** And the final "Mitigation and Improvement Measures" states that none are needed on **Page V.R-26**.

Response to R-1

As stated on pages V.R-16 and V.R-25 (Mineral and Energy Resources) of the Draft EIR, adoption of changes to the 1990 Residence Element as embedded in the Housing Elements would not directly result in the construction of residential units. However, potential impacts of new housing related to the need for fuel, water, and energy would be offset by compliance with regulations such as Title 20 and 24 of the California Code of Regulations including the State of California's new Green Building Code, the City's Green Building Ordinance, the City's Residential Energy Conservation Ordinance, and the City's Sustainability Plan. The Jefferson-Martin Transmission Line mentioned by the commenter and discussed on page V.R-2 of the Draft EIR was not proposed to accommodate growth resulting from the 2004 Housing Element. The initial application for this project was submitted in 2002 and was, in part, proposed to meet the *existing* electrical load. Further, this transmission line is projected to serve not only San Francisco but also Burlingame, Millbrae, San Bruno, South San Francisco, Brisbane, Colma, and Daly City.[37]

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[37] State of California Public Utilities Commission, PG&E Jefferson-Martin 230 kV Transmission Project (Application No. A.-2-09-043, filed September 30, 2002). Website: http://www.cpuc.ca.gov/Environment/info/aspen/jefferson_martin/jeffmartin.htm. Accessed March 7, 2011.

There are also many voluntary programs that are aimed at reducing energy use. As stated, the Housing Elements do not contain any policies that would directly or indirectly result in increased fuel, water, or energy relative to development that would be expected to occur without the Housing Elements. San Francisco residents have one of the lowest per capita water usage, lowest vehicle mileage traveled, and highest waste diversion rates in the State. By providing the capacity to meet the RHNA, the City can accommodate more people than might otherwise live outside the City, where fuel, water, or energy might be used in a more wasteful manner due to greater VMT or higher water use activities (such as landscaping) than what typically occurs inside urban areas.

S AGRICULTURAL AND FOREST RESOURCES

Comment S-1

Rose Hillson, Member, Jordan JPIA

Page V.S-1: The "Environmental Setting and Impacts, S. Agricultural and Forest Resources" section of the HE DEIR addresses the impacts of the 2004 and 2009 HE policies on the following:

- conversion of farmland
- zoning for agricultural use
- zoning of forest land
- loss or conversion of forest land
- changes to the existing environment that result in conversion of farmland to non-agricultural use

On Page V.S-2, the Housing Element states that there is no farmland in the City. Then on Page V.S-3, Table V.S-1 ("San Francisco Crop Report") shows that there are crops produced in the City in 2008 with a value of $1,134,000 with orchids having the highest gross value over bean and alfalfa sprouts.

Orchids seem to fit under the definition of "Farmland of Local Importance," defined as "land deemed to be important to the local agricultural economy, as determined by each county's board of supervisors and a local advisory committee."

Response to S-1

The occurrence of agricultural land within the City is discussed on page V.S-6, under the Environmental Setting of the Agricultural and Forest Resource section of the Draft EIR.

As stated in the Draft EIR, "The City is highly developed with urban land uses and is therefore not agricultural in nature." Furthermore, according to the California Department of Conservation (DOC), the entire City is classified as Urban and Built-Up Land and does not contain any important farmland. Although crops are produced within the City as evident from Table V.S-1, "San Francisco Crop Report", there is no important farmland within the City. Orchids are a product of agricultural practices, but are not included in the definition of farmland.

Comment S-2

Rose Hillson, Member, Jordan JPIA

Page V.S-9: "The proposed Housing Elements do not propose any changes to allowable uses pursuant to the Planning Code. Implementation of the proposed Housing Elements could result in impacts related to the loss or conversion of urban forest land if trees in R districts were removed, damaged, or otherwise physically affected by a new project."

The canopy of San Francisco is very underdeveloped. The fact that the HE encourages buildings of higher densities and bulk and height would lead to implementation based on this encouragement and thus would have a significant impact, especially in the R districts which leave 45% rear yard space in most instances on the Western side of town. If rear yards can be choked down to only 15% of the lot depth to accommodate the bulk and height of these structures that are encouraged by the Housing Element, that will destroy the rear yard urban-forest fabric of these residential areas. The rear yard open space becomes part of the City's canopy.

Response to S-2

As stated by the commenter, the Draft EIR acknowledges that removal of trees could result in impacts to the City's urban forest. However, as outlined further on page V.S-9 (Agricultural and Forest Resources) of the Draft EIR, future development "would be required to comply with the City's tree ordinance, which protects street trees, significant trees, and landmark trees." Additionally, pursuant to section 143 of the Planning Code, new residential construction would be required to plant one box tree for every 20 feet of street frontage. The City's rear yard requirements protect rear yard open space, as suggested by the commenter. Projects not meeting rear yard requirements would require a variance from the Planning Code. The Housing Elements do not make any

changes to rear yard requirements. Also, only a small portion of the City's residential capacity exists in western San Francisco and significant changes to density are not expected in those areas nor are any changes in required setbacks or rear yards proposed. Lastly, the Housing Elements themselves would not result in changes to density, but rather encourage development to allowable density.

T ALTERNATIVES

Comment T-1

Rose Hillson, Member, Jordan JPIA

Page VII-6: Table VII-1: "Alternative C" allows granting of variances for reduction of parking. There should not be granting of variances that will affect neighborhood character, and allowing "over-the-counter" permits for reduced parking spaces in RH-2 zones or any residentially zoned areas and areas near transit without the input of the neighborhood associations and studying data that comes from such a situation. This granting of administrative exceptions is also mentioned on **Page VII-72**. The Housing Element encourages greater residential density by eliminating parking but the availability of parking for some areas is part of the neighborhood character, and this combined with the 2009 HE policies that increase residential density for "affordable housing" and "through community planning processes" (**Page VII-23**).

Response to T-1

This is a comment on the Draft EIR Alternatives, specifically Alternative C. Alternative C was developed as an alternative to the proposed 2004 and 2009 Housing Elements and was intended to include mechanisms that would more aggressively meet the City's RHNA. Alternative C calls for more specific incentives for providing housing, especially affordable housing. Granting administrative variances for parking requirements under some circumstances would allow for the development of additional housing units. Under current Planning Code requirements, most residential districts require one parking space per dwelling unit. For a lot in an RH-2 zoning district that currently is occupied by a single family home, this exception would allow a second unit to be developed without having to provide an additional off-street parking space. Nonetheless, the City of San Francisco does not consider parking an environmental

impact. Parking is not typically considered a character-defining feature of an area or a contributor to neighborhood character.

Comment T-2

Rose Hillson, Member, Jordan JPIA

Page VII-72: Requiring development to build to "full allowable building envelope under zoning in locations that are directly on the rapid transit network lined (sic) identified in the SFMTA's Transportation Effectiveness project (TEP), as shown in **Figure VII-1**" will especially impact the neighborhoods between two "Rapid Network" lines. Change "lined" to "lines" in the sentence earlier.

Response to T-2

Section VII (Alternatives) of the Draft EIR analyzes the impacts of the Housing Element alternatives and found that impacts to aesthetics would be less than significant (see Draft EIR page VII-77). In response to this comment, the following text change has been made on page VII-72 (Alternatives) of the Draft EIR.

> Require development to full allowable building envelope under zoning in locations that are directly on the rapid transit network ~~lined~~ lines identified in the SFMTA's Transportation Effectiveness Project (TEP), as shown in Figure VII-1.

Comment T-3

Rose Hillson, Member, Jordan JPIA

Page VII-73, Figure VII-1 ("Muni Transit Effectiveness Project Rapid Transit Network") and **Page VII-75**, **Figure VII-2** ("Muni Transit Preferential Streets Network") show that the Western side of the City – Richmond District, Laurel Height, Jordan Park, Presidio Heights, Pacific Heights and the Sunset District will be areas where the Housing Element encourages higher density development. There needs to be an implementation policy and mitigation measures for exactly how this will be carried out – the idea of densifying these areas near these Muni lines. All affected neighborhood organizations and residents and property owners need to be involved in numerous meetings to protect their neighborhood character.

