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**To:** [BOS Legislation \(BOS\)](#)  
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**Subject:** 2395 Sacramento Street, BOS File No. 231285, Case No. 2022-004172CUA (Feb. 6, 2024)  
**Date:** Friday, January 26, 2024 11:52:56 AM  
**Attachments:** [2024.01.26.BOS Appeal Brief 2395 Sacramento w-exhibits-FINAL.pdf](#)

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Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:  
Attached please find the brief and exhibits of Jonathan Clark regarding the CEQA appeal of the proposed project at 2395 Sacramento Street, related to the redevelopment of a City landmark building (No. 115), Lane Medical Library. BOS File No. 231285. This letter supplements our appeal letter dated December 8, 2023, and responds to issues raised in the briefs filed by the developer and the planning department. This matter is scheduled for hearing on February 6, 2024. Thank you for considering our comments and do not hesitate to call or email with any questions or concerns.

Richard Drury

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*Via Email*

January 26, 2024

President Aaron Peskin and  
San Francisco Board of Supervisors  
*Attn:* Angela Calvillo, Clerk of the Board  
San Francisco City Hall, Rm. 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Email: bos.legislation@sfgov.org

**RE: Appeal of San Francisco Planning Commission's CEQA Action for 2395  
Sacramento Street Project – February 6, 2024 Board of Supervisors Hearing  
BOS File No. 231285, Case No. 2022-004172ENV (Block/Lot: 0637/015 & 016)**

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:

I am writing on behalf of San Francisco resident Jonathan Clark regarding the Planning Department's CEQA exemption for the project located at 2395 Sacramento Street ("Project"), including all actions related to the redevelopment of a City landmark building (No. 115), the Health Sciences Library, historically known as the Lane Medical Library of Stanford University. This letter supplements our appeal letter dated December 8, 2023, which is incorporated herein by reference, and responds to issues raised in the briefs filed by the developer and the planning department.

Relying on CEQA Guidelines section 15183, the Planning Staff is attempting to avoid all CEQA review for the Project, arguing that CEQA review was already done for the Housing Element EIR<sup>1</sup>. But the Housing Element EIR covered the entire City of San Francisco, and does not mention this Project at all. If the staff can avoid CEQA review for this Project, which impacts a listed historic landmark, then it can avoid CEQA for any residential project in the City. (See 48 Hills article attached as Exhibit 1). Indeed, hundreds of pages of emails produced under the Public Records Act show that the city and the developer were in the process of preparing an environmental impact report ("EIR") for the project and had even retained an EIR consultant, ICF Jones-Stokes. (Exhibit 2). City staff and the developer concluded that a CEQA exemption was not allowed because of the Project's impacts to the historic Lane Medical Library. (Exhibit 3). Then, in early 2023, the developer's lawyer suggested avoiding CEQA entirely by relying on

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<sup>1</sup> Normally, the City would approve similar projects under the CEQA Infill Exemption. However, the Infill Exemption is not allowed if a Project may adversely affect an historic resource, as here. CEQA Section 21084(e).

the Housing Element EIR. (Exhibit 4). The emails show that this is the first time the City has ever tried this approach (Exhibit 5), but also that other developers are watching and eager to follow suit. (Exhibit 6).

Planning staffer Wade Wiegrefe made the following cynical remarks in an email chain:

ICF's feedback on our Housing Element EIR General Plan Evaluation template after applying it to 2395 Sacramento St: "***Everyone thought it was way too easy" followed by some laughs.*** (Email from Wade Wiegrefe (June 26, 2023) (Exhibit 7).

Mr. Weigrefe continued: Is the MMRP [mitigation monitoring and reporting plan] longer than the GPE [general plan evaluation]... ***LOL [laugh out loud].*** (Exhibit 5).

***The Planning Department must not be allowed to avoid critically important environmental review "way too easily" and laugh out loud about it.*** Allowing this to proceed will set a dangerous precedent that will threaten the entire City. Allowing projects to avoid environmental review necessary to mitigate impacts to historic and environmental resources is not a laughing matter.

As discussed below and in our prior letter, the CEQA 15183 exemption is improper for numerous reasons:

1. This Project was not analyzed in the Housing Element EIR at all.
2. This Project is outside of the scope of the Housing Element EIR because it exceeds the height and density analyzed in the Housing Element EIR.
3. This Project has impacts that are "peculiar" to the Project, which must be analyzed in subsequent CEQA review, including impacts to historic resources, vibration impacts, wind impacts, air pollution impacts, biological impacts, noise impacts, and others.
4. This Project has offsite impacts, including impacts to the nearby historic resources, Temple Sherith Israel and 2018 Webster Street, vibration impacts, air pollution impacts, noise impacts, shadow impacts, biological impacts and others. CEQA section 15183 expressly does not apply to a project's offsite impacts.

There is a reason why the City has not used this CEQA exemption in the past. It simply makes no sense. Indeed, it is so preposterous that it made planning department staff laugh out loud. But avoiding critically important environmental protections is not a laughing matter. Using the 15183 exemption in this situation would be the death of CEQA review for almost all residential projects in San Francisco. The Board should reject this blatant CEQA abuse and require CEQA review for the Project, as the developer initially set out to do. CEQA review is important to protect our historic resources, to protect the environment, and to protect the health and safety of our residents. CEQA review will not harm the Project. It will simply ensure that the Project's impacts to historic resources and the environment are adequately analyzed and mitigated. Then the developer can proceed with the Project in accordance with the law.

## I. PROJECT DESCRIPTION

As discussed in our prior letter, the proposed Project at 2395 Sacramento Street would gut and modernize the Lane Medical Library, which is San Francisco Landmark 115, designed by renowned architect Albert Pissis. It would construct 2 towers adjacent to the landmark building, one reaching 87 feet in height and the other, 78 feet. The Project will include 24-units, exceeding the allowable height of 40-feet and density of 19-units because it will include a mere 3-units of nominally “affordable” housing. These so-called “affordable” units will be affordable to families earning 80% of area median income, which is over \$117,000 in San Francisco. Needless to say, this Project will do little or nothing to address the need for true low-income housing but it will threaten a listed historic landmark building.

## II. ARGUMENT

### A. Section 15183 Does Not Apply Because the Project Exceeds the Density Analyzed in the Housing Element EIR.

CEQA section 15183 only applies to “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.” The maximum density allowed in this area is 19-units. Since the project has a density of 24-units, it exceeds the allowable density and Section 15183 does not apply at all.<sup>2</sup> In addition, the Project will reach 87-feet in height. The Housing Element EIR assumed maximum heights in this area of only 40-feet. Since the Project is more dense and more than twice the height analyzed in the Housing Element EIR, the City cannot rely on the Housing Element EIR under Section 15183.

In the recent case of *Save Our Access v. City of San Diego* (2023) 92 Cal.App.5th 819, the court of appeal held that the City of San Diego could not avoid CEQA review for a project

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<sup>2</sup> The Planning Department makes a strained argument that the Project does conform to allowed density because a density bonus waiver was granted, citing the decision in *Wollmer v. City of Berkeley*, 193 Cal. App. 4th 1329 (2011). However, the City’s argument proves too much. If a project is consistent with zoning simply because it received a waiver or variance, then the exception to 15183 would never apply since a non-conforming project cannot be built at all without a waiver or variance. In other words, every approved project would always comply with zoning since it either complies with the zoning without a waiver, or it was granted a waiver or variance. The *Wollmer* case is distinguishable since that case addressed the CEQA Infill Exemption, not Section 15183. The Infill Exemption requires conformity with zoning and general plan, but does not expressly require consistency with density. The Infill exemption does not exclude projects that exceed allowable density, unlike Section 15183. Section 15183 expressly excludes projects that do not comply with the density analyzed in the prior CEQA document.

that exceed the height analyzed in a prior specific plan EIR. The City of San Francisco is engaged in the same type of CEQA avoidance, and it is equally improper.

**B. Section 15183 Does not Apply Because the Project Has Impacts that are Peculiar to the Project.**

In our December 3, 2023 letter, we explained that Section 15183 and CEQA section 21083.3 do not apply because the Project has impacts that are peculiar to the Project. Section 15183 requires analysis in a CEQA document of “**project-specific significant effects which are peculiar to the project or its site.**” (CEQA Guidelines § 15183(a) [emph. added]). Additional environmental review is not limited only to significant effects but rather any “effects on the environment which are peculiar to the parcel....” (Id.) Likewise, the additional CEQA review must address effects “which were not addressed as significant effects in the prior [EIR].” Thus, whether or not Section 21083.3 is applicable is not limited to whether impacts specific to the Project are significant but whether there are environmental effects peculiar to the Project and its site that were not addressed as significant effects in the overall General Plan EIR. Lastly, even for the effects that were found to be significant in the prior General Plan EIR, Section 21083.3 does not apply where there is substantial new information that the impacts associated with the Project will be more significant than previously addressed in the General Plan EIR.

There are numerous environmental impacts that are peculiar to the Project and that were not analyzed or mitigated in the Housing Element EIR. As discussed in that letter, this Project has project-specific impacts peculiar to the project, including impacts to:

1. The Historic Landmark Lane Medical Library.
2. The Historic Landmark Congregation Sherith Israel.
3. The historic adjacent building located at 2018 Webster Street.
4. Vibration impacts which exceed CEQA significance thresholds.
5. Diesel particulate matter air quality impacts.
6. Wind impacts.
7. Biological Impacts.
8. Shadow impacts, which will affect historic resources including the Lane Medical Library and Congregation Beth Israel.

These project-specific impacts all fall outside of the express terms of Section 15183 and therefore must be analyzed at the project-level in a CEQA document.

These impacts are discussed more fully in the expert comments of historian Bridget Maley. (Exhibit 8). Ms. Maley is a well-known architectural historian and the former President of the City’s Historic Preservation Commission. Ms. Maley concludes that the Project will have adverse impacts to the interior and exterior of the historic Lane Medical Library, and that the City has not adequately mitigated those impacts. She concludes that the Project fails to comply with the Secretary of Interior’s Standards for the Treatment of Historic Properties. The City has no substantial evidence to rebut Ms. Maley’s conclusions because the City’s analysis ignored the interior of the Lane Library entirely, including the Project’s impacts to historic murals.

Ms. Maley emphasizes other peculiar historic resource impacts that would result from the removal of the Arthur F. Matthews murals found in publicly accessible areas inside the Library. She explains that by dismissing the cultural and artistic value of the Matthews mural as simply “derogatory”, the HRE fails to position the murals’ importance and symbolism that it carries. In fact, “[h]ad the HRE or the HRER delved further into the meaning of the murals they might not have been so easily dismissed and their importance to the building’s overall significance and integrity better understood.” *Id.* Ms. Maley concludes that “[t]he grouping of murals is clearly significant to the building and within the body of work of the artist.” *Id.* Other peculiar impacts Ms. Maley indicated include, but are not limited to:

- alterations to install windows and create a subterranean garage will adversely impact the southern façade;
- damage to the delicate sandstone architectural features of the building;
- removal of historic steel shelving and replacement of stone panels;
- removal of the reading room’s coffered ceiling and chandeliers “would likely not be reversible”;
- construction and installation of a four-story glass connector; and
- excavation and construction of a subterranean garage.

