



MEMO

TO: Joanne Park, Department of Homelessness and Supportive Housing

FROM: Don Lewis, Senior Environmental Planner

DATE: March 7, 2024

PROJECT: 33 Gough Cabins

SUBJECT: Planning Department / Environmental Review Officer Concurrence
AB101 California Environmental Quality Act (CEQA) Determination

This memorandum is in response to a memorandum from the Department of Homelessness and Supportive Housing dated March 6, 2024 requesting Planning Department confirmation that no environmental review is required for the 33 Gough Cabins project. This shelter provides 70 prefabricated cabins for unhoused individuals. This memo confirms that the 33 Gough Cabins project is not subject to the California Environmental Quality Act (CEQA) pursuant to California law set forth in Assembly Bill 101, California Government Code Sections 65660 – 65668 (AB 101).

AB 101 provides that a low barrier navigation center that meets certain criteria and is located in a mixed-use zoning district or a non-residential zone that permits multifamily uses is a use by right and is not subject to CEQA (Government Code Section 65660(b)). A “use by right” is defined in Government Code Section 65583.2(i) to mean that the local government’s review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of CEQA.

The zoning designation for this site is Public (P). This zoning district could be classified as a “non-residential zone” because most of the allowed uses are non-residential. Further, the P zoning can be classified as permitting “multifamily uses” because homeless shelters serve multifamily populations. A homeless shelter that is owned, operated, or leased by the City and County of San Francisco is a principally permitted use in the P District on a permanent basis pursuant to Planning Code Section 211.1(b). Therefore, the 33 Gough Cabins project would be considered a principally permitted use in the P zoning district.

The memorandum dated March 6, 2024 from the Department of Homelessness and Supporting Housing explained how the 33 Gough Cabins project complies with the criteria set forth in AB 101. It meets the definition of a low barrier navigation center set forth in Government Code Section 65660(a) and meets the criteria set forth in Government Code Section 65662. Accordingly, the 33 Gough Cabins project is not subject to CEQA.