Response to T-3

Although the figures mentioned by the commenter show various transit lines in the neighborhoods noted, these specific areas would not experience a substantial amount of

new development. Figure IV-5 (Project Description) of the Draft EIR illustrates the available residential unit capacity in the City. As shown on Figure IV-5, the areas of the City noted by the commenter have the least amount of residential capacity and thus are the least likely to undergo significant development that would result in substantial changes to neighborhood density. The scenario discussed by the commenter is part of the Intensified Alternative (Alternative C) not the project. Potential impacts of both the 2004 and the 2009 Housing Element and Alternative C are identified throughout the Draft EIR. Future development projects in these areas would be required to undergo appropriate environmental review, which will include several opportunities for public involvement.

Comment T-4

Amy Minteer, Chatten-Brown & Carstens

The DEIR Fails to Analyze a Reasonable Range of Alternatives.

The alternatives section has been described as the "core" of the EIR (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564), and an adequate EIR must describe a reasonable range of alternatives. (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 47 Cal.3d 376.) While "An EIR need not consider every conceivable alternative to a project, 'it must consider 'a reasonable range of potentially feasible alternatives...'" (Guidelines § 15126.6(a), emphasis added.) "The range of feasible alternatives [for an EIR] shall be selected and discussed in a manner to foster meaningful public participation and informed decision making." (Guidelines § 15126.6 (f).) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines § 15126.6(b).) The City has a duty under CEQA to evaluate a reasonable range of alternatives to the environmentally damaging proposed Project. (Laurel Heights I, supra, 47 Cal.3d at 400.) As the California Supreme Court has stated:

Under CEQA, the public agency bears the burden of affirmatively demonstrating that . . . the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures.

(*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.)

The DEIR fails to analyze a reasonable range of alternatives by considering what amounts to only two alternatives: the no project alternative and an increased density alternative. The DEIR claims to analyze three alternatives to the project: Alternative A-the No Project Alternative/continued reliance on the 1990 Residence Element; Alternative B-the 2004 Housing Element minus the policies that were struck down by the Court of Appeal; and Alternative C-an intensified version of the 2009 Housing Element that would promote additional density through zoning accommodations. (DEIR p. VII-5.)

It is highly misleading for the DEIR to claim that Alternatives A and B are two different alternatives; the policies established in both are currently operative (with the exception of policies and implementation actions enjoined in the Peremptory Writ of Mandate and Amendment to said writ) and should jointly be considered the no project alternative. When the 2004 Housing Element was originally adopted by the City, it included all of the policies from the 1990 Residence Element that were not specifically eliminated or modified and many new policies. The Court of Appeal struck down several of the new and modified policies and refused to allow the elimination of several policies from the 1990 Residence Element, but did not overturn the 2004 Housing Element in its entirety. Thus, the existing No Project Alternative is the combination of 1990 Residence Element policies carried forward in the 2004 Housing Element and the 2004 Housing Element policies that were not struck down by the Court. CEQA Guidelines section 15126.6(e)(3)(A) identifies the no project alternative for projects that revised land use or regulatory plans and policies to be "the continuation of the existing plan, policy or operation into the future." It is the combination of Alternatives A and B that is currently in effect within the City and should be considered the No Project Alternative, not two separate alternatives.

The City itself has treated both housing elements as being in effect when it found the Market and Octavia and Visitacion Valley plans to be consistent with policies set forth in both the 1990 Residence Element and the adjudicated 2004 Housing Element after the Court of Appeal struck down the proposed 2004 Housing Element amendments. (See Attachment 4, City's findings of consistency with 1990 Residence Element for the Market and Octavia Neighborhood Plan, printed from the website of the City and County of San Francisco on September 23, 2008; Attachment 5, excerpts from City's Eastern Neighborhoods Rezoning and Area Plans DEIR, printed from the website of the City and County of San Francisco on September 23, 2008; Attachment 6, excerpt from Eastern Neighborhoods Rezoning and Area Plans Comments and Responses on Draft EIR setting forth comparisons between objectives and policies of 1990 and 2004 housing elements printed from the website of the City and County of San Francisco on September 22, 2008; Attachment 7, San Francisco Planning Commission Resolution 17791 listing policies and objectives of both 2004 and 1990 housing element that support proposed implementation of Visitacion Valley redevelopment plan printed from the website of the City and County of San Francisco on April 17, 2009.)

By failing to consider any alternatives beyond the No Project Alternative and an Intensified Development Alternative, the DEIR fails to provide meaningful consideration of a range of

potentially feasible alternatives. To remedy this error, a revised environmental review document should fully analyze the alternatives set forth below.

Response to T-4

The Project Description, in Section IV of the Draft EIR, clearly establishes that the project to be evaluated are the potential environmental impacts of the changes embedded in the 2004 Housing Element and the 2009 Housing Element, as compared to the policies in the 1990 Residence Element. Thus, the basis for determining if a 2004 or 2009 Housing Element policy or objective is new or modified is the 1990 Residence Element. It is acknowledged that, in an abundance of caution when evaluating proposed area plans for consistency with the General Plan, the Department referenced policies from the 2004 Housing Element, in addition to those from the 1990 Residence Element during the time that the 2004 Housing Element was making its way through the judicial process. The 1990 Residence Element is the proper baseline for this analysis and, in combination with the revised Data and Needs Analysis as required under State law, is the appropriate No Project alternative.

Table VII-1 (Alternatives) of the Draft EIR illustrates in redline/strikeout how the policies among the three alternatives evaluated in the Draft EIR differ. Continuation of the 1990 Residence Element (No Project/Alternative A) and the 2004 Housing Element – Adjudicated (Alternative B) are distinct alternatives. The 2004 Housing Element – Adjudicated includes Objectives and Policies enjoined by the Court, but which do not have the potential to impact the environment, such as the policies related to affordability or social mechanisms to address housing affordability and distribution. In addition, upon further analysis of the 2004 Housing Element, the Draft EIR determined that policies in the 2004 Housing Element – which is also in the 2004 Housing Element Adjudicated – could have a lesser impact on historic resources than the objectives and policies in the 1990 Residence Element. This is fully discussed on pages VII-20 through VII-21 (Alternatives) of the Draft EIR.

In any event, the EIR analyzes a reasonable range of alternatives in that the decision-makers could adopt the 2004 Housing Element, the 2009 Housing Element, the 2004 Housing Element – Adjudicated, the Intensified Housing Element, or the No Project Alternative.

Comment T-5

Amy Minteer, Chatten-Brown & Carstens

Additional Alternatives Should be Analyzed.

CEQA's requires an EIR to focus on alternatives that can avoid or substantially lessen a project's significant environmental effects. (Public Resources Code § 21002; CEQA Guidelines § 15126.6.) By including only the No Project Alternative and an Intensified Development Alternative, the DEIR lacks the required focus. To allow for meaningful public participation and informed decision making, the DEIR needs to expand the range of alternatives that it analyzes. An EIR should consider a reduced growth alternative if it would meet most of the objectives of the project but would avoid or lessen any significant environmental impacts of the project. (*Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089-1090.) The following alternatives should be fully analyzed in a revised environmental review document.

Comment T-6

Kathryn R. Devincenzi

The DEIR inaccurately minimizes, ignores or fails to adequately analyze significant impacts and a reasonable range of alternatives to the proposed projects. Thus, the DEIR conceals the true effects of the proposed 2004 and 2009 Housing Elements and amounts to an attempt at obfuscation rather than a good faith effort to disclose and analyze significant impacts.

Response to T-5 and T-6

The comment references a previous statement that the No Project Alternative should be a combination of Alternative A and Alternative B. See Response T-4 on page C&R-244 regarding this topic.

CEQA requirements for alternatives analysis in an EIR are described in Section 15126.6 of the CEQA Guidelines. The Draft EIR analyzes three alternatives, including the No Project Alternative (Alternative A, or Continuation of the 1990 Residence Element), the 2004 Housing Element – Adjudicated (Alternative B), and 2009 Housing Element - Intensified (Alternative C). Alternative C is not required under CEQA because it

evaluates a more aggressive Housing Element and is not designed to reduce significant impacts, but was included for informational purposes, and to grant flexibility to decision-makers in their deliberations regarding the 2009 Housing Element. Alternative B represents a reduced project alternative because it removes those policies and policy changes that were considered to have potential environmental impacts by the court.