(Ex. 8, pp. 4-8.)

Ms. Maley highlights how the Planning Department’s Certificate of Appropriateness omits the extent that the Project will impact interior spaces and features. This is important because not only has Ms. Maley identified how the Project will adversely affect the Project’s exterior and adjacent neighborhood, but she also underlines several interior features of the historic building that will be adversely affected because of the Project. Ms. Maley’s expert findings underline the Project’s clear failure to satisfy the Secretary of Interior’s Standards for the Treatment of Historic Properties. (Ex. A, p. 3.) This shortcoming is important because this means that the Project cannot be deemed to have mitigated the Project impacts to a level below significance. The Project, therefore, “does not meet the Standards, specifically the Standards for Rehabilitation, and thus results in significant unavoidable impacts and substantial adverse change to the historic resource.” (*Id.*) Interestingly, internal emails show that planning staffers agreed that impacts to the building’s interior were significant under CEQA and precluded use of a CEQA exemption. (Exhibit 3).

The City’s own retained architectural historian for this Project, Richard Brandi, has submitted a comment letter objecting to the City’s lack of CEQA review and supporting Mr. Clark’s appeal. (Exhibit 9). Mr. Brandi concludes that the Project will have adverse impacts to historic murals found inside the Lane Library. Mr. Brandi concludes that the City has not

adequately mitigated these impacts. He concludes that proposed mitigation is inadequate and improperly deferred.<sup>3</sup>

Numerous effects of the Project are peculiar to its characteristics, design, or location and, thus, must be reviewed in the first instance using either a negative declaration or EIR and not a general plan EIR that provides no relevant information to any reader of these effects. The court of appeal has held that, “The usual and ordinary meaning of the term “peculiar to” may be derived from a dictionary.” (*Wal-Mart Stores*, 138 Cal.App.4th at 294.) “Webster's Third New International Dictionary (1986) page 1663 defines peculiar as ‘1a: belonging exclusively or esp. to a person or group ... 3: tending to be a characteristic of one only: DISTINCTIVE.’” (*Id.*) If a physical change to the environment “belongs exclusively or especially to” a project or “if it is characteristic of only the” project, it is thus peculiar to the project. (See *id.*) In *Wal-Mart Stores*, the Court addressed the application of CEQA Guidelines § 15183 to a zoning ordinance and whether the effects connected to future potential projects under the zoning were peculiar to the zoning ordinance project. (*Id.*) The court ruled that, rather than the zoning ordinance, the asserted physical changes in the environment from the zoning ordinance were “more closely connected” to “a subsequent, more specific project that will be subject to further environmental review.” (*Id.* at 295.) In addition:

An environmental effect is not “peculiar” to a project that is consistent with a general plan “if uniformly applied development policies or standards have been previously adopted by the city or county, with a finding based upon substantial evidence ... that the development policies or standards will substantially mitigate that environmental effect when applied to future projects.”

(*Gentry*, 36 Cal.App.4th at 1405, quoting PRC § 21083.3(d), CEQA Guidelines § 15183(d).)

It is hard to imagine an impact more peculiar to a specific project than impacts to a unique historic resource. As shown both in the Appeal Letter dated December 8, 2023 as well as below, there is substantial evidence demonstrating that the Project will have peculiar impacts which were not addressed in the Housing Element EIR. The December 8, 2023 Appeal explained the historic, vibration, health, wind, biological, and light/shadow impacts that the Project would have on the environment.

In addition, Ms. Maley emphasizes potentially significant and irreversible impacts that would result from the removal of the Arthur F. Matthews murals found in publicly accessible areas inside the Library. These impacts are uniquely “peculiar” to this Project. Maley explains

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<sup>3</sup> CEQA prohibits deferred mitigation. “[M]itigation measure[s] [that do] no more than require a report be prepared and followed” do not provide adequate information for informed decisionmaking under CEQA. *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794; Guidelines § 15126.4(a)(1)(B). The GPE defers mitigation of several significant impacts. For example, it states that the mural may be relocated, but provides not details on where they will be relocated to, how they will be safely relocated, or who will be responsible for the cost of relocation and preservation.

that by dismissing the cultural and artistic value of the Matthews mural as simply “derogatory”, the HRE fails to position the murals’ importance and symbolism that it carries. In fact, “[h]ad the HRE or the HRER delved further into the meaning of the murals they might not have been so easily dismissed and their importance to the building’s overall significance and integrity better understood.” *Id.* Ms. Maley concludes that “[t]he grouping of murals is clearly significant to the building and within the body of work of the artist.” *Id.* Other peculiar impacts Ms. Maley indicated include, but are not limited to:

- alterations to install windows and create a subterranean garage will adversely impact the southern façade;
- damage to the delicate sandstone architectural features of the building;
- removal of historic steel shelving and replacement of stone panels;
- removal of the reading room’s coffered ceiling and chandeliers “would likely not be reversible”;
- construction and installation of a four-story glass connector; and
- excavation and construction of a subterranean garage.

(Ex. 8, pp. 4-8.)

Maley explains that the Planning Department’s Certificate of Appropriateness omits the extent that the Project will impact interior spaces and features. This is important because not only has Ms. Maley identified how the Project will adversely affect the Project’s exterior and adjacent neighborhood, but she also underlines several interior features of the historic building that will be adversely affected because of the Project. Ms. Maley’s expert findings underline the Project’s clear failure to satisfy the Secretary of Interior’s Standards for the Treatment of Historic Properties. (Ex. 8, p. 3.) This shortcoming is important because this means that the Project cannot be deemed to have mitigated the Project impacts to a level below significance. The Project, therefore, “does not meet the Standards, specifically the Standards for Rehabilitation, and thus results in significant unavoidable impacts and substantial adverse change to the historic resource.” (*Id.*) Neither the city nor the developer provide any evidence to rebut Ms. Maley or Mr. Brandi’s conclusions that the Project’s impacts to the historic interior of the Lane Library are significant under CEQA. Indeed, the only evidence is that city staff agreed with Ms. Maley (Exhibit 3).

### **C. Section 15183 Does not Apply Because the Project Has Offsite Impacts.**

CEQA sections 21083.3 and 15183 expressly exclude offsite impacts. Since the Project has several offsite environmental impacts, these must be analyzed in a CEQA document and are not exempt under Sections 15183 and 21083.3. The Project has significant offsite impacts including:

1. Impacts to the adjacent historically significant Congregation Sherith Israel and historic home at 2018 Webster Street. The City has failed even to consider the Project’s impacts to these resources.



2. Diesel Particulate Matter Impacts. The GPE admits that the Project would create a significant airborne cancer risk from Diesel Particulate Matter (“DPM”) from Project construction equipment. (GPE, p. 18).
3. Vibration Impacts. The City’s own CEQA analysis admits that the Project will have significant vibration impact, and proposes mitigation. (GPE, p. 15). The GPE states that the construction vibration level would be approximately 1.0 inch/second at the nearest existing historic building, 2018 Webster Street, which would be 5 feet south of project construction activities. The construction vibration level would be 0.07 inch/second at the historic building at 2266 California Street (Congregation Sherith Israel), which would be approximately 30 feet south of project construction activities.
4. Wind impacts. We have submitted expert analysis showing that the Project’s wind impacts will be very significant.<sup>4</sup>
5. Biological Impacts. Dr. Shawn Smallwood has determined that the Project will have significant adverse impacts to special status species, particularly from bird-window collisions and loss of habitat.
6. Shadow Impacts. The Project will cast shadows on the adjacent historic resources of Congregation Sherith Israel and the home at 2018 Webster Street.
7. Noise Impacts. The Project will have significant noise impacts from construction. The Project proposes to allow nighttime construction without noise monitors. This will result in significant off-site noise impacts, particularly to the adjacent sensitive receptor at 2018 Webster Street, which is an occupied home.

These offsite impacts must be analyzed and mitigated in a CEQA document and are excluded from Section 15183.<sup>5</sup> Many of the offsite impacts are identified in the GPE, as noted above. In

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<sup>4</sup> The resume of the wind expert is attached as Exhibit 11.

<sup>5</sup> The GPE relies on improper deferred mitigation to address many of these impacts. For example, to address admittedly significant vibration impacts, page 9 of the Mitigation and Monitoring Program states:

The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to the Affected Buildings to ensure that any such damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the Plan to the ERO for review and approval.

CEQA does not allow development of mitigation measures to be deferred until after Project approval since there is no assurance that mitigation will be adequate. The mitigation measure must be defined in the CEQA document to ensure its adequacy and enforceability. "A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.) "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting

addition, Historian Bridget Maley has concluded that the Project will have significant adverse impacts to the adjacent historic buildings: 1) Congregation Sherith Israel; and 2) 2018 Webster Street. (Exhibit 10). See also the comments of architectural historian Michael Corbett. (Ex. 12).

Section 21083.3 does not apply to an agency's duty under CEQA to analyze potentially significant offsite impacts and cumulative impacts of a project not discussed in the prior general or community plan EIR:

***(c) Nothing in this section affects any requirement to analyze potentially significant offsite impacts and cumulative impacts of the project not discussed in the prior environmental impact report with respect to the general plan.***

However, all public agencies with authority to mitigate the significant effects shall undertake or require the undertaking of any feasible mitigation measures specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment or, if not, then the provisions of this section shall have no application to that effect. The lead agency shall make a finding, at a public hearing, as to whether those mitigation measures will be undertaken.

(PRC § 21083.3(c) [emphasis added]; CEB, §10.35.) Thus, although relevant mitigation measures identified in the General Plan or community plan EIR may render an off-site or cumulative impact of a project less than significant, the lead agency would still need to evaluate those impacts in a mitigated negative declaration or EIR. These criteria for the "additional environmental review" that must be conducted pursuant to CEQA even where a project is consistent with the allowed development densities in a general plan are carried forth in CEQA Guideline § 15183, which states:

In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, ***or***

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improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) The GPE is replete with improper deferred mitigation.

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(14 Cal. Admin. Code § 15183(b) [emphasis added].) Section 15183(c) rephrases these limits to identify when an additional EIR to a General Plan or community plan EIR is not necessary, providing that:

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(14 Cal. Admin. Code § 15183(c).) Notably, this provision does not excuse an agency from preparing a negative declaration where such impacts are mitigated to less than significance. “Under various limits on the applicability of Pub Res C §21083.3, one or more of which may apply, *some aspects of a later project may be exempt from CEQA while other aspects of the project may require some level of CEQA review.*” (CEB, §10.35 [emphasis added].)