Chapter VII of the Draft EIR presents the Department's considerations in selecting the alternatives for analysis as described on pages VII-1 through VII-3. Because the Housing Elements contain a broad range of policies and it is not feasible to attribute direct, measureable effects of residential development to any individual policy, the alternatives analysis did conclude that some policies or objectives in the No Project or reduced project alternatives might, in fact, result in a greater degree of environmental impact than either the 2004 or the 2009 Housing Element. Although some impacts could be greater, the impacts were still not considered significant. On the other hand, some policies or objectives in Alternative A would have fewer environmental impacts than either the 2004 or the 2009 Housing Element. However, as noted in the Draft EIR, the only impacts that were determined to be significant in the 2004 or the 2009 Housing Elements were those related to noise and transit. Because under State law an adequate Housing Element must demonstrate that the City has the capacity to meet the RHNA, all alternatives in the Draft EIR consider the ability to meet the RHNA. Without the expectation that the RHNA must be met, the City would not have an adequate Housing Element. Thus, a "reduced growth" alternative that would restrict the City's ability to meet the RHNA was not included as it would not meet the primary objective of a Housing Element that meets HCD requirements.

Comment T-7

Amy Minteer, Chatten-Brown & Carstens

Alternative Focused on Meeting the Regional Housing Needs Allocation for All Income Levels.

RHNA Income Level Needs.

The RHNA provides not only a target number of new units for the City, but also how those units should be allocated so as to be affordable for households with four different income levels: very low income (households earning up to 50 percent of the median income); low income (households earning between 51 and 80 percent of the median income); moderate (households earning between 81 and 120 percent of the median income); and above moderate (households earning more than 120 percent of the median income). (San Francisco Bay Area Housing Needs Plan 2007-2014, p.46 found at http://www.abag.ca.gov/planning/pdfs/SFHousingNeeds Plan.pdf, incorporated by reference.) Ensuring the affordability of the region's housing stock is one of the main goals of the RHNA.

For the previous RHNA, encompassing the years 1999 to 2006, the City was able to meet the 86 percent of overall housing production target, but achieved only 52 percent of the low income production target and a mere 13 percent of the moderate income target. The City was able to meet 83 percent of the target for very low income housing for the years 1999 to 2006 under the existing housing element policies—much more than 44 percent of very low income housing that was achieved by Bay Area cities on average. (Association of Bay Area Governments report "A Place To Call Home, Housing in the San Francisco Bay Area, 2007", p. 9 www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf, incorporated by reference.)

The 2007-2014 RHNA sets the overall housing production target at 31,193 units. Targets for each income level are as follows: 6,589 units for very low income (3,294 of those units for extremely low income); 5,535 low income units; 6,754 moderate income units; and 12,315 above moderate income units. (DEIR p. V.D-5.) The DEIR must, but fails to, include a prediction regarding how many units for each income level would be provided under the 2004 and 2009 Housing Elements, or under either of the alternatives. The DEIR also fails to include an assessment of how the pipeline units would be allocated between these four income level categories.

Response to T-7

Section 15131 of the CEQA Guidelines states that "economic or social effects of a project shall not be treated as significant effects on the environment." The Department has consistently addressed affordability of housing units as a social issue, and conducted environmental review on the potential physical environmental impacts resulting from housing types, but not affordability levels. The analysis of projected income level

distribution requested in the comment would be speculative and beyond the scope of the Draft EIR.

Comment T-8

Amy Minteer, Chatten-Brown & Carstens

RHNA Focused Alternative.

Based on past performance, the City does not need to greatly increase the number of units that are produced to meet the goals of the RHNA; instead, the City needs to focus its housing policies on achieving more moderate and low income units, units which it was not able to provide a significant portion of the target production under the existing policies. To this end, the DEIR should include analysis of a RHNA Focused Alternative, a housing element that includes policies directed at meeting the specific income level needs indentified in the RHNAs relevant to the different planning periods encompassed by each of these Housing Elements, instead of just providing wholesale density increases. This alternative would include policies designed to encourage moderate and low income housing and would not require density increases because the City can meet the total number of RHNA units with pipeline projects and existing vacant and undeveloped sites.

Response to T-8

The policies in the Housing Elements are intended to do what the commenter suggests: maximize the City's ability to support housing production that meets the RHNA targets at all income levels. Although the City has not achieved production of the full allotment of its RHNA allocation in the past, especially for moderate and lower income levels, it would be speculative to presume that the 2004 or 2009 Housing Elements would not achieve its stated purpose and that such a pattern would continue in the future under the proposed Housing Element policies.

HCD provides the following overview of Housing Element law, which relates to the commenter's concerns: "Housing element law, enacted in 1969, mandates 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 regulatory systems which provide opportunities for, and

do not unduly constrain, housing development."[38] This statement articulates that implementation of the Housing Elements rests on the private market. The Housing Element is the regulatory system that provides opportunities for the private market to develop housing.

The affordability issues discussed in the comment are associated with policies included in the Housing Elements that would not result in physical environmental impacts. Table IV-8 (Project Description) of the Draft EIR identifies the policies in the 2004 and 2009 Housing Elements that would have the potential to result in physical environmental impacts, which are appropriately the focus of the Draft EIR analysis. Because those policies and programs in the 2004 and 2009 Housing Elements that specifically focus on mechanisms to improve the affordability of existing and future housing would not have physical environmental impacts, it would not provide useful information to the public or decision-makers to analyze alternatives to these policies in the context of the Draft EIR. Table VII-1(Project Description) in the Draft EIR addresses this point and identifies those policies across the alternatives that could result in physical environmental impacts.

As the Housing Elements, the Draft EIR, and the commenter recognize, the total number of units identified in the RHNA can be accommodated under the existing zoning capacity and/or through development currently in the City's pipeline, and neither Housing Element accordingly specifically recommends any citywide increases in allowable residential density. However, the 2004 and 2009 Housing Elements do discuss increasing density for certain areas or through the community planning process. As discussed in detail in Response to 7-4 on page C&R-86, these policies encourage the development of affordable housing.

[38] State of California, Department of Housing and Community Development, Housing Elements. Website: http://www.hcd.ca.gov/hpd/hrc/plan/he/. Accessed February 12, 2011.

Comment T-9

Amy Minteer, Chatten-Brown & Carstens

In its analysis of Alternatives A and B, the DEIR claims that the additional density provided by the policies in the 2004 and 2009 Housing Elements are required to meet the housing requirements for the RHNA, and in particular these density increases are required to meet the affordable housing targets identified in the RHNA. This claim is without support for two reasons. First, as discussed in section I.C above, increased density was determined to not be required to meet the 1999 to 2006 RHNA, and is also not required to meet the City's target of producing 31,193 new housing units by 2014.

Moreover, there is no evidence to support the DEIR's claim that wholesale density increases are required to meet the housing production targets for moderate, low, or very low income housing. The policies contained within the 2004 and 2009 Housing Elements would allow development with increased density and in some instances no limits on density, increased building heights, and no parking requirements regardless of whether these developments include any on-site affordable units. The DEIR should analyze whether providing such benefits to any type of housing could decrease the number of affordable housing units that are constructed. If a developer is able to receive these development incentives without the need to include affordable units as part of the project, profit-focused developers would logically build the unit type that would make them the most money—above median income housing. Additionally, the increased profitability of development with unrestricted density and no parking requirements could encourage individuals that own smaller and older buildings to redevelop. This could result in a removal of affordable housing units because smaller and older housing stock is more likely to be affordable. (2009 Housing Element, Part 2, p. 24.)

Response to T-9

No policies in either Housing Element would directly result in increased residential density and neither Housing Element claim that wholesale density increases are required to meet the housing production targets. Neither Housing Element identifies increases in allowable density or building envelopes as a necessary regulatory strategy for providing opportunities for residential development to meet the total RHNA. Page VII-19 (Alternatives) of the Draft EIR states that the total RHNA could be accommodated under Alternative A, the No Project Alternative.

The Draft EIR analysis of Alternative B concluded that under this alternative, the City's efforts to provide opportunities for housing might be less effective than under the 2004 or 2009 Housing Element, and there could be reduced potential for the City to meet its

RHNA goals across all income categories (pages VII-43 through VII-44). The reason for this conclusion is that Alternative B eliminates the more aggressive housing policies; policies from the 2004 Housing Element that were determined to have the potential to result in physical environmental impacts. These policies and implementation measures are listed on pages VII-38 through VII-39 of the Draft EIR. It is not accurate to say that the Draft EIR characterizes increased density as necessary for the achievement of the RHNA. Some items eliminated from Alternative B address changes to density requirements, to be considered within the context of a Better Neighborhoods planning process. Others address unit size, flexibility, and neighborhood character considerations.

The commenter's characterization of the manner in which the 2004 and 2009 Housing Elements address density increases and parking requirements is discussed in other responses, including Responses to 7-2, F-10, and F-11 on page C&R-82, C&R-162, and C&R-163, respectively. The issue of providing different development controls for affordable and market-rate housing is a topic for policy makers to consider in their decision to approve or disapprove the project. For the purposes of environmental review, there is no demonstrable basis for assuming the number of new residential projects that might take advantage of such opportunities, so for the purpose of a conservative analysis it is necessary to assume that all future projects would have the potential to take advantage of affordable housing incentives. The policy suggested by the commenter therefore would not change the conclusions of the environmental review. As discussed in Response to 7-4 on page C&R-86, the planning effort for the Housing Element was focused on strategies to help attain the RHNA goals for additional housing units at the described affordability levels; these policies serve to encourage the development of affordable housing.

Comment T-10

Amy Minteer, Chatten-Brown & Carstens

The RHNA Focused Alternative should include policies that only would provide incentives to development if the development includes affordable housing units. Special benefits, such as density bonuses beyond those mandated by SB 1818, should only be provided to those developments that provide large amounts of the needed affordable units.

This alternative should specifically include policies aimed at providing housing units for the most underserved income level: moderate income households. The City should also analyze whether moderate income households would pursue living in housing units where parking is not provided before including this as an across the board incentive for all affordable housing. Other policies that should be included or expanded upon in the RHNA Focused Alternative include:

- Policies encouraging the development of rental units (based on the 2009 Housing Element's claim that market-rate rental units provide housing to moderate income households, Objective 3);
- Policies focused on limiting the conversion of rental units to condominiums;
- Policies that encourage the development of limited equity cooperatives;
- Policies focused on improving public schools to attract more moderate income families to the City.

Response to T-10

While decision-makers could consider the policy directions mentioned in the comment, the concepts would not be expected to change the conclusions regarding environmental impacts in the Draft EIR or serve to meet the requirements for analysis of alternatives under CEQA Guidelines Section 15126.6.

The comment suggests that reduced parking requirements are supported as an "across the board incentive" for affordable housing. Neither the 2004 Housing Element nor the 2009 Housing Element supports this conclusion. As discussed in the Housing Elements, parking can increase the cost of residential development, a cost that is then passed on to the future resident through the purchase price or monthly rent. Therefore, if parking is not required, there is an opportunity to reduce the cost of the housing unit (see also Response to 7-4 on page C&R-86). The City pursues parking limits in some of its plan

areas for other reasons as well, including supporting the City's Transit First policy and discouraging automobile use and congestion-related impacts. In some, older neighborhoods largely developed before widespread use of the automobile, such as Market and Octavia, limited parking for residential buildings is more consistent with the historic fabric of the neighborhood. As discussed on page V.F-63 (Transportation and Circulation) of the Draft EIR, parking itself is not considered an environmental impact under CEQA, and the Housing Elements' policies regarding parking would not have the potential to result in significant physical environmental effects.

Both the 2004 and 2009 Housing Elements contain policies and implementation measures supporting the provision of rental housing (Policies 1.9, 2.3, 6.1, 6.5, 8.1, and 8.9). These policies are not the central focus of the EIR, because there is not a demonstrable difference in environmental impacts based on housing tenure. Accordingly, any additional policies addressing housing tenure, including limitations on conversion of rental units to condominiums and the support of limited equity cooperatives, would not be expected to change the conclusions of the environmental analysis.

Policies regarding the San Francisco Unified School District are beyond the scope of the Housing Elements and the EIR, and would not demonstrably affect the affordability of housing.

Comment T-11

Amy Minteer, Chatten-Brown & Carstens

The City should also analyze a RHNA focused alternative for the planning period relevant to the 2004 Housing Element, 1999 to 2006. This alternative should contain the same focus in its policies, but with the goal of achieving the residential needs identified in the 1999 to 2006 RHNA.

Response to T-11

It is unclear what purpose the analysis of an alternative focused on the previous RHNA goals would achieve. The 1999-2006 RHNA established goals for residential development as follows:

2004 HOUSING ELEMENT REGIONAL HOUSING NEEDS ALLOCATION

HOUSEHOLD INCOME CATEGORY	PERCENTAGE OF AREA MEDIAN INCOME (AMI)	NO. OF UNITS	PERCENTAGE
Very Low	<50%	5,244	25.7%
Low	50 – 79%	2,136	10.4%
Moderate	80 – 120%	5,639	27.7%
Above Moderate	> 120%	7,363	36.1%
Total	**--**	**20,372**	**100%**

Source:
City and County of San Francisco, Planning Department, Housing Element, May 2004, at page 80.

In addition to the issues mentioned in the Response to T-5 on page C&R-245, this alternative would not meet an important objective of the project, which is described on page IV-8 (Project Description) and page VII-3 (Alternatives) of the Draft EIR as "Adopt a housing element that substantially complies with Housing Element law as determined by the California Department of Housing and Community Development." Although an alternative is not required to meet every project objective, a failure to accommodate the current RHNA would have substantial implications for the ability of the Housing Element to be certified by HCD, and therefore would render the alternative infeasible.

As described on page VII-4 (Alternatives) of the Draft EIR, all of the alternatives analyzed in the Draft EIR assumed compliance with State law, which requires that the Housing Element accommodate the current RHNA and an updated Data and Needs Analysis (Part 1 of the Housing Element).

Comment T-12

Amy Minteer, Chatten-Brown & Carstens

RHNA Focused Alternatives Are Feasible.

To be considered feasible, a project alternative needs only to meet most of the project objectives; it does not need to fully meet each one. "If there are feasible alternatives or feasible mitigation measures that would accomplish most of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, the project may not be approved without incorporating those measures." (Center for Biological Diversity, Inc. v. FPL Group, Inc. (2008) 166 Cal.App.4th 1349, 1371 fn 19, citation to Pub. Resources Code §§ 21000(g), 21002; CEQA Guidelines § 15091.) The project objectives for the housing element update are:

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.

Not only would the RHNA Focused Alternatives meet all of the project objectives, they would better meet some of the objectives than the 2004 and/or 2009 Housing Elements. Since these alternatives would be directed to producing housing units specified for each income type by RHNA, they would better meet Objective 3.

This alternative would also be better designed to meet both aspects of Objective 4. The 2004 and 2009 Housing Elements would have significant and unavoidable transit impacts, due to inadequate transit for the growth that would be spurred by the policies in these plans. Thus, there is inadequate existing or planned infrastructure for the proposed project. The RHNA Focused Alternative would not provide the wholesale density increases advocated by the 2004 and 2009 Housing Elements, placing less of a burden on the City's transit infrastructure and reducing a significant impact of the project. The 2004 and 2009 Housing Elements would also fail to maintain the existing neighborhood character because they encourage increased density in all areas of the City; allowing new development that could be out of scale with existing

development. By focusing on providing affordable housing instead of increasing density, the RHNA Focused Alternatives would have less of a negative impact on neighborhood character.

The RHNA Focused Alternatives would also comply with state housing element law by seeking to provide the types of housing advocated by the RHNA.

In addition to better meeting the project objectives than the proposed project would, these alternatives would also reduce many of the significant adverse impacts discussed in section III below by not encouraging the density increases, height increases, and lack of parking, unlike the 2004 and 2009 Housing Elements.

Response to T-12

No substantial evidence has been provided to support a conclusion that the 2004 and 2009 Housing Elements would not achieve the Objective 3, which calls for the Housing Element to ensure adequate capacity is available to meet the RHNA. As previously discussed, Part I of the Housing Element demonstrates that the City has capacity for housing beyond the 31,193 units called for in the RHNA. The 2004 and 2009 Housing Elements are focused on meeting the RHNA.

It is not clear from the comment how the RHNA goals for the number of units or affordability would be achieved under a RHNA focused alternative without any policies supporting greater efficiency in residential development.

The significant impact to transit identified in the Draft EIR is addressed in the Response T-16 on page C&R-262. It is speculative to determine the degree to which the Housing Element would contribute to the expected significant cumulative transit impact. Under 2030 conditions, no screenlines would exceed Muni's capacity utilization standard of 85 percent; however policies that could result in increased transit ridership could result in an exceedance of this standard. Nonetheless, it is speculative to tie increased ridership in quantitative terms with the policies of the 2004 or 2009 Housing Elements; the Draft EIR conservatively determined that policies of the Housing Elements that encourage transit ridership could result in a cumulatively considerable contribution to a potentially significant transit impact. As with the proposed Housing Elements, it is not feasible to conclude that a RHNA-Focused alternative would reduce this contribution to a less-

than-significant level, particularly if the RHNA-Focused Alternative supported a greater amount of residential development than either of the projects analyzed in the EIR.