Whether or not Section 21083.3 applies to a particular project’s environmental review is subject to a fair argument standard of review. (*See Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 287–88, *disapproved of on other grounds by Hernandez v. City of Hanford* (2007) 41 Cal.4th 279 [assuming, without deciding, that the fair argument applied to reviewing applicability of section 21083.3]; See also *Gentry v. City of Murrieta*, 36 Cal.App.4th (1995) 1359, 1373, 1406, fn. 24 [suggesting fair argument standard applies to determination under § 21083.3 that activity is covered by prior EIR].)

More importantly, the fair argument standard applies to the City’s review of any issues or effects the analysis of which are excluded from Section 21083.3. Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (CEQA Guidelines § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931; *Stanislaus Audubon v. Stanislaus* (1995) 33 Cal.App.4th 144, 150-151 (1995); *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations. (*Pocket Protectors*, 124 Cal.App.4th at 928.)<sup>6</sup>

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<sup>6</sup> The City contends that the substantial evidence standard applies, relying on the case of *Lucas v. City of Pomona*, 92 Cal. App. 5th 508 (2023). However, the *Lucas* case is readily distinguishable. In *Lucas*, the City of Pomona was amending its general plan to allow cannabis retail zones in certain areas of the city. Pomona relied on Section 15183 to exempt the zoning overlay from further CEQA review, relying on the EIR prepared for the General Plan. The

**D. In Addition to the GPE Checklist, the City Must Prepare Either a Negative Declaration or an EIR for Each Environmental Effect Peculiar to the Project, and for Each Offsite Impact.**

The City's General Plan Evaluation Checklist ("GPE") includes analyses of impacts that either are peculiar to the Project, off-site impacts, or impacts or were not considered as significant effects in the Housing Element EIR. These include impacts to historic resources, vibration impacts, diesel particulate matter impacts, noise impacts, and others. Whether or not these environmental effects are significant or not, they are not exempted by Section 21083.3 from preparing the requisite environmental review document under CEQA. If they are effects peculiar to the Project, or offsite impacts, they must be assessed using either a negative declaration or an EIR. If they are effects that were not addressed as significant under the prior general plan EIR, they also must be processed under CEQA with either a MND or EIR.

**III. CONCLUSION**

For the foregoing reasons, we request that the Board of Supervisors grant Mr. Clark's appeal and send the Project back to the Planning Department and Historic Preservation Commission for review under CEQA so that its impacts to the historic Lane Medical Library, the adjacent Congregation Sherith Israel, the adjacent historic home at 2018 Webster can be analyzed and mitigated. In addition, a CEQA document should analyze the Project's offsite and peculiar impacts related to diesel particulate matter, vibration, noise, biological resources, wind and other impacts. This will be no burden to the developer or the City since they had already retained ICF as an EIR consultant and were planning to prepare an EIR for this Project. If they had simply proceeded on that path, CEQA review would have been completed by now. Instead, the City decided to embark on this dangerous and improper attempt to circumvent CEQA review under CEQA section 15183. The Board of Supervisor should put an end to this misadventure that allows the Planning Department to avoid CEQA "way too easily" and "laugh out loud." If

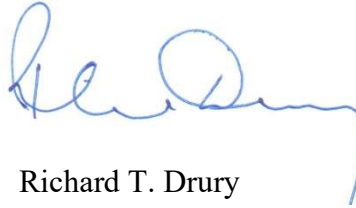
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Lucas court emphasized that the substantial evidence standard applied because the city was using a programmatic EIR for a later programmatic action. The court emphasized that the city was not approving any project-level activity. For example, it was not approving any particular cannabis store. In the case where the city is relying on programmatic EIR to approve a programmatic action, it makes perfect sense that the substantial evidence standard applies. But the Lucas court went out of its way to emphasize that the case involved no project-level approval. The Lucas court held that the action "has no project-specific effects" that are "peculiar" to it, because there was no project being approved at all. (*Lucas v. City of Pomona*, 92 Cal. App. 5th 508, 542). Thus, the case does not apply to this situation, where San Francisco attempts to use a program-level EIR for a project-level approval. The courts have consistently applied the fair argument standard in such cases. For example, in *Save Our Access v. City of San Diego* (2023) 92 Cal.App.5th 819, the court held that the City of San Diego could not rely on a specific plan EIR for a project-level approval since the project exceeded the heights analyzed in the prior EIR. This case is much closer to *Save Our Access* than to *Lucas*.

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CEQA review can be avoided for this Project, then it is hard to imagine any residential project that will ever require CEQA review, even if it utterly destroys historic resources or the environment. This is certainly not the intention of CEQA, and it is certainly not in the best interests of the residents of the San Francisco. When the Planning Department avoids environmental review that is critical to protecting public health, historic resources and the environment, it is not a laughing matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard T. Drury', with a long, sweeping tail extending to the right.

Richard T. Drury  
Marjan Abubo  
LOZEAU DRURY LLP

# EXHIBIT 1

# 48hills

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NEWS + POLITICS

THE AGENDA

Top reads

## Will all new housing development in SF be exempt from environmental review?

Plus: Yimby leader calls for rents to go higher. That's The Agenda for Jan. 21-18.



By TIM REDMOND

JANUARY 21, 2024



The Board of Supes will hear an appeal **Tuesday/23** of an issue involving a modest historic building on Sacramento Street that could raise much larger issues about the future of environmental review, not just in this city but in the state of California.

In essence, a developer and the City Planning Department are arguing that any project that falls under the Housing Element—that is, all future residential development in the city—is exempt from all review under the California Environmental Quality Act.



Architect rendering of the library and new tower, from Planning Department documents.

That, city planners say, is because the city already did an Environmental Impact Report **on the latest Housing Element**, a plan that happens to be based largely on fantasy.

Richard Drury, the lawyer for the appellant, notes in his letter that

“If the [Planning Department] approach is condoned, then arguably, CEQA review will never be required for any residential project in the City ever again.”

That may be what the Yimbys want, but it’s still a pretty radical change, particularly since the Housing Element EIR, **which you can download here**, specifically states that it’s a “programmatic EIR,” not a project-specific EIR, and that individual projects that might have a significant impact on the environment beyond what was analyzed in the program EIR would still need further CEQA review.

From the appeal letter:

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**Pam Grady** - August 9, 2023



What the [Environmental Review Officer] fails to mention is that the Housing Element EIR did not analyze this Project at all. It analyzed the Housing Element that applies to the entire City of San Francisco. The analysis was at a very general programmatic level, analyzing the impacts of adding 50,000 new residents to the City. The Housing Element EIR specifically stated that it was not conducting any project-level CEQA analysis and that further CEQA analysis would be required for specific projects when they are proposed.

The Housing Element EIR never considered this project, which hadn't even been proposed when that work was underway.

Developers all over the city are watching this otherwise obscure appeal, because if it succeeds, they will be able to bypass CEQA at will.

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**In this case, the issue is the potential damage to an historic landmark**, the Lane Medical Library, at 2395 Sacramento St. **When the building was finished in 1906**, it was part of the first medical school in the Western US, the Cooper Medical College, later taken over by Stanford University.

There's no question that the building has historic value; the city designated it as a landmark in 1980, and it's eligible for consideration as a federal landmark.

The appeal letter notes:

## The Agenda

**Will all new housing development in SF be exempt from environmental review?**

Plus: Yimby leader calls for rents to go higher. That's The Agenda for Jan. 21-18.

Tim Redmond - January 21, 2024

## More by this author

The Project will also have project-specific impacts related to wind, vibration, air pollution, biological impacts and others – none of which were adequately analyzed or mitigated in the Housing Element EIR. Even under CEQA section 15183, such impacts that are peculiar to the Project must be analyzed in a streamlined EIR.

The developer is called Gokovacandir, LLC, which is run by Bora Ozturk, who is the director of March Capital Management. The plan calls for upgrading and preserving the facade of the library, while building a 78-foot building on one side and an 87-foot building on the other.

The zoning in the area, as envisioned in the Housing Element, is 40 feet.

It's entirely possible that the "adaptive reuse" would improve the historic building. It's possible that even a preliminary CEQA review would find that there are no significant impacts around vibration, air pollution, and biological impacts, in which case the Planning Department could issue what's known as a "negative declaration" and the project could move forward.

In fact, when planners first evaluated it, they found that there were, in fact, potential CEQA issues. An email from Environmental Review Officer Lisa Gibson to the developer's lawyer notes that:

After consultation with department staff and the city attorney's office, **it is my conclusion that staff appropriately determined that modification to the building interior areas is subject to CEQA review in this particular case.** ...

As explained in the Historic Resource Evaluation Response Part 1 for this project, some of the interior areas have been publicly advertised as rental event spaces. [See [this.](#)] This suggests that these interior areas can be (and have been) accessible and visible by certain members of the public (e.g., anyone at events held in the existing building) and thus are publicly accessible under

## Campaign Trail

### Fielder, Chandler spar at D9 debate that draws sizable crowd

Chandler refuses to support cease-fire resolution and opposes district elections as differences between candidates become clear.

Tim Redmond - January 19, 2024

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Labor unions talk about billions in outside contracts—but the local tax system needs to be on the table, starting now.

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CEQA.

Drury obtained that letter under the California Public Records Act and shared it with me.

Now, however, the Planning Department, in a letter to the supes, argues that

Based on this analysis, the department determined that the project is exempt from further environmental review beyond what was conducted in the GPE initial study and the Housing Element 2022 Update EIR.

Again: Maybe the issues with the interior aren't enough to derail the project; that's what a preliminary CEQA review is for. The department issues "neg decs" all the time, sometime, I think, too easily.

But in this case, the issue isn't a neg dec; it's the department and the developer arguing that any residential project, of any type and size, anywhere in the city, is from now on exempt from any project-specific environmental review.

That would be a profound change in public policy—again, perhaps one the Yimbys would like, but one that at least deserves some open public debate.

That hearing starts at 3pm.

**This one is weird: I thought the main Yimby argument was that more housing**, including more market-rate housing, will eventually bring down rents. That's the central reason that the state is mandating so much new housing—because a housing shortage, which can best be solved by the private sector, drives costs up for everyone.

I'm not against density or more housing, but I've always said that the way the housing development market works, new housing can't bring rents down, because if rents start to fall to affordable levels, developers won't get the return their investors demand, so they'll stop building housing.