Comment T-13

Amy Minteer, Chatten-Brown & Carstens

No Post-May 2004 Rezoning Alternative.

The DEIR should also include analysis of No Post-May 2004 Rezoning Alternative. As discussed above, the California Department of Housing and Community Development found that the City's 2004 Housing Element would still be in compliance with state housing element law once the policies and implementation measures that were struck down by the Court of Appeal were removed from the housing element. (Attachment 3.) Moreover, when adopting the Visitacion Valley Redevelopment Plan in April 2009, after the removed 2004 Housing Element policies were enjoined, the City specifically found that "San Francisco's existing zoning requirements are not a constraint on the development of housing, and the Housing Element identifies adequate sites for a variety of housing types." (Attachment 8.)

The No Post-May 2004 Rezoning Alternative would include those policies and implementation that are designed to produce only the total number of units required by 2007 to 2014 RHNA allocations and no more; thus, none of the 2004 Housing Element changes enjoined in San Franciscans for Livable Neighborhoods v. City of San Francisco would be needed. This alternative would require the reversion to pre-May 2004 zoning in neighborhoods for which Area Plans were adopted after May 2004 to implement policies in the 2004 Housing Element that were enjoined. It would avoid rezoning established neighborhoods.

This alternative would also focus on encouraging the development of two of the City's three major projects: Candlestick Point-Hunters Point Shipyard and Treasure Island. These areas will be built from the ground up, with new and adequate infrastructure, allowing them to accept a higher rate of density. Rezoning to increase density or reduce parking requirements would not be allowed in established residential areas.

The No Post-May 2004 Rezoning Alternative would reduce many of the significant impacts the DEIR fails to acknowledge, such as: aesthetics, inadequate wastewater and water supply capacity, land use, traffic and noise. It would also reduce the significance of the one impact the DEIR does acknowledge as being significant—transit impacts.

This alternative would also meet the majority the project objectives, making it a feasible alternative. Further, it would reduce the significant transit impact acknowledged by the DEIR, as well as the impacts the DEIR fails to admit would result from the 2004 and 2009 Housing Element. (See section III below.)

Response to T-13

Figure IV-5 in Section IV (Project Description) of the Draft EIR shows the City's for new residential development by planning district. Certain areas of the City would have reduced capacity for new residential development if the previous zoning designations were restored, including Rincon Hill, East SoMa, the Mission, and Market-Octavia. The planning districts that could continue to accommodate substantial amounts of residential development include Bayview Hunters Point, South Central, Western Addition, Northeast, Downtown, and Richmond.

While additional development could be concentrated in the locations mentioned by the commenter, such development is only partially accommodated under existing zoning. At the time of the Draft EIR analysis, Treasure Island and Hunters Point Shipyard were not yet zoned for residential use. The Candlestick area, however, had capacity for 491 units at that time (a Redevelopment Plan for Candlestick-Hunters Point Shipyard has since been adopted that accommodates 10,750 units).

It is reasonable to assume that, in the absence of the residential capacity established through recent rezoning, residential development would occur throughout those areas of the City with capacity to accommodate additional housing. The rezoning efforts associated with, most notably, the Rincon Hill Area Plan, the Market/Octavia Plan, and the Eastern Neighborhoods Area Plans was conducted in part in an effort to accommodate the demand for residential growth in locations considered appropriate for that growth.

The commenter has provided no substantial evidence to support the conclusion that a No Post-May 2004 Rezoning alternative would result in a reduction in significant environmental impacts identified in the Draft EIR, or that there would be significant impacts from the 2004 Housing Element or 2009 Housing Element that were not analyzed in the Draft EIR. The comment does not explain which policies or objectives in

either the 2004 Housing Element or the 2009 Housing Element would need to be amended in order to accommodate a reversal of any post-2004 rezoning efforts.

The rezoning efforts in Rincon Hill, Market/Octavia, Balboa Park, Visitacion Valley, and the Eastern Neighborhoods constitute the regulatory baseline for analysis. It is unlikely that such extensive reversion to former zoning districts would occur. Because these zoning efforts have resulted in current planning controls, any change to these controls would require another neighborhood planning process, which comprises an extensive outreach efforts, community involvement, Planning Commission and Board of Supervisors hearings, draft plans, environmental reviews, and finally, approval. The Rincon Hill, Market/Octavia, Balboa Park, Visitation Valley and Eastern Neighborhood rezonings each required significant, years-long, planning efforts. Therefore, a No Post-May 2004 Zoning Alternative can reasonably be considered infeasible and not appropriate for inclusion as an alternative in the EIR nor does it reflect current conditions (baseline), which is required for an EIR analysis.

Comment T-14

Amy Minteer, Chatten-Brown & Carstens

No Additional Rezoning Alternative.

The DEIR should also include analysis of a No Additional Rezoning Alternative. The No Additional Rezoning Alternative would include those policies and implementation actions that are designed to produce only the total number of units required by the 2007-2014 RHNA allocations and no more; thus, for the reasons stated above, none of the 2004 Housing Element changes enjoined in San Franciscans for Livable Neighborhoods v. City and County of San Francisco would be needed. This alternative would not require the reversion to pre-May 2005 zoning, but it would discourage further rezoning in Area Plans, Better Neighborhoods Programs, Special Use Districts or other planning measures beyond the rezoning provided in Area Plans and other planning measures adopted between 2004 and the present.

This alternative would discourage additional rezoning of the City's established neighborhoods and focus on encouraging development of two of the City's major projects: Candlestick Point-Hunters Point Shipyard and Treasure Island. These areas will be built from the ground up, with new and adequate infrastructure, allowing them to accept a higher rate of density. Rezoning to increase density or reduce parking requirements would not be allowed in established residential areas.

Like the RHNA Focused Alternatives and the No Post-May 2004 Rezoning Alternative, the No Additional Rezoning Alternative would reduce many of the significant impacts the DEIR fails to acknowledge, such as impacts on visual resources and neighborhood character, aesthetics, views, transportation, air quality, water supply, wastewater treatment and noise. It would also reduce the significance of the one impact the DEIR does acknowledge as being significant – transit impacts. This alternative would also meet the majority of the project objectives, making it a feasible alternative.

Response to T-14

It is unclear from the comment how the suggested alternative would differ from the 2004 or 2009 Housing Elements. The Housing Elements themselves do not result in changes to zoning or any development standards. The capacity analysis included in the revised Part 1 of the Housing Elements and represented in Figure IV-5 (Project Description) of the Draft EIR is based on the existing zoning designations throughout the City. An alternative that assumes no future rezoning would not have the potential to direct residential growth toward Treasure Island and Candlestick Point-Hunters Point, as the comment suggests, because at the time the Draft EIR was prepared substantial area-wide rezoning of both planning districts was required to accommodate the proposed residential development (a redevelopment plan for Candlestick-Hunters Point Shipyard has since been adopted, accommodating approximately 10,750 housing units).

It is assumed that a No Rezoning Alternative would preclude the future rezoning required to accommodate the City's pipeline development, illustrated in Figure IV-6 (Project Description) of the Draft EIR. Major development proposals requiring rezoning would include Park Merced (6,001 housing units), Candlestick Point-Hunters Point Shipyard (approximately 10,750 housing units), and Treasure Island (7,000 housing units). These proposals were not included in the capacity analysis performed for the Housing Element planning effort because they did not reflect allowable residential development under current zoning. The development pipeline, including these large projects requiring rezoning, constitutes reasonably foreseeable future development and accordingly was analyzed in the Draft EIR as a cumulative development scenario. Because the City is obligated to review development proposals under CEQA, and

because the EIR must consider reasonably foreseeable projects per Section 15355 of the CEQA Guidelines, an alternative that precludes rezoning either explicitly or implicitly would not be an adequate or feasible alternative.

As discussed in the Response to 8-4 and 8-5, 8-8, and T-6 on pages C&R-94, C&R-97, and C&R-245, respectively, the Draft EIR did not identify significant impacts under the topic areas suggested in the comment, and the commenter has provided no substantial evidence supporting the statement that such impacts would be significant. There is no basis for the conclusion that a No Additional Rezoning Alternative would avoid a significant impact to transit service. The potentially significant cumulative transit impact is projected to occur at the California and Subway Muni screenlines as a result of Housing Element policies that promote an increased use of the City's transit network and is not related to rezoning. Therefore, a No Additional Rezoning Alternative would not be expected to reduce the significant impacts to the City's transit network that were identified in the Draft EIR.

Comment T-15

Amy Minteer, Chatten-Brown & Carstens

The DEIR's Failure to Analyze a Reasonable Range of Alternatives Violates the City's "Precautionary Principle."

The discussion of alternatives in the DEIR fails to comply with the Precautionary Principle set forth in San Francisco Environment Code section 101. That provision requires all officers, boards, commissions, and departments of the City and County to implement the Precautionary Principle in conducting the City and County's affairs. "The Precautionary Principle requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the City's natural systems. Public participation and an open and transparent decision making process are critical to finding and selecting alternatives." (San Francisco Environment Code section 101)

As to the assessment of alternatives, subdivision (3) of that Principle provides that an " obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing."

As to the Right to Know, subdivision (2) of that principle provides that the "community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public." The DEIR fails to analyze a reasonable range of alternatives and therefore fails to comply with the requirements of the Precautionary Principle as to assessment of alternatives and the public's right to know.

Response to T-15

The Responses to T-4, T-5 and T-6 on page C&R-244 through C&R-245 address the range of alternatives in the Draft EIR and demonstrates that an adequate range of alternatives was considered in the EIR. The Draft EIR was prepared in accordance with all applicable laws and ordinances, including CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

Comment T-16

Amy Minteer, Chatten-Brown & Carstens

The Project Cannot be Approved if There Are Feasible Alternatives and Mitigation Measures that Would Reduce Adverse Impacts.

CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives. (Pub. Resources Code § 21002; Guidelines § 15021(a)(2).) The CEQA Guidelines require an agency to "Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved." In order to implement this policy, the Guidelines specify that:

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

(a) There is no feasible way to lessen or avoid the significant effect..."

(Guidelines § 15043, emphasis added.) As set forth above, there are feasible alternatives to the Project that could reduce the Project's significant transit impacts. Therefore, the Project cannot be approved as proposed.

Response to T-16

The Department disagrees that there are feasible alternatives to the Housing Elements that would reduce the potentially significant cumulative transit impact to a less-than-significant level.

The contribution of the Housing Elements toward the potentially significant cumulative transit impacts is described on page V.F-66 (for the 2004 Housing Element) and page V.F-74 (for the 2009 Housing Element) of the Draft EIR. A significant impact could occur if transit ridership exceeds Muni's standard capacity utilization of 85 percent. The degree to which housing element polices might increase transit ridership is not quantifiable and therefore, for the purpose of conservative analysis, it is assumed that the Housing Elements policies that could result in a mode shift towards transit would result in a considerable contribution to this cumulative impact.

As discussed in the Draft EIR, this impact could be addressed through the implementation of mitigation measures aimed at increasing transit service and/or frequency. However, this mitigation is dependent on actions by Muni that are not within the control of the Planning Department and cannot be assumed to occur, particularly in an environment of service reductions. Section 15126.4(a)(2) of the CEQA Guidelines specifies that mitigation measures must be fully and legally enforceable. Further, subsection (b) of the section of the CEQA Guidelines cited by the commenter goes on to state that a public agency may approve a project even though the project would cause a significant effect on the environmental if expected benefits outweigh the policy of reducing or avoiding significant impacts.

The commenter has provided no substantial evidence to support the conclusion that the additional alternatives suggested for analysis would reduce the cumulative transit impact to a less-than-significant level. The cumulative impact was based on a development projection that considers local land use policies and the City's development pipeline. Due to the fact that the Housing Elements focus on housing affordability and do not serve as a land use program or plan, policies in the 2004 and 2009 Housing Elements do not have the potential to substantially alter these projections. The feasibility of the suggested alternatives and their potential for affecting the character of future residential development are discussed in Section C (Aesthetics) of this document.

Comment T-17

Amy Minteer, Chatten-Brown & Carstens

Additionally, SFLN urges the City to consider adoption one of the less impactful alternatives we have recommended. The vast increases in density and removal of land use restrictions are unnecessary to provide the type of housing ABAG has determined the City is lacking, and may actually hurt the City's ability to increase the needed moderate and low income housing stock.

Response to T-17

This section of the comments and responses document contains a detailed discussion of the alternatives suggested by the commenter. The commenter mischaracterizes the Housing Elements. As previously discussed, the 2004 and 2009 Housing Elements do not directly allow for increases in density and/or removal of land use restrictions not already allowed by the planning and zoning codes.

Comment T-18

Edith McMillan

The draft EIR mentions alternatives but no adequate solutions-this needs to be addressed-fully.

Response to T-18

The EIR analyzes alternatives to the proposed project as required by CEQA. These alternatives are intended to serve an informational purpose. The EIR does not set policy or act as a document to advocate either approval or disapproval of a project. The expected content of the "solutions" mentioned in the comment is unclear; however, it would appear that the commenter's request is beyond the scope of the EIR.

D. DRAFT EIR REVISIONS

Below are revisions to the Draft EIR. Revisions have been made in response to public comments that have been made on the Draft EIR, as well as revisions initiated by Planning Department staff. Additionally, since the release of the Draft EIR, the San Francisco Planning Department has completed a final draft of the 2009 Housing Element. This final draft included some changes to policies that were evaluated in the Draft EIR. The changes to the policies are outlined in Section D.1, below. The full text associated with these policies is provided in Appendix C of this Comments and Responses document. Changes made in response to comments are listed in Section D.2 and staff-initiated changes are listed in Section D.3. Deletions to the Draft EIR text are shown with ~~strikethrough~~ and additions are shown with single underline.

D.1 REVISIONS TO THE 2009 HOUSING ELEMENT SINCE PUBLICATION OF THE DRAFT EIR

As discussed above, since publication of the Draft EIR, the Planning Department has completed a final draft of the 2009 Housing Element, released February 2011. This section of the Comments and Responses document present those modifications and includes a discussion of how the modifications affect the environmental analysis contained in the Draft EIR. Table IV-8 on pages IV-33 through IV-36 (Project Description) of the Draft EIR will be modified to reflect the following text changes.

- Policy 1.4 Ensure ~~neighborhood supported~~ community based planning processes are used to generate changes to land use controls.
- Policy 1.6 Consider greater flexibility in number and size of units within established building envelopes in community based planning processes ~~areas~~, especially if it can increase the number of affordable units in multi-family structures.
- Policy 1.10 Support new housing projects where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.
- Policy 9.2. Continue prioritization of preservation of existing affordable housing as the most effective means of providing affordable housing.
- Policy 10.2 Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

- Policy 11.3 Ensure growth is accommodated without ~~significantly~~ substantially and adversely impacting existing residential neighborhood character.

- Policy 11.4 Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

- Policy 11.5 ~~Maintain allowable~~ Ensure densities in established residential areas ~~at levels which~~ promote compatibility with prevailing neighborhood character.

- Policy 13.3 Promote sustainable land use patterns that integrate housing with transportation ~~via~~ in order to increase transit, pedestrian, and bicycle modes share.

Discussion of Changes to Table IV-8 of Draft EIR

The changes to Policies 1.4, 1.6, 9.2, 11.5, and 13.3 are minor in nature and do not affect the analysis or the conclusions reached in the Draft EIR. These changes were made to clarify the commitment to involve all stakeholders in the community planning process and would not result in any physical environmental impacts.

Policy 1.10 is intended to replace Policy 1.5, which was included in previous drafts of the 2009 Housing Element. Policy 1.10 supports new housing in transit-rich areas with bicycle networks, neighborhood-serving businesses, and job centers. This policy would result in similar effects to those analyzed for 2009 Housing Element policies 1.5, 12.1 (Encourage new housing that relies on transit use and environmentally sustainable patters of movement), 13.1 (Support "smart" regional growth that locates new housing close to jobs and transit), and 13.3 (Promote sustainable land use patterns that integrate housing with transportation via transit, pedestrian, and bicycle modes). The potential impacts related to encouraging housing near transit has been fully evaluated throughout the Draft EIR and the new policy language introduced in Policy 1.10 would not result in any new physical environmental impacts beyond what is analyzed in the Draft EIR. As outlined in Appendix C, this policy stipulates that new housing projects along transit lines be consistent with current zoning and design guidelines.

Policy 10.2 has been added to encourage a more efficient development review process. Implementation of this policy would increase input and coordination by City departments at an earlier stage of development than has previously occurred. This policy would not result in physical environmental impacts.