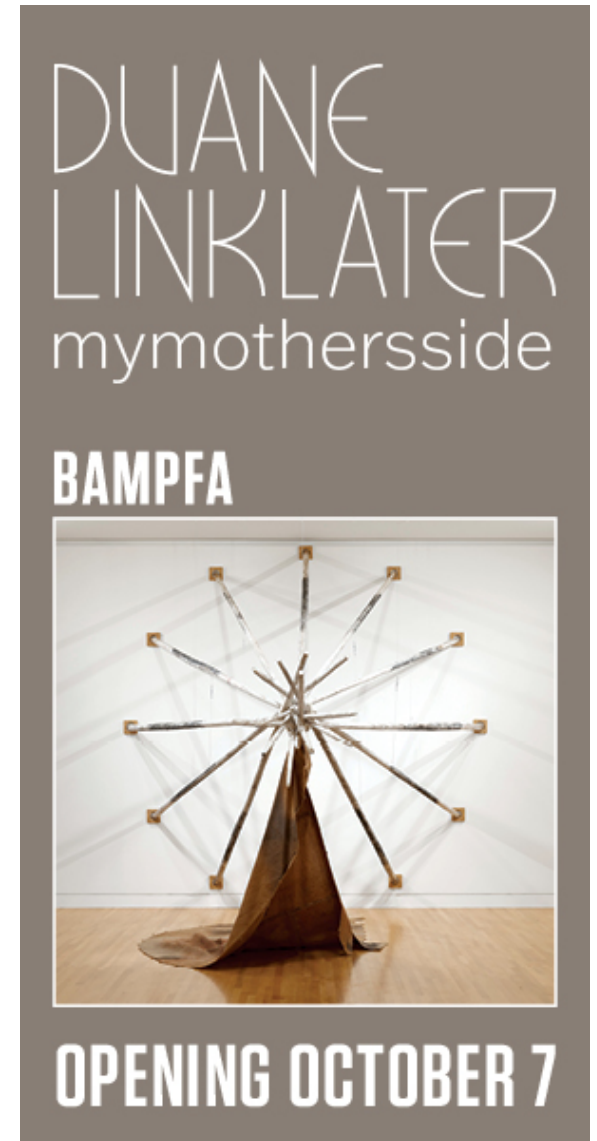
Now one of the leaders in the Yimby movement has confirmed that, in a bizarre statement to the City Planning Commission.



On Jan. 18, Corey Smith, executive director of the Housing Action Coalition, told the commissioners that “we need the rent to go back up” if new housing is going to be built. “I know that’s counter-intuitive and insane to say out loud, but it’s the truth,” he testified.

Correct: If rents and housing prices go up, more developers will see more profit, and will be more likely to build more. But that’s the opposite of what the Yimbys have always said.

From Lee Hepner on Twitter:



**Lee Hepner**

@LeeHepner · [Follow](#)



“One of the challenges we face in San Francisco is we need the rent to go back up.”

It is so refreshing to hear YIMBYs say this stuff out loud. Private developers have no plan for building new housing when rents actually go down.

Watch on X

11:29 AM · Jan 19, 2024



335



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## Tim Redmond

Tim Redmond has been a political and investigative reporter in San Francisco for more than 30 years. He spent much of that time as executive editor of the Bay Guardian. He is the founder of 48hills.



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# EXHIBIT 2

**From:** [Young, David \(CPC\)](#)  
**To:** [Vanderslice, Allison \(CPC\)](#)  
**Cc:** [Moore, Julie \(CPC\)](#)  
**Subject:** Mission Bay Housing Entitlements - Scenario summary/ICF Proposal  
**Date:** Thursday, November 17, 2022 9:54:00 AM  
**Attachments:** [MissionBaySouthHousingEntitlementExp\\_ICFProposal\\_110222.pdf](#)  
[Mission Bay South Hsg Entitlement Expansion - SummarySeptember 2022.9-28-22pptx.pptx](#)

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Hi Allison,

Julie and I are working on a housing entitlement project in Mission Bay. It is an OCII project.

We are in the early stages of our review.

OCII hired ICF as their consultant.

Please see attached for the ICF proposal and summary for the alternative scenarios.

We are meeting with OCII next Tuesday to provide guidance on the following:

- 1) Transportation Impacts (SB 743)
- 2) Discuss Archeology/Cultural Resources
- 3) Wind
- 4) SB 610 Water supply
- 5) Discuss transportation proposal scope with Wade W
- 6) Shadow

If you need more time to review, please let me know.

Best,  
David

**David Young, Senior Planner**  
**San Francisco Planning Department**  
San Francisco Planning  
Environmental Planning Division  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103 Direct: 628.652.7494 |  
[david.i.young@sfgov.org](mailto:david.i.young@sfgov.org) | [sfplanning.org](http://sfplanning.org) San Francisco Property Information Map



**From:** [Zushi, Kei \(CPC\)](#)  
**To:** [CPC.Archeology](#)  
**Subject:** RE: 2395 Sacramento St (2022-004172ENV)  
**Date:** Tuesday, December 20, 2022 12:28:33 PM

---

Hi Allison,

Thank you for the email. Sounds good. Please log it for PAR review now. Yes, an EIR is possible, depending on the conclusion of the HRE Part 2 being prepared by Michelle Taylor.

That said, regardless of the HRE Part 2, the sponsor wants us to prepare an EIR (even if the project qualifies for an MND or CatEx) for some reason. I will update you and Kari after HRE Part 2 is prepared.

Best,

**Kei Zushi, Senior Planner**  
**Environmental Planning Division**  
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Direct: 628.652.7495 | [www.sfplanning.org](http://www.sfplanning.org)  
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---

**From:** CPC.Archeology <[CPC.Archeology@sfgov.org](mailto:CPC.Archeology@sfgov.org)>  
**Sent:** Wednesday, December 14, 2022 2:35 PM  
**To:** Zushi, Kei (CPC) <[kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org)>; CPC.Archeology <[CPC.Archeology@sfgov.org](mailto:CPC.Archeology@sfgov.org)>  
**Subject:** RE: 2395 Sacramento St (2022-004172ENV)

Hi Kei,

I have been going through our archeo inbox and it looks like this project got missed and wasn't logged for archeo review. I believe this project is possibly moving forward now as an EIR, is that correct? Should we log it for PAR review now and let me know if it will be MND or EIR, as we will then need to also to TCR notification.

Thanks,  
Allison

**Allison Vanderslice, MA**  
**CEQA Cultural Resources Team Manager, Environmental Planning Division**  
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Direct: 628.652.7505 | [www.sfplanning.org](http://www.sfplanning.org)  
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**From:** Zushi, Kei (CPC) <[kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org)>  
**Sent:** Tuesday, August 23, 2022 9:27 AM  
**To:** CPC.Archeology <[CPC.Archeology@sfgov.org](mailto:CPC.Archeology@sfgov.org)>  
**Subject:** FW: 2395 Sacramento St (2022-004172ENV)

# EXHIBIT 3

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Hello,

Please find attached the Historic Resource Evaluation Response (HRER) Part 1 for the interiors of 2395 Sacramento Street which finds portions of the interior to be significant for the purposes of CEQA. Staff will be preparing a Historic Resource Evaluation Response, Part 2 to evaluate impacts to the interiors. To move forward with a Part 2 analysis, more information is needed regarding the treatment of significant spaces and features as listed in the HRER Part 1 attached. Please be sure to include treatment information in the revised plan submittal package.

Please note that in addition to finding portions of the interior to be significant, we found that one of the three murals to derogatory to Native Americans. Therefore, as part of the Part 2 analysis, we will be conducting engagement with local tribal groups. Information and next steps related to this engagement will be forthcoming.

Please let me know if you have any questions.

Thank you,

**Michelle Taylor, Senior Preservation Planner**

**Districts 5 & 8, Current Planning**

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

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Hi Michelle,

Thank you for providing the update. This is great (and much more detailed than what I was looking for).

Based on what you provided below, I will include a draft preservation comment in the EP PCL-1 comments. Please review and edit it before you incorporate the EP comments into PCL-1.

Best,

**Kei Zushi, Senior Planner**  
**Environmental Planning Division**

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Direct: 628.652.7495 | [www.sfplanning.org](http://www.sfplanning.org)  
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**From:** Taylor, Michelle (CPC) <[michelle.taylor@sfgov.org](mailto:michelle.taylor@sfgov.org)>

**Sent:** Tuesday, August 16, 2022 9:55 AM

**To:** Zushi, Kei (CPC) <[kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org)>

**Subject:** 2395 Sacramento Street Preservation Review Summary

Hi Kei,

Is this the sort of preservation related information you were looking for?

- The project site contains one building listed as a local historic resource: 2935 Sacramento Street, City Landmark No. 115. In addition to a Certificate of Appropriateness, the project will require a Historic Resource Evaluation Part 2. A HRE Part 2 is required in order for the Department's Historic Preservation staff to review the proposed project for impacts to historic resources, both the subject building and nearby resources. A consultant prepared Part 2 HRE is not required as the review will be conducted by preservation staff.
- Portions of the library were publicly accessible and therefore, for the purposes of CEQA, the proposed interior alterations of the building are subject to review by the Department's Historic Preservation staff. To assist in this review, the project sponsor has hired a qualified professional to prepare a Historic Resource Evaluation (HRE) report to evaluate the potential significance of the building's interior. Staff has determined that the draft HRE is incomplete and on July 21, 2022, issued comments requesting additional information. A staff-prepared HRE Part 2 for the interior of the building may be required depending on the outcome of the HRE Part 1 review.
- Staff have determined the proposed project does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Further Preservation review may be mitigated through design revisions provided in Appendix X. Please note that these comments are limited to the exterior of the landmark building and the building's relationship to adjacent historic resources. Additional preservation comments related to the interior are dependent upon completion of the Historic Resource Evaluation, Part 1.



James

---

**From:** James Suh <[jsuh@kasa-partners.com](mailto:jsuh@kasa-partners.com)>

**Date:** Monday, April 12, 2021 at 6:34 PM

**To:** "Gordon-Jonckheer, Elizabeth (CPC)" <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>

**Cc:** Steven Aiello <[Aiello@page-turnbull.com](mailto:Aiello@page-turnbull.com)>, Carolyn Kiernat <[kiernat@page-turnbull.com](mailto:kiernat@page-turnbull.com)>

**Subject:** Re: 2395 Sacramento Call

Hi Elizabeth,

We had one more idea on this property that I am hoping you can give us a read on.

1. First of all, the existing Landmark building seems to have more square footage than the 1.8 FAR allows, about 2.11 FAR has been built. Would this be grandfathered as existing non-conforming if we were to apply for a building permit in the future for the same square footage?
2. The existing Landmark has 4 floors of book stacks. Can we get an 'FAR credit' if for instance we only fill back with 3 floors after the book stacks are removed?
3. The adjacent vacant lot on Webster St, Block 0637/Lot 15 (the address on Maps and PIM is not coming up), is available for purchase. If we were to merge this lot with 2395 Sacramento and connect the new building sensitively to the Landmark building, does this make #1 even more challenging? Meaning, would the existing building's non-conforming FAR limit the new structure's 6,300 sf (FAR 1.8) buildable area?