Policy 11.3 has been modified to stress that growth should not have an adverse effect on neighborhood character. The analysis in the Draft EIR related to this policy assumes that

changes to neighborhood character could occur as a result of policies 1.4, 1.5, 1.6, 7.5, and 11.4 but concludes that impacts to land use and aesthetic character would be less than significant. The text associated with Policy 11.3 has been modified to support the adoption of neighborhood-specific design standards to preserve neighborhood character. The changes to this policy do not result in additional physical impacts beyond what is already analyzed in the Draft EIR.

The purpose of Policy 11.4 is to ensure that zoning districts that conform to established land use and density plans are used. This policy does not result in new zoning or changes to height or bulk standards, and clarifies that any future proposal for amendments to specific zoning districts would be required to conform with the densities set forth in the General Plan. Thus, no additional physical environmental impacts beyond what is analyzed in the Draft EIR would result.

The text of Policies 1.2, 4.3, 4.6, 11.2, and 12.1 have not changed and thus are not listed above. However, they are mentioned here because text associated with these policies has been modified slightly, as outlined in Appendix C. The change to the text of Policy 1.2 is to clarify that the City must uphold the policies in the various planning documents upon project implementation. The change to the text of Policy 4.6 is to ensure that new development is planned where adequate capacity is provided by existing public infrastructure. The change to the text of Policy 11.2 is to acknowledge that the Planning Department cannot enforce documents not approved by the Planning Commission. The changes to the text of Policies 4.3 and 12.1 are very minor in nature and do not substantively change the nature or intent of the policy. These changes would not result in additional physical environmental impacts beyond what is analyzed in the Draft EIR.

D.2 TEXT CHANGES IN RESPONSE TO COMMENTS

Page I-13 (Acronyms/Abbreviations and Glossary) of the Draft EIR will be modified to reflect the following text as follows:

> **Densification:** ~~Increasing the density of soil.~~ The increase in the residential population in a given area, usually denoted by dwelling units per acre.

For clarification, the list of policies deleted from the 1990 Residence Element for the 2004 Housing Element at Page IV-27 (Project Description) of the Draft EIR, has been amended to add Objectives, as follows:

> The five policies and associated objectives from the 1990 Residence Element that were removed in the 2004 Housing Element are as follows:
>
> - Objective 1: To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demands for affordable housing created by employment growth.
> - Policy 1.6: Discourage development of new housing in areas unsuitable for residential occupancy, or on sites containing existing housing worthy of retention.
> - Objective 2: To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.
> - Policy 2.4: Adopt specific zoning districts which conform to a generalized residential land use and density plan and the Master Plan.
> - Objective 4: To reduce the risk of bodily harm and loss of housing in an earthquake.
> - Policy 4.1: Build new replacement housing to compensate for the affordable housing rendered uninhabitable by the October 1989 earthquake.
> - Objective 9: To improve the focus of affordable housing programs.
> - Policy 9.3: Establish affordable housing priorities which emphasize the needs for very low income housing.
> - Objective 12: To provide a quality living environment.
> - Policy 12.6: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.

For clarification, the list of policies deleted from the 1990 Residence Element for the 2009 Housing Element at Page IV-29 (Project Description) of the Draft EIR, has been amended to add Objectives, as follows:

> The 18 policies and associated objectives from the 1990 Residence Element that were removed in the proposed 2009 Housing Element are as follows:
>
> - Objective 1: To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demands for affordable housing created by employment growth.
>
> - Policy 1.2: Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing sites.
>
> - Objective 2: To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.
>
> - 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.

- Objective 3: To retain the existing supply of housing.
  - 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.
- Objective 4: To reduce the risk of bodily harm and loss of housing in an earthquake.
  - 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.
- Objective 7: To increase land and improve building resources for permanently affordable housing.
  - Policy 7.2: Include affordable units in larger housing projects.
- Objective 9: To improve the focus of affordable housing programs.
  - 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.
- Objective 10: To protect the existing affordability of housing.
  - Policy 10.4: Safeguard tenants from excessive rent increases while assuring landlords fair and adequate rents.
- Objective 12: To provide a quality living environment.
  - Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.

- Policy 12.5: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the Master Plan.

- Objective 14: To avoid or mitigate hardships imposed by displacement.

  - 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.

- Objective 15: To deal with the root causes of homelessness, recognizing the solution is more than the provision of emergency shelter.

  - Policy 15.4: Facilitate childcare and education for children of homeless families.

- Objective 16: To address affordable housing needs through a coordinated State and regional approach.

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

Page V.A-41 (Plans and Policies) of the Draft EIR will be modified to add the following text:

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies are (1) preservation and enhancement of neighborhood-serving retail uses (Section V.B); (2) protection of neighborhood character (Section V.B); (3) preservation and enhancement of affordable housing (Section V.D with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Section V.F); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Section V.B); (6) maximization of earthquake preparedness (Section V.O [Geology and Soils]); (7) landmark and historic building preservation (Section III.E [Cultural Resources and Paleontological Resources]); and (8) protection of open space (Section V.J [Shadows] and Section V.N).

Prior to issuing a permit for any project that requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the General Plan,

Section 101.1 requires that the City find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the Project with the environmental topics associated with the Priority Policies is discussed in Chapter V (Environmental Setting, Impacts, and Mitigation Measures) of this EIR. The case report and approval motions for the Project would contain the Planning Department's comprehensive Project analysis and findings regarding consistency of the Project with the Priority Policies.

Page V.B-22 (Land Use and Land Use Planning) of the Draft EIR will be modified to add the following text as follows:

Under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), local projects that affect the Coastal Zone and use federal funding or require federal approval must, to the greatest extent practicable, be consistent with the San Francisco Bay Conservation and Development Commission~~'s~~ and California Coastal Commission's management program.

Page V.B-25 (Land Use and Land Use Planning) of the Draft EIR will be modified to reflect the following text change to paragraph 4:

BCDC is dedicated to the protection and enhancement of San Francisco Bay, as well as the Suisun Marsh, and to the encouragement of their responsible use.[4] BCDC adopted a strategic plan that includes ongoing goals and short term objectives. In ~~2007~~ 2010, BCDC adopted an updated strategic plan containing objectives including maintaining an active enforcement program, supporting environmental justice, and recognizing the importance of the Bay in promoting the region's economy.

Page V.C-3 (Aesthetics) of the Draft EIR will be modified to reflect the following text change to paragraph 3:

The western areas of the City, including the Richmond and Sunset neighborhoods, are characterized by a variety of building styles and massings, ranging from traditional to modern and from ~~early twentieth century~~ late nineteenth century to contemporary styles. Most of this area of the City is relatively flat, but some locations enjoy views of most of the City's visual resources, such as the Bay, the Ocean, downtown, and the bridges.

Page V.I-20 (Greenhouse Gas Emissions) of the Draft EIR will be modified to reflect the following text change to paragraph 4:

Table V.I-3, below, presents the GHG emissions ~~form~~ from operational sources associated with projected growth in new housing units for the baseline year, 2009.

Page V.L-24 (Utilities and Service Systems) of the Draft EIR will be modified to reflect the following text changes to first sentence and second sentence of the impact discussion under Impact UT-2:

> In accordance with Appendix G of the CEQA Guidelines, ~~N~~new development ~~construction~~ could result in impacts related to water or wastewater treatment facilities if new housing would result in additional need for water or wastewater treatment in areas that do not have the available capacity to transport or process the additional water or wastewater. This could ~~require~~ include the construction or expansion of water or wastewater treatment facilities.

Pages V.L-32 and V.L-33 (Utilities and Service Systems) of the Draft EIR will be modified to reflect the following text change:

> Although the 2004 Housing Element would not result in the construction of residential units, it would shape how new residential development should occur and ensures that there is adequate land available to meet future housing needs. The ~~P~~potential impacts of growth related to water and wastewater treatment facilities would be ~~offset~~ reduced by compliance with the previously discussed regulations, including Article 4.1 of the San Francisco Public Works Code and the City's industrial waste pretreatment program to regulate the discharge of pollutants into the sewage system, Water Quality Protection Program, the City's Stormwater Management Plan, the City's Stormwater Ordinance, and the City's Construction Site Runoff Pollution Prevention Program requirements.

Page V.M-39 (Public Services) of the Draft EIR will be modified to add the following text to the third sentence of paragraph 3:

> As shown above, the 2009 Housing Element proposes Policy 1.8 which promotes the inclusion of housing in new office and institutional developments to a greater degree than the 1990 Residence Element. Similarly, 2009 Housing Element Policy 11.5 advocates for the use of building forms to promote community interaction through such features as seating ledges, outdoor seating and the use of stoops and porticos to create an inviting community environment, increasing the daily neighborhood presence. Increasing the residential population could potentially reduce crime, as criminal activity is more likely to occur in isolated and hidden areas of the City.