Thank you and please let me know if I am being unclear and if you would like to talk live.

James

James Suh

**KASA Partners**

[jsuh@kasa-partners.com](mailto:jsuh@kasa-partners.com)

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650.773.2557

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**From:** "Gordon-Jonckheer, Elizabeth (CPC)" <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>

**Date:** Wednesday, April 7, 2021 at 10:00 AM

**To:** James Suh <[jsuh@kasa-partners.com](mailto:jsuh@kasa-partners.com)>

**Subject:** Re: 2395 Sacramento Call

Either time works for me. I'll need to get off promptly at 12:30 for the historic preservation commission (HPC).

Basic info from Corey was:

- **yes you can get a variance for FAR but they not requested often and are challenging to justify, so he was cautioning but (as expected) would not make a formal recommendation**
- **subdividing lot/easement not recommended - the subdivided lot would still be over FAR and would then have other processing hurdles etc.**

•regarding use - he wanted a bit more info. The use could be public or philanthropic instead. The level of local review depends on the consular agreement with the State Department. He wanted you to contact: San Francisco office of the State Department's Office of Foreign Missions. (<https://avanan.url-protection.com/v1/url?o=https%3A//www.state.gov/ofm/ro/sf/&g=YjM4MwViMmRmZDI1MTg1OA==&h=NGNiYjFjYTFiOTRjNjdH2ml2YmY2M2YwYzE1MzMyODAS5NzllY2FjY2lxNDhjMMDMxNGViNTE0ZDI1OGY4ZTlhMw==&p=YXAzOnNmZHQyOmF2YW5hbGpvOmFkZmJmOThlOTBkMWQzNTJiNGViNTE0ZDI1OGY4ZTlhMw==>)

Regarding the preservation issues. I need to look into the docket for LM #115. In essence, under Article 10 the HPC has authority to designate a) exterior features and b) interior features only if the property is public, or if it is, or has been, publicly accessible. For old designations where the report may list interior features, but the resolution doesn't we do not interpret the report to be determinative, beyond the character-defining features listed in the resolutions. However, if there are any old designations where we think the interior features should have been listed, but weren't, the HPC does have purview to consider updating them by preparing new ordinances. We've done that in a couple of cases. As for CEQA and interior spaces, I think it'd be important to understand if the Health Sciences Library was a public or semi-public space - assuming it was then we could consider interior spaces in the CEQA evaluation - but I think we may need more information. (Also, to note, the east elevation building jut contains character-defining features towards the rear.)

Thanks!

**Elizabeth Gordon Jonckheer, Principal Planner**

**Northwest Team & Historic Preservation, Current Planning Division**

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---

**From:** James Suh <[jsuh@kasa-partners.com](mailto:jsuh@kasa-partners.com)>  
**Sent:** Tuesday, April 6, 2021 7:09 PM  
**To:** Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>  
**Subject:** New Time Proposed: 2395 Sacramento Call  
**When:** Wednesday, April 7, 2021 11:30 AM-12:00 PM.  
**Where:**

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Would it be okay to change to 12:00? If not, would 5:00 be too late?

James

James Suh

**KASA Partners**

[jsuh@kasa-partners.com](mailto:jsuh@kasa-partners.com)

[www.kasa-partners.com](http://www.kasa-partners.com)

650.773.2557

**From:** [Gordon-Jonckheer, Elizabeth \(CPC\)](#)  
**To:** [Sider, Dan \(CPC\)](#)  
**Date:** Wednesday, May 24, 2023 11:54:34 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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**From:** Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>  
**Sent:** Friday, May 19, 2023 1:02 PM  
**To:** Tuija Catalano <tcatalano@reubenlaw.com>  
**Cc:** Zushi, Kei (CPC) <kei.zushi@sfgov.org>; Taylor, Michelle (CPC) <michelle.taylor@sfgov.org>; Vanderslice, Allison (CPC) <allison.vanderslice@sfgov.org>; Sucre, Richard (CPC) <richard.sucre@sfgov.org>; Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Eduardo@marchcapitalfund.com <eduardo@marchcapitalfund.com>; Christopher Nalen <christopher@marchcapitalfund.com>; MILJANICH, PETER (CAT) <Peter.Miljanich@sfcityatty.org>; YANG, AUSTIN (CAT) <Austin.Yang@sfcityatty.org>; MALAMUT, JOHN (CAT) <John.Malamut@sfcityatty.org>; RUIZ-ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>  
**Subject:** Re: 2395 Sacramento - Building interior areas NOT subject to CEQA

Hello again, Tuija,

It was brought to my attention that my previous message neglects to address the department's position regarding the interior of the property during its previous use as a medical library and related uses. I wish to clarify that staff found, and I concur, that these uses are publicly accessible for purposes of our analysis. Therefore, the early 20th century is a period of significance, as is the more recent period when it was an event space. These are the findings of the HRER Part 1. If you believe that the report is not clear on these points, please let us know so that we can consider whether revisions are warranted.

Regards,

**Lisa Gibson** (she/her/hers)  
**Environmental Review Officer and Director of Environmental Planning Division**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: (628) 652-7571 | [www.sfplanning.org](http://www.sfplanning.org)  
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*I am in the office on Mondays, Tuesdays, and Thursdays; I telecommute on Wednesdays and Fridays.*

---

**From:** Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>  
**Sent:** Thursday, May 18, 2023 8:38 AM  
**To:** Tuija Catalano <tcatalano@reubenlaw.com>  
**Cc:** Zushi, Kei (CPC) <kei.zushi@sfgov.org>; Taylor, Michelle (CPC) <michelle.taylor@sfgov.org>; Vanderslice, Allison (CPC) <allison.vanderslice@sfgov.org>; Sucre, Richard (CPC)

# EXHIBIT 4



**To:** [Andersen, Jennifer](#)  
**Cc:** [Mekkelson, Heidi](#); [Tuija Catalano](#); [Christopher Nalen](#); [Eduardo Sagues](#); [Taylor, Michelle \(CPC\)](#)  
**Subject:** 2395 Sacramento Street - Project Description  
**Date:** Tuesday, January 10, 2023 5:06:12 PM

---

Hi Jennifer,

The department has recently determined that the project description is “stable” for the environmental review purposes. We just met with the project sponsor team and discussed the option of preparing a CPE under the 2022 Housing Element EIR. The sponsor team will be internally discussing this option.

In the meantime, if you could draft the project description, I would appreciate it. [The most recent plan set \(too large to email\) is available on the PIM. The plan set is entitled “Updated Plans - \(BAR 12-7-2022\).pdf.”](#)

Thank you,

**Kei Zushi, Senior Planner**  
**Environmental Planning Division**  
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Direct: 628.652.7495 | [www.sfplanning.org](http://www.sfplanning.org)  
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# EXHIBIT 5

**From:** [Range, Jessica \(CPC\)](#)  
**To:** 28:1633c05f-b36a-44bb-a8e4-b28854855608; [Moore, Julie \(CPC\)](#); 28:fd931076-bbfb-4a38-a85c-1f0fb5b61bee; [Jain, Devyani \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Cooper, Rick \(CPC\)](#); [Sheyner, Tania \(CPC\)](#); [Fordham, Chelsea \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Vanderslice, Allison \(CPC\)](#)  
**Date:** Monday, October 16, 2023 3:44:52 PM

---

### **Wietgreffe, Wade (CPC)**

You could mention our first Housing Element GPEs have been or are about to be issued: 401 SVN, 2395 Sacramento, others? If they care, 401 SVN GPE is 27 pages without figures and MMRP attachments.

Is the MMRP longer than the GPE... LOL

# EXHIBIT 6

**From:** [Poling, Jeanie \(CPC\)](#)  
**To:** [Zushi, Kei \(CPC\)](#)  
**Date:** Monday, November 06, 2023 10:35:43 AM

---

Do you expect 2395 Sacramento to be appealed? I have another project that's eligible for a GPE that tiers off the HE, but they first want to wait and see if other HE GPEs get appealed.

# EXHIBIT 7

**From:** [Wietgreffe, Wade \(CPC\)](#)  
**To:** [Hughen, Will \(CPC\)](#); [Vu, Tiffany \(CPC\)](#); [Bauer, Michael \(CPC\)](#); [Gonzales, Alicia \(CPC\)](#); [Sheyner, Tania \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Byrd, Vimaliza \(CPC\)](#); [Callagy, Alana \(CPC\)](#); [Calpin, Megan \(CPC\)](#); [Cooper, Rick \(CPC\)](#); [Craciun, Florentina \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Fordham, Chelsea \(CPC\)](#); [George, Sherie \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Huggins, Monica \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Johnston, Timothy \(CPC\)](#); [Lamb, Benjamin \(CPC\)](#); [Hervey-Lentz, Kari \(CPC\)](#); [Lewis, Don \(CPC\)](#); [McKellar, Jennifer \(CPC\)](#); [Moore, Julie \(CPC\)](#); [Morgan, Sally \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Pollak, Josh \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Schuett, Rachel \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Vanderslice, Allison \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Enchill, Charles \(CPC\)](#); [Greving, Justin \(CPC\)](#); [Young, David \(CPC\)](#); [Zushi, Kei \(CPC\)](#)  
**Date:** Monday, June 26, 2023 4:24:47 PM

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ICF's feedback on our Housing Element EIR General Plan Evaluation template after applying it to 2395 Sacramento St: "Everyone thought it was way too easy" followed by some laughs. Go Ryan!

# EXHIBIT 8





January 10, 2024

Supervisor Aaron Peskin, Board President  
Supervisor Connie Chan  
Supervisor Catherine Stefani  
Supervisor Joel Engardio  
Supervisor Myrna Melgar  
Supervisor Dean Preston  
Supervisor Matt Dorsey  
Supervisor Rafael Mandelman  
Supervisor Hillary Ronen  
Supervisor Shamann Walton  
Supervisor Ahsha Safai

*Attn: Angela Calvillo, Clerk of the Board via email - bos.legislation@sfgov.org*

San Francisco Board of Supervisors  
San Francisco City Hall, Rm. 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**RE: Support for Appeal of San Francisco Planning Commission's CEQA Action for 2395 Sacramento Street, File No. 231285, Case No. 2022-004172CUA (Block/Lot: 0637/015 & 016)**

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:

My name is Bridget Maley. I am writing in support of San Francisco resident Jonathan Clark's appeal ("Appellant") for the proposed CEQA determination for the project located at 2395 Sacramento Street, including all actions related to the redevelopment of a City of San Francisco designated local Landmark (No. 115), the Health Sciences Library, historically known as the Lane Medical Library of Stanford University. I respectfully ask the Board of Supervisors to deny the proposed CEQA exemption and to instead perform adequate environmental review as mandated under CEQA.