Page V.P-55 (Hydrology and Water Quality) of the Draft EIR will be modified to reflect the following text change to first sentence of the paragraph 3:

> The 2004 Housing Element and 2009 Housing Element would not result in the construction of residential units, although they could ~~enocurage~~ encourage how and

> where new residential development would occur and would assist in ensuring that there is adequate land available to meet future housing needs.

Page V.Q-38 (Hazards and Hazardous Materials) of the Draft EIR will be modified to add the following text the first sentence of paragraph 3:

> The likelihood that significant adverse effects would result from the discovery of previously unidentified contaminated sites is minimal because there are multiple existing requirements in place to address such effects, such as Article 22A, SFRWQCB, DTSC, and SFDPH UST.

The same paragraph on page V.Q-38 (Hazards and Hazardous Materials) of the Draft EIR has also been revised as follows:

> The findings of this assessment may include discovery of past contamination of the site. Under such circumstances, appropriate mitigations would be applied to the project to address the contamination under the oversight of a regulatory agency.

Page VII-72 (Alternatives) of the Draft EIR will be modified to reflect the following text change to bullet point 2:

> Require development to full allowable building envelope under zoning in locations that are directly on the rapid transit network ~~lined~~ lines identified in the SFMTA's Transportation Effectiveness Project (TEP), as shown in Figure VII-1;

D.3 STAFF INITIATED TEXT CHANGES

Table IV-8 on pages IV-33 through IV-36 (Project Description) of the Draft EIR will be modified to reflect the following text changes.

- Policy 1.4 Ensure ~~neighborhood-supported~~ community based planning processes are used to generate changes to land use controls.
- Policy 1.6 Consider greater flexibility in number and size of units within established building envelopes in community based planning processes ~~areas~~, especially if it can increase the number of affordable units in multi-family structures.
- Policy 1.10 Support new housing projects where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.
- Policy 9.2. Continue prioritization of preservation of existing affordable housing as the most effective means of providing affordable housing.

- Policy 10.2 Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

- Policy 11.3 Ensure growth is accommodated without ~~significantly~~ substantially and adversely impacting existing residential neighborhood character.

- Policy 11.4 Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

- Policy 11.5 ~~Maintain allowable~~ Ensure densities in established residential areas ~~at levels which~~ promote compatibility with prevailing neighborhood character.

- Policy 13.3 Promote sustainable land use patterns that integrate housing with transportation ~~via~~ in order to increase transit, pedestrian, and bicycle modes share.

Page IV-23 (Project Description) of the Draft EIR will be modified to reflect the following text change to the eighth sentence of paragraph 1:

> Three major projects, i.e., Candlestick Point-Hunters Point Shipyard, Treasure Island, and Park Merced, comprise approximately half of the pipeline project units and could be completed by approximately 2020. Production trends over the last decade show that approximately ~~65 to 70~~ 75 to 80 percent of pipeline project units are completed within five to seven years[9]. This production trend is applicable to the pipeline project units that are not associated with the three major projects listed above.

Page V.G-3 (Noise) of the Draft EIR will be modified to delete footnote #3 as this reference is contained in footnote #4:

> According to WHO, sleep disturbance can occur when continuous indoor noise levels exceed 30 dBA or when intermittent interior noise levels reach 45 dBA, particularly if background noise is low. With a bedroom window slightly open, a noise reduction from outside to inside of 15 dBA would occur while the noise attenuation with closed windows is about 25 dBA[3]. Under these conditions, the WHO criteria would suggest exterior continuous (ambient) nighttime noise levels should be 45 dBA or below, and short-term events should not generate noise in excess of 60 dBA. The WHO also notes that maintaining noise levels within the recommended levels during the first part of the night is believed to be effective for the ability to fall asleep[4].

~~[3] National Cooperative Highway Research Program Report 117, Highway Noise: A Design Guide for Highway Engineers, 1971.~~

[4] World Health Organization, Guidelines for Community Noise. Geneva, 1999. Available on the internet at: http://www.who.int/docstore/peh/noise/guidelines2.html. This document is also available for review at the Planning Department, 1650 Mission Street, Suite 400.

Page V.I-25 (Greenhouse Gas Emissions) of the Draft EIR will be modified to add the following text immediately preceding the 2004 Housing Element Analysis:

> The City of San Francisco has established a qualified greenhouse gas reduction plan as per BAAQMD's 2010 CEQA Air Quality Guidelines. Development projects that are consistent with the greenhouse gas reduction plan can be subsequently determined to result in a less-than-significant impact with respect to greenhouse gas emissions. This further supports the basis for the determination that the 2004 and 2009 Housing Elements and new construction anticipated through 2025 would result in less-than-significant impacts to greenhouse gas emissions.

The first sentence of the fourth paragraph on page V.K-1 (Recreation) of the Draft EIR has been modified to reflect the following text change and reference update:

> Property in San Francisco that is permanently dedicated to publicly-accessible park and recreational uses totals approximately ~~5,886~~ 4,113 acres[2].

~~[2] Sue Exline, Planner, San Francisco Planning Department, personal communication, December 15, 2009~~

[2] San Francisco Recreation and Parks, About Us: RPD By The Numbers, Website: http://sfrecpark.org/RPDbyTheNumbers.aspx, accessed December 1, 2010.

Page V.L-13 (Utilities and Service Systems) of the Draft EIR will be modified to update footnote #10 and footnote #14 as follows. Material referenced to footnote #10 appears in the second sentence of the first paragraph and material referenced to footnote #14 appears in the last sentence of the third paragraph as follows:

> The landfill is owned and operated by Waste Management of Alameda County. The balance of the waste ends up in a number of other landfills in the region[10].
>
> Since then, disposal declined every year through 2005, when it dropped to 545,437 tons. In 2007, Altamont disposal dropped to 520,265 tons[14].

~~10 City and County of San Francisco, Department of the Environment, "Request for Qualifications: Landfill Disposal Capacity", at page 1, website: www.sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2008/RFQ.doc, accessed February 26, 2009.~~

10 SF Environment, Timeline and Analysis: Disposal Alternatives for San Francisco, January 25, 2008.

~~14 City and County of San Francisco, Department of the Environment, "Request for Qualifications: Landfill Disposal Capacity", at page 2, website: www.sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2008/RFQ.doc, accessed February 26, 2009.~~

14 SF Environment, Timeline and Analysis: Disposal Alternatives for San Francisco, January 25, 2008.

Page V.M-13 (Public Services) of the Draft EIR will be modified to reflect the following text change to footnote #21:

School impact fees apply to projects involving the addition of new square footage, whether the project involves new construction or involves expansion of an existing structure[21].

~~21 Telephone consultation with Willy Yau, Manager of Technical Services Division at the San Francisco Department of Building Inspection, on April 14, 2010.~~

21 Governor's Office of Planning and Research, A Planner's Guide to Financing Public Improvements, Chapter 5: New School Facilities, June 1997, website: http://ceres.ca.gov/planning/financing/chap5.html#chap5, accessed December 2, 10.

Page V.O-19 (Geology and Soils) of the Draft EIR will be modified to reflect the following text change to footnote #7:

This is a phenomenon where large blocks of intact, non-liquefied soil move downslope on a liquefied substrate of large aerial extent[7].

~~7 Youd et al., 1978; Tinsley et al., 1985.~~

7 United State Geologic Survey, Liquefaction-Induced Lateral Spreading in Oceano, California, During the 2003 San Simeon Earthquake, Holzer et al., 2004, website: http://pubs.usgs.gov/of/2004/1269/, accessed December 2, 2010.

Page V.R-6 (Minerals and Energy Resources) of the Draft EIR will be modified to reflect the following text change to footnote #11:

> To date, the SFPUC has allocated $9,500,000 to fund the GoSolarSF program, which launched on July 1, 2008. Since then, over 1,100 applications have been received, resulting in over 3.8 megawatts (MW) of solar power installed or soon-to-be installed.

~~11 Angela Patane, GoSolarSF, personal correspondence with CAJA staff, January 5, 2010.~~

11 San Francisco Public Utilities Commission, GoSolarSF, website: http://sfwater.org/detail.cfm/MC_ID/12/MSC_ID/139/MTO_ID/361/C_ID/4428/ListID/1, accessed December 2, 2010.