I am a 30-year San Francisco District Two resident. I have a Master of Arts degree in Architectural History from the University of Virginia. I have been on the City of San Francisco Planning Department's approved consultant pool for Historic Resource Consultants since 2012, when I founded my sole practitioner consulting firm. I am a certified City of San Francisco Local Business Enterprise (LBE). I meet *the Secretary of the Interior's Professional Qualification Standards for Architectural Historians and Historians*. I was appointed by Mayor Gavin Newsom in 2004 to serve on the Landmarks Preservation Advisory Board, the predecessor to the Historic Preservation Commission (HPC), and I served for four years on that board, three as its President. In 2017, I



President Peskin, etc.  
January 10, 2024  
Page 2

wrote an article for the *New Fillmore*, a San Francisco neighborhood newspaper, on the history and significance of the Lane Medical Library.

I have reviewed the entire record for the proposed project at 2395 Sacramento Street and I have found deep flaws in the analysis put forward in the Historic Resource Evaluation (Revised August 18, 2022), the Historic Resource Evaluation Response (November 8, 2022), the General Plan Analysis (October 23, 2023), the Certificate of Appropriateness Analysis (November 1, 2023), and the Conditional Use Authorization (November 8, 2023).

The Health Sciences Library (historically known as the Lane Medical Library of Stanford University), at 2395 Sacramento Street was designated as San Francisco Landmark #115 under Article 10 of the Planning Code on September 2, 1980. As such, it meets the definition of an historical resource under the California Environmental Quality Act (CEQA). Known historical resources under CEQA include the entire resource, exterior and interior features combined, no matter if they are designated locally, or at the state or federal level. Under CEQA, substantial adverse changes include demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired (PRC Section 5020.1(q)). This will include historic interior features if they rise to the level of contributing to the significance of the resource. In the case of the Lane Medical Library, the features of main reading room including the site-specific, health-related Arthur Mathews murals contribute to the significance of the resource and their destruction under the proposed project would result in substantial adverse change.

The National Register of Historic Places nomination form completed and submitted to the California State Historic Preservation Office (SHPO) on December 12, 2023 fully evaluates the building, the exterior and interior features, and its associated Mathews murals under National Register Criterion A and C utilizing additional research the previous evaluations did not consider. The nomination provides a full description of the exterior and the interior of the building, an assessment of the building's integrity, and provides scholarly assessment of entire building, including its exterior and interior architecture, art, and historical context within the history of medicine and education in San Francisco. The nomination is currently under review by SHPO staff.

The San Francisco Planning Department Historical Resource Evaluation Response (HRER) for 2395 Sacramento Street, dated November 8, 2022, is fundamentally flawed. The HRER is based on the Historic Resource Evaluation (HRE), dated April 11, 2022, and Revised on August 18, 2022, which was scoped by the Planning Department and only required evaluation and discussion of the interior of the building. Thus, the August 18, 2022 HRE does not constitute a full HRE of the building, per the Planning Departments own requirements. Despite the information provided on the interior in the HRE, the Planning Departments analysis of project impacts only discussed the exterior of the building. Never in the entire record is there a coherent assessment of both the interior and exterior features of the building and how the proposed project would impact those features.



Further, the HRE did not utilize the original Albert Pissis drawings dated September 23, 1911, available online through the Stanford University Libraries Special Collections Digital Archive, to compare the current building conditions, further the evaluation of historic integrity, document character-defining features, or identify alterations over time. Additionally, the HRE did not provide the historic photographs of the building, also available as digitized copies online through the Stanford University Libraries Special Collections Digital Archive, to further the evaluation. Lastly, the HRE did not adequately assess the significance of the site-specific, medical-themed Arthur F. Mathews murals. While the HRE finds that the murals are eligible for the California Register of Historical Resources (California Register) as features of the building, an explanation of the murals' thematic symbolism and context within the overall work of the artist is not adequately discussed. As such, the Planning Department's HRER dismissed the murals as "derogatory." In fact, a more detailed description of the murals is put forward by art historian Harvey Jones in his scholarly work *The Art of Arthur and Lucia Mathews*. Had the HRE or the HRER delved further into the meaning of the murals, they might not have been so easily dismissed and their importance to the building's overall significance and integrity would have been better understood. As far as can be determined, it does not appear that Mathews left a written record of his intent with regard to the subject matter of the murals. Thus, we do not know whether Mathews intended to present the shaman as "primitive" or as a respectful representation of the practices of the Indigenous people of North America, who had a holistic approach to healing that included herbal remedies and invocation of spiritual intervention. The other murals represent mythological and European superstitions. The dismissal of the Native American themed mural as "derogatory" was premature and uninformed. The grouping of murals is clearly significant to the building and within the body of work of the artist. For a full description and assessment of the murals, see the National Register of Historic Places nomination for the building.

I disagree with the findings of the General Plan Analysis, specifically Section F "Determination." In this section there is no mention of any potential impacts to historic resources, and, therefore, the conclusion that the proposed project would not result in effects on the environment that are peculiar to the project or that the project site that were not identified as significant effects in the Housing Element EIR is flawed. There are impacts to a known historic resource and these impacts have not been adequately mitigated.

The Planning Department's Certificate of Appropriateness analysis was also deeply flawed. First, the analysis makes absolutely no mention of the significant interior features or how they are impacted by the Project. Further, only projects that meet *the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards)* are deemed mitigated to a less than significant level of impact under CEQA. The proposed project, as depicted in the project drawings and renderings, does not meet *the Standards*, specifically *the Standards for Rehabilitation*, and thus results in significant unavoidable impacts and substantial adverse change to the historic resource. As such, an Environmental Impact Report (EIR) with a detailed impact analysis, fully developed feasible preservation alternatives, and meaningful mitigation measures should have been completed.



**Rehabilitation** is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The proposed project does not meet this definition and it does not achieve preservation of the features that convey the historical, cultural, or architectural values of the Lane Medical Library and its significant, site-specific murals by artist Arthur Mathews.

The following is an analysis of the proposed project for compliance with *the Secretary of the Interior Standards for Rehabilitation*, which differs substantially from the analysis put forward in the Planning Department's Certificate of Appropriateness.

Note the ten *Rehabilitation Standards* listed below are identical to those found on the National Park Service (NPS) website. However, the *Rehabilitation Standards* used in the Planning Department analysis are outdated. In 1992, NPS replaced the word "shall" with "will" in the *Rehabilitation Standards*. In 1995, the ***Secretary of the Interior's Standards for the Treatment of Historic Properties*** were codified in the Code of Federal Regulations (36 CFR 68) using the word "will," not "shall." The Planning Department version of the *Rehabilitation Standards* in their Certificate of Appropriateness analysis intermixed "shall" and "will."

Standard 1:

*A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces, and spatial relationships.*

The proposed new use of dwelling units and additions is NOT compatible with the historic use and character of the building. Therefore, the proposed project does not meet Standard # 1. The proposed use requires considerable intervention into the historic fabric, materials, spaces, and spatial relationships of the building. First, the additions to the building as proposed would change the neighborhood spatial relationship of the Lane Medical Library with the other historic resources in the block, specifically 2018 Webster Street and the Temple Sherith Israel at the corner of California and Webster Street. Both the library and the temple were designed by Albert Pissis; it is indisputable that he would have looked to the earlier temple as he developed his design for the library. Both are monumental buildings of sandstone, on corner parcels. The proposed project would interrupt this architectural alignment, and the relationship of these significant historic buildings by the same architect in the shared city block.

Further, the proposed project would require new selective openings on the first floor at the Webster and Sacramento Street elevations to accommodate new windows into the reading room; these windows would replace stone panels. The small windows into reading room would be in locations where library shelving occurs.



The insertion of operable skylight dormers into the slope of the historic hip-shaped, slate roof would impact how the roofline of the library relates to the adjacent historic buildings and interrupts the spatial relationship they share.

At the interior, the project would result in interventions that fundamentally change the main reading room, a primary space. The removal of the Arthur Mathews murals which are clearly character-defining to the reading room would be a significant impact to the historic integrity. The murals are also a distinctive feature of the building because they were specifically conceived and designed by the artist for that particular room in the library. Further, removal of the library's metal shelving and cabinets at the perimeter of the reading room would result in a significant change to the space. Additional interior impacts would be removal of the library stacks associated glass flooring set in the steel framework and loss of double-height spatial volume of reading room through the insertion of new partitions and a partial second floor. These proposed interventions also impact the reading room chandeliers and coffered ceilings.

***Note: The Planning Department's analysis of this Standard mentions nothing about impacts to interior spaces and features.***

Standard 2:

*The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.*

The proposed project does not meet *Standard #2*. It would result in two, over-scaled additions at the south and east façades. While the east façade historically had no distinctive features except the quoining at the northeast corner, which would, it appears, be retained, the proposed project would tower above the existing building. Further, the boxy, unadorned, verticality of the seven-story plus basement (or 8-story) east addition does not relate in any way to the Beaux Arts architectural features of the existing Landmark structure.

At the south façade, which is equal in its importance to the building as the north and west façades, the proposed addition would obscure the eastern portion of the façade. Further, the proposed project would create a four-story glass connector at the south facade and would puncture the historic sandstone façade at this location to create new openings to the hyphen. Similar to the east addition, the boxy, unadorned, verticality of the six-story south addition does not relate in any way to the Beaux Arts architectural features of the existing Landmark structure.



The proposed project proposes to remove the Arthur Mathews murals and the historic steel shelving and cabinet in the main reading room, which would fundamentally change the character of this historic library.

***Note: The Planning Department's analysis of this Standard mentions nothing about impacts to interior spaces and features.***

**Standard 3:**

*Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

This *Standard* does not apply. No conjectural features or elements are proposed.

**Standard 4:**

*Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

This *Standard* does not apply. There are no later features or elements of the building that have acquired significance.

**Standard 5:**

*Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property will be preserved.*

While many of the exterior features of the north and west facades will be retained, the proposed intervention at the south façade does not meet *Standard #5*. The alterations required to attach the glass connector and to convert windows to doors and to cover over the basement windows to create a subterranean garage will result in significant impacts to the south façade, including its sandstone facing.

The proposed project proposes to remove the Mathews murals and the historic steel shelving and cabinet in the main reading room. These are distinctive materials and features specific to this historic building and, upon removal, will result in a significant change to the character of the building.

***Note: The Planning Department's analysis of this Standard mentions nothing about impacts to interior spaces and features.***





Standard 6:

*Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The project sponsor has provided no information about how the historic sandstone façades of the building will be repaired. Compliance with this *Standard* should be re-assessed once there is more information provided by the project sponsor.

Standard 7:

*Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic properties will not be used.*

It is unknown at this time if any treatment would be inappropriate. However, it should be noted that sandstone is a very soft stone, and the project sponsor does not provide any information as to how the new additions would potentially impact the soft sandstone of the library's exterior south façade. The east façade is concrete which has its own conservation issues that have not been addressed in the project sponsor's intended treatment. Compliance with this *Standard* cannot be assessed at this time for lack of information.

Standard 8:

*Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

It is unknown at this time if there are any archaeological resources; however, it should be noted that parcel to the south (Block 0637 and Lot 15) once included the Victorian era house that is currently located at 2018 Webster Street. It was moved from this parcel to the parcel to its south in 1917. This parcel, especially since it would be extensively excavated for the underground parking garage, could yield archaeological information related to the 1906 earthquake. (See Bridget Maley, architecture + history, LLC, Historic Resources Evaluation for 2018 Webster Street, August 20, 2015.) Given the possibility of archaeological resources, this *Standard* should not be addressed through the boiler plate answer provided in the Planning Department's Analysis which reads: "Not Applicable. Assessment of archeological sensitivity is outside the scope of this review." Further, evaluation of the potential for archaeological resources should be required.



Standard 9:

*New additions, exterior alterations, or related new construction will not destroy historic materials and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the historic integrity of the property and its environment.*

The proposed new construction would not be compatible with the historic building. It would destroy the spatial relationship with other historic buildings on the block, including the Temple Sherith Israel, also designed by Albert Pissis. Further, the east and south additions are out of scale and character in both size and materials with the historic library building. While the additions are differentiated from the historic building, they would employ materials that are not compatible, such as GFRC panels and vertically oriented zinc panels for exterior cladding and aluminum-frame windows, with historic character of the landmark building. These drab materials are in stark contrast to the rich texture of the historic building's sandstone cladding and articulated facades. The scale, boxy massing and height of the additions would engulf the historic building and detract from its historic presence on the corner parcel at Webster and Sacramento, where it serves as complimentary book end to the historic temple at the corner of Webster and California.

At the interior, the removal of the Mathews murals and the read room's historic metal shelving and cabinets would absolutely result in the destruction of historic materials and features that define the property.

***Note: The Planning Department's analysis of this Standard mentions nothing about impacts to interior spaces and features.***

Standard 10:

*New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The intervention at the south façade and the insertion of new openings to accommodate operable skylights and balconies would be difficult to repair in the future if the east and south additions were removed. Further, the removal of the Mathews murals and the shelving in the main reading room would be difficult to reverse. Especially, if the murals do not end up in the public realm. Additionally, the loss of the coffered ceiling and chandeliers in the reading room would likely not be reversable.

***Note: The Planning Department's analysis of this Standard mentions nothing about impacts to interior spaces and features.***





## Conclusion

In summary, the proposed project does not meet *the Secretary of the Interior's Standards for Rehabilitation*. While the HRE for the building only focused on the interior, the Planning Department's evaluation of *the Standards* only focused on the exterior. Neither document discussed the historic resource as a whole. As such, the environmental evaluation of the project's impacts was flawed; it provided no indication of impacts to or treatment of the historic murals. Further, the Planning Department's analysis of exterior impacts ignored the out of scale and character additions at the east and south of the building. As a result, the Historic Preservation Commission and Planning Commission review of this project was based on incomplete historical information and fundamentally flawed CEQA analyses.

I respectfully ask the Board of Supervisors to deny the proposed CEQA exemption and to instead perform adequate environmental review as mandated under CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bridget Maley', written in a cursive style.

Bridget Maley  
Principal

cc: Richard Drury, Lozeau Drury, LLP  
richard@lozeaudrury.com  
Julianne Polanco, State Historic Preservation Officer  
julianne.polanco@parks.ca.gov  
Cindy Heitzman, California Preservation Foundation  
cheitzman@californiapreservation.org  
Woody LaBounty, San Francisco Architectural Heritage  
wlabounty@sfheritage.org  
Diane Matsuda, President, San Francisco Historic Preservation Commission  
diane.matsuda@sfgov.org  
Rachel Tanner, President, San Francisco Planning Commission  
rachael.tanner@sfgov.org

# EXHIBIT 9

BRANDI PRESERVATION  
Historic Preservation Consulting

*Via Email*

January 11, 2024

Supervisor Aaron Peskin, Board President  
Supervisor Connie Chan  
Supervisor Catherine Stefani  
Supervisor Joel Engardio  
Supervisor Myrna Melgar  
Supervisor Dean Preston  
Supervisor Matt Dorsey  
Supervisor Rafael Mandelman  
Supervisor Hillary Ronen  
Supervisor Shamann Walton  
Supervisor Ahsha Safai

*Attn: Angela Calvillo, Clerk of the Board via email - bos.legislation@sfgov.org*

San Francisco Board of Supervisors  
San Francisco City Hall, Rm. 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**RE: Support for Appeal of San Francisco Planning Commission’s CEQA Action for 2395 Sacramento Street, File No. 231285, Case No. 2022-004172CUA (Block/Lot: 0637/015 & 016)**

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:

My name is Richard Brandi and I am writing in support of San Francisco resident Jonathan Clark’s appeal (“Appellant”) for the proposed CEQA determination for the project located at 2395 Sacramento Street, including all actions related to the redevelopment of a City landmark building (No. 115), the Health Sciences Library, historically known as the Lane Medical Library of Stanford University. I respectfully ask the Board of Supervisors to deny the proposed CEQA exemption and to instead perform adequate environmental review as mandated under CEQA regarding the historic murals in the reading room. Providing for the safety of the murals in no way delays or impedes the creation of housing.

# BRANDI PRESERVATION

## Historic Preservation Consulting

I am an architectural historian with 20 years of experience and I meet the Secretary of the Interior's Professional Standards. I wrote the Historic Resource Evaluation HRE dated August 18, 2022 on the interior of the building at the request of the Planning Department. My research established that the murals were historic resources and the Planning Department concurred. But the treatment of the murals in the mitigation plan is inconsistent with the historic resources.

I support this appeal for the following reasons:

- The mitigation program is vague, indeterminate, and there are no conditions or safeguards imposed upon the project applicant to ensure that the murals end up in a safe and appropriate place.
- The current mitigation program will result in their destruction by neglect. We all know what happens to works of art when they are removed and stored for some indeterminate future use. They deteriorate and are lost.

The Mitigation Monitoring and Reporting program states:

“Additionally, the salvage plan shall include specifications for the removal and salvage of the Reading Room murals by a qualified art conservator and shall also include coordination and consultation with interested tribal groups and gather input on future treatment of the murals, including, but not limited to, public interpretation, donation to a non-profit or cultural association, or sale to a private entity.” Mitigation Monitoring and Reporting Program page 7 October 20, 2023, Case No. 2022-004172ENV 2395 Sacramento Street. The Planning Department considers one of the 112-year-old murals to be problematic because it portrays a Native American.

The safest place for the murals is to leave them where they are and incorporate new programming around them. The reading room should have been retained with minor, reversible changes. The destruction and alteration of the reading room should be avoided:

“Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired” (PRC Section 5020.1(q)).

and:

“Mitigation of significant impacts must lessen or eliminate the physical impact that the project will have on the historical resource. This is often accomplished through redesign of a project to eliminate objectionable or damaging aspects of the project (e.g., retaining rather than removing a character-defining feature, reducing the size or massing of a proposed addition, or relocating a structure outside the boundaries of an archeological site).” 14 CCR Section 4852(d)(1)).

# BRANDI PRESERVATION

## Historic Preservation Consulting

It's unclear if the feasibility of this step was ever seriously considered.

However, if the murals are to be removed, the project applicant should be held responsible for their well-being as befitting a San Francisco landmark and to avoid an adverse impact under CEQA:

“Relocation of an historical resource may constitute an adverse impact to the resource. However, in situations where relocation is the only feasible alternative to demolition, relocation may mitigate below a level of significance provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the California Register (14 CCR Section 4852(d)(1)).

The good news is that there is a precedent for how to proceed, the murals at University of California San Francisco, “The History of Medicine in California.”  
[www.ucsf.edu/news/2022/09/423621/removal-historic-murals-wins-award-ucsf-takes-next-steps-find-permanent-home](http://www.ucsf.edu/news/2022/09/423621/removal-historic-murals-wins-award-ucsf-takes-next-steps-find-permanent-home)

In that case, UCSF established a task force to consider the issues, which are similar to those facing the murals in the Lane Library. Several of the UCSF's task force recommendations are applicable here:

1. Preserve the murals as a collection.
2. The permanent location of murals should ensure proper standards of preservation, as well as provide historical context.
3. The mural site should allow for voluntary viewing, and not be displayed in a manner that compels the public to view the art, with respect to some noted aspects of their polarizing imagery.
4. The murals be relocated to an area suitable to the intended context – consistent with the artist's vision, with respect to their polarizing content.
5. Find an institution that can provide the appropriate space, should UCSF be unable to build a site that meets the needs of a permanent location.

The mitigation plan should require the applicant, as a condition of entitlement, to find a qualified non-profit, cultural association, or a private entity willing to take or buy all three murals and agree to follow the UCSF recommendations within a specified time frame, say 90 days. If there are no qualified takers after the specified time period, then the applicant should be required to retain the murals and mount them somewhere on the project site in an “area suitable to the intended context – consistent with the artist's vision, with respect to their polarizing content.”

# BRANDI PRESERVATION

Historic Preservation Consulting

It should be not be too difficult or pose an unreasonable financial burden for the applicant to find a suitable, safe location to place the murals as a group with appropriate interpretation and context somewhere in the new complex. The applicant proposes to add thousands of square feet and to construct two new buildings.

I hope you will uphold this appeal and send the project back to the Planning Department to develop a mitigation plan that will ensure that the historic murals end up in a suitable, safe location with the murals placed as a group with appropriate interpretation and context preferably somewhere in the new complex. Providing for the safety of the murals in no way delays or impedes the creation of housing. This is the least we can do for a San Francisco Landmark.

Sincerely,

Richard Brandi

cc: Richard Drury, Lozeau Drury, LLP – [richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)

# EXHIBIT 10



January 26, 2024

Supervisor Aaron Peskin, Board President  
Supervisor Connie Chan  
Supervisor Catherine Stefani  
Supervisor Joel Engardio  
Supervisor Myrna Melgar  
Supervisor Dean Preston  
Supervisor Matt Dorsey  
Supervisor Rafael Mandelman  
Supervisor Hillary Ronen  
Supervisor Shamann Walton  
Supervisor Ahsha Safai

*Attn: Angela Calvillo, Clerk of the Board via email - [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)*

San Francisco Board of Supervisors  
San Francisco City Hall, Rm. 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Support for Appeal of San Francisco Planning Commission's CEQA Action for 2395 Sacramento Street, File No. 231285, Case No. 2022-004172CUA (Block/Lot: 0637/015 & 016)

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:

This letter supplements my earlier commentary on the project at 2395 Sacramento, the former Lane Medical Library of Stanford University. In addition to the various flawed analysis that I detailed in my January 8, 2024 correspondence, the Planning Department did not fully evaluate potential impacts to the other two historic resources in the block. The additions to the building at 2395 Sacramento as proposed would change the neighborhood spatial relationship of the Lane Medical Library with the other historic resources in the block, specifically 2018 Webster Street and the Temple Sherith Israel at the corner of California and Webster Street. Both the library and the temple were designed by Albert Pissis; it is indisputable that he would have looked to the earlier temple as he developed his design for the library. Both are monumental buildings of sandstone, situated on corner parcels. The proposed project would interrupt this architectural and historical alignment, and the relationship of these significant historic buildings by the same architect in the shared city block. This should have been further analyzed by the Planning Department in their limited environmental review. The Planning Department concluded that there were no impacts to the adjacent historic resources without providing a full analysis of what the impacts could be or how they came to such a conclusion. Nonetheless, standardized mitigation measures for vibration, especially to the soft sandstone of the Temple Sherith Israel, were required.





President Peskin, etc.  
January 8, 2024  
Page 2

Further, these potential impacts would be off site impacts. As such, under CEQA Section 21083.3 the Planning Department should have analyzed the potentially significant offsite impacts and cumulative impacts of the project which were not discussed or analyzed in the prior Housing Element EIR. Thus, although relevant mitigation measures identified in the Housing Element EIR may render an off-site or cumulative impact of a project less than significant, the lead agency is still required to evaluate those impacts in a mitigated negative declaration.

For these reasons and the plethora of reasons discussed in my January 8, 2024 communication, I respectfully ask the Board of Supervisors to uphold the appeal and send this project back to the Planning Department for the additional environmental review required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bridget Maley', written in a cursive style.

Bridget Maley  
Principal

# EXHIBIT 11

# CARLOS MORENO

Senior Engineer in FEA&CFD Simulations  
and Civil Engineering

## Personal information

Carlos Moreno Martínez

## Simulations Brochure

### Structures

Steel structures  
Concrete structures  
Composite structures  
Dynamic analysis

### Geotechnics

Tunnels and deep excavations  
Foundations  
Slope stability  
Containment structures

### Fluids

Multiphase Analysis (VOF, Eulerian)  
Fluid-Structure Interaction (1&2-way)  
DPM Modelling (Particles)  
Aerodynamic analysis  
Hydrodynamic analysis

### Thermal

HVAC in edification  
Free-cooling and natural currents  
Thermal bridging

### Lighting

Artificial lighting  
Natural lighting (learning in progress)





## Related Software Knowledge

ANSYS Workbench  
ANSYS Mechanical APDL  
ANSYS Fluent  
ANSYS CFX  
Autodesk Robot Structural  
CivilFEM for ANSYS  
Abaqus  
SolidWorks  
MatLab  
Plaxis  
GEO-Studio  
Rocscience

## Languages

- Spanish: Native.
- English: Fluent (C1).
- French: Conversational (B1).

## Education

 MSc Civil Engineering. University of Seville. 2017-2019
 MSc Finite Element Method & CAE Simulations. U.N.E.D. 2017-2019
 UG Aerospace Engineering. (2nd-3rd year student). University of Seville. 2019-today
 BSc Civil Engineering. University of Seville. 2013-2017

## Current Clients & Partners

Ingeciber S.A.  
Salette y Casino Ingenieros S.A.  
Singular Structures S.L.  
United Nations Office for Projects and Services (UNOPS)  
ENDESA

## Professional Experience

<b>Senior Engineer</b> in FEA&Simulations – <i>Ingeciber</i> 2022.02.01 - 3D CFD Analysis and Improvement of Desalination Plant in Argelia - Metito - Present - 3D CFD Analysis of Solar Panels in the context of a 100ha. Solar Plant in Grecia - BP
<b>Senior Engineer</b> in FEA&Simulations – <i>Salette y Casino Ingenieros</i> 2022.02.01 - 3D CFD Sediment Analysis for 'Tajo de la Encantada' - ENDESA - Present - 3D CFD Sediment Analysis for 'Cordobilla' - ENDESA - 2D CFD Irregular wave analysis using JONSWAP - DyP
<b>Senior Engineer</b> in FEA&Simulations - <i>Upwork</i> 2021.08.01 - 2D CFD Wind simulation and pressure coefficients for structural calculations - Present - 3D CFD Soiling effect simulations in photovoltaic panels using vortex generators. - 3D FEA Soil simulations on a laterally loaded pile. - 3D CFD Solar Air Heater aerodynamic improvement. - 3D FEA Dynamic Explicit Analysis in an hyperelastic water tank - 3D CFD+FEA Analysis of an airport aluminium profile. - Many more, if needed please visit my Upwork Profile.
<b>Senior Engineer</b> in FEA&Simulations – <i>UNED International Master's in FEM&amp;CAE Simulations</i> 2021.12.01 - Lecturer for Master's degree theses - Present
<b>Junior Engineer</b> in Civil Engineering and Structures - <i>Singular Structures &amp; UNOPS</i> 2021.05.31 - Completed projects: <ul style="list-style-type: none"><li>315 Concrete Bridges, Democratic Republic of Congo (DRC) - <i>United Nations O.P.S.</i></li><li>Geotechnical assessment of Kolongo landfill, Centraofrican Republic (<i>RCA</i>) - <i>UNOPS</i></li><li>Forensic Engineering of Structures and Roads, Bangladesh - <i>UNOPS.</i></li></ul>
Structural-CFD/FEA Simulation & Civil Engineer at <i>Enmedio Studio S.L.</i> 2017.09-2020.08 - Structural design. Joints, foundations and truss optimization. - Structural analysis. Recreated a simple virtual model from a complex structural concrete system. - Structural analysis. Experimental data verification. - Geotechnical report analysis and data extraction for further simulations. - Foundations design and containment structures. - CFD & Thermal simulations. Verified air flow behaviour with transient rad-fluid-thermal simulations. - Project manager.
Civil & CFD/FEA Simulation Engineer at <i>Heliopausa S.L.</i> 2017.02-2017.07 - Structural design and analysis of two concrete buildings. - CFD & Thermal simulations.

## Skills

- Fast self-learner. New software from '0' to intermediate in 1-2 days. Advanced level guaranteed in 2 weeks.
- Best performance under pressure.
- Leadership. Coach the team to accomplish the goals in time.
- Sincere, transparent and positive self-critical person.
- Great tolerance and adaptation to changes.
- Creative and strategic mind.

# EXHIBIT 12

MICHAEL R. CORBETT

Architectural Historian ♦ 2161 Shattuck Avenue #203 ♦ Berkeley, California 94704 ♦ (510) 548-4123

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January 26, 2024

San Francisco Board of Supervisors  
Attn: Angela Calvillo, Clerk of the Board  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94002

**Re: Support for Appeal of San Francisco Planning Commission's CEQA Action for 2395 Sacramento Street, File No. 231285, Case No. 2022-004172CUA (Block/Lot: 0637/015 & 016)**

Dear President Peskin and members of the Board of Supervisors,

In response to a proposal that would radically alter the Lane Medical Library, a San Francisco City Landmark at the southeast corner of Sacramento and Webster Streets, I am writing to support the preservation of the building with all its significant features and to oppose the project as it is currently designed.

As an architectural historian, the primary focus of my research and writing for fifty years has been San Francisco, its architecture, people, and institutions. I know the building well from many visits in the 1970s and 1980s when it was open to anyone who wanted to see it. As the author of *Splendid Survivors* (1979), the basis for the City's 1986 Downtown Plan, I wrote about many buildings designed by the architect of the Lane Medical Library, Albert Pissis. I also wrote about many buildings of the same period like the Lane Medical Library that, as part of their basic conception incorporated artwork, just as murals by Arthur Mathews are incorporated in the Lane Medical Library. In 2010, for a nomination to the National Register of Historic Places of Temple Sherith Israel, I did a considerable amount of research on Pissis and on his leading role in establishing a powerful visual image of San Francisco at a key time in the city's history.

In preparing this letter, I have reviewed the environmental report prepared by the City, the historic resource evaluation by Richard Brandi, the National Register nomination by Bridget Maley, and letters of appeal from Woody LaBounty at San Francisco Heritage, Bridget Maley, and Richard Drury. I support the positions in these appeal letters and in

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particular want to reinforce the point in the Heritage letter that using the state Housing Element EIR to justify disregarding historic resources would be destructive and disastrous.

The building is an outstanding example, including some of its interior spaces and features, of the work of one of San Francisco's most important architects, Albert Pissis. The Arthur Mathews murals inside are outstanding examples of San Francisco's leading muralist in an era when murals, artwork, and exemplary craftsmanship routinely adorned interiors of public buildings. The building represents the pride and confidence in the future of San Franciscans in the period of the Panama-Pacific International Exposition. It represents the emergence of San Francisco as a center of medical education and treatment and in particular of the presence at this corner of the former Stanford Medical School. It is the last survivor of the renowned long-time hospital complex there. Beyond its medical associations the building represents the flourishing of institutions of many types in a period when San Francisco became the largest and most important city on the west coast.

The architect of this building and the history of this institution are at the same time part of a bigger story, represented by the pairing in the same block of this building with Temple Sherith Israel. These are completely different institutions with completely different purposes and yet, designed by the same architect, together they speak to the consensus among many San Franciscans about a shared vision of San Francisco as a center of American progress, business, trade, and culture.

My support for the preservation of the building is not about preservation over housing. Healthy cities and healthy societies have many components – housing, preservation, health, safety, transit, parks, and many others. It is of course essential that we build housing today. However, in building housing we should be mindful of other values as well. Just as we would reject housing in Golden Gate Park, we should reject housing and other developments that destroy a major architectural and cultural landmark.

We have all been reminded in recent years, in wars around the world, including some where the destruction of major landmarks of art and architecture was a significant purpose of the war, that the destruction of cultural heritage is a war crime, and that the

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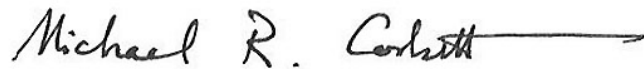
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reason for this is the fundamental value of cultural heritage to the identity of a people.  
Our cultural heritage is not a luxury but an essential element of a healthy society.

The loss, even a partial one as proposed, that would remove the murals and gut the  
interior – would be irreversible. The proposed project would destroy a great San  
Francisco building and a symbol of the city from an important time in the city's history.  
And at the same time, it would undermine the hard-won system of protections of our  
cultural heritage and set a very bad precedent.

The City should reject the proposal as it stands, and require a redesign of the project to  
preserve the Lane Medical Library.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Corbett" followed by a long horizontal line extending to the right.

Michael R. Corbett