

May 8, 2020

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: CEQA Categorical Exemption Determination Appeal
2018-011441CUAVAR
1846 Grove Street

Dear Madam Clerk,

My neighbors and I are appealing the determination that the above referenced project ("Project") satisfies CEQA criteria to obtain a Class 3 categorical exemption. The granting of the exemption was based on guidelines recorded in a 1997 memorandum. We believe that the Project does not conform to these guidelines and that the guidelines themselves do not conform to CEQA. The determination that the Project can benefit from a categorical exemption is faulty and the exemption should be withdrawn.

Non-Conformance of the Project to the 1997 Guidelines

The Class 3 exemption was granted to the Project which originally was the construction and creation of 5 new dwelling units, each a separate structure. The developers have since revised the design to 4 new dwelling units but each remains a separate structure. Under the guidelines, Class 3 exemption includes "New Construction. Up to three new single-family residences or six dwelling units in one building¹..." It would not be accurate to describe the 4 new dwelling units as being in one building or in one structure. The Project does not conform to the requirements for a Class 3 exemption.

The granting of the exemption also failed to consider CEQA impacts. The Project is located near a busy intersection with three high frequency transit lines which conforms to CEQA's definition of a Major Transit Stop (§21064.3). No assessment of the Project's impact on the Major Transit Stop was made.

Further, the granting of the exemption did not adequately assess the removal of soil in an area considered to be of moderate risk² for liquefaction, in accordance with USGS's liquefaction susceptibility map.³ It is known that the Project will be removing soil from the site for construction. The amount of removal was not determined. The guidelines require that removal of 50 cubic yards of soil or more requires a geotechnical report. No such report was produced or contemplated.

The Project does not conform to the requirements of 1997 criteria particularly as stated in its CEQA Categorical Exemption Determination checklist.

¹ San Francisco Planning Department – CEQA Categorical Exemption Determination checklist.

² The "moderate risk" is the middle category of five – very high, high, moderate, low and very low.

³ Source: SFGate article by Mike Moffitt, updated 12:44 p.m. September 25, 2017

Letter to:

Ms. Angela Calvillo

May 8, 2020

Page two

Non-Conformance of the 1997 Guidelines to CEQA

The 1997 memorandum was written for small projects. Under item 4, it includes new constructions of up to six residential units with no mention of the number of buildings. This contrasts with CEQA which refers to new constructions to be “a duplex or similar multi-family residential structure...” It refers to the constructions in the singular, meaning a single structure. Further, CEQA is clear that Class 3 exemption is intended for small facilities. In the very first sentence of the first paragraph of §15303, the word “small” is used four times. To consider the Project small is a misplaced judgment call.

The 1997 memorandum states at the outset “the five classes of actions considered in this document can be clearly seen to have no significant impacts within the urban context of San Francisco.” It draws a blanket conclusion, without any examination, that these classes of actions, one of which is the new construction of small structures, will not have any impact on the environment. For the Project to rely on the 1997 guidelines for an exemption is circular logic – the guidelines conclude a priori, without any examination, that if an activity is covered by the memo, it has no impacts. The Project claims to be covered by the guidelines and therefore has no impacts. This claim is also made with no examination, with questionable basis in fact, and not in conformance with CEQA.

The 1997 memorandum, under the discussion of “Item 4, New Construction or Conversion of Small Structures,” explicitly states that “Section 15303 of the State CEQA Guidelines presently authorize an exemption for the construction of up to six dwelling units within an urbanized area, provided that no more than one structure is proposed. Thus, under existing law, one six-unit building is exempt, but two two-unit buildings are not.” It then argues “Within the urban context of San Francisco, the potential environmental impacts of six units, whether they are provided in one structure or in six structures are essentially the same, and are by definition (i.e. by Section 15303) not significant.” However, CEQA does not permit changes to the law nor does it delegate authority for local agencies to exercise discretionary powers over it except where the authority is explicitly granted by other legislation.⁴ The authority to replace the CEQA criterion of one structure with six structures is not granted by any legislation. This argument in the 1997 memorandum is contrary to CEQA.

The 1997 memorandum cites CEQA §15061(b)(3). That section actually states: “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be *seen with certainty* that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (Emphasis added.) We believe that the Project falls far short of that certainty.

⁴ CEQA Article 3, §15040 – 15045

Letter to:

Ms. Angela Calvillo

May 8, 2020

Page three

On August 17, 2000, the San Francisco Planning Commission adopted Resolution No. 14952 – Categorical Exemptions From the California Environmental Quality Act (CEQA). Under Class 3, paragraph (b), the resolution states “This section is limited to dwelling units and to *no more than one building* even when the number of units in two or more buildings totals less than six.” (Emphasis added.) The Project, which contains multiple buildings, is precisely excluded from Class 3 exemption by this resolution. The 1997 memorandum and guidelines which form the basis for the granting of the Class 3 exemption to this Project are outdated and superseded by this resolution. The resolution is currently, as of the writing of this letter, on the San Francisco Planning Department’s website.

This Project does not conform to the current San Francisco Planning Commission requirements nor the CEQA requirements for a Class 3 exemption and the exemption should be withdrawn.

Sincerely,

Brian Kingan
627 Masonic Avenue
San Francisco, CA 94117

CC: Ms. Lisa Gibson
Environmental Review Officer/Director Environmental Planning Division, S.F. City and County

Attachments:

- (1) CEQA Categorical Exemption Determination for 2018-011441CUAVAR (1846 Grove Street)
- (2) Certificate of Determination of Exemption/Exclusion From Environmental Review (1997 Memo)
- (3) San Francisco Planning Commission Resolution No. 14952
- (4) Image of check mailed under separate cover
- (5) Fee waiver

Attachment 1

CEQA Categorical Exemption Determination

2018-011441CUAVAR (1846 Grove Street)



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1846 GROVE ST		1187003H
Case No.		Permit No.
2018-011441PRJ		
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input checked="" type="checkbox"/> New Construction
Project description for Planning Department approval. New construction on a 7,868 square foot undeveloped parcel to create five (5) new residential dwelling units.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input checked="" type="checkbox"/>	Class _____ Planning Department Case File No. 1997.304E

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Matthew Dito</p>	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Matthew Dito	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Matthew Dito
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/21/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
1846 GROVE ST		1187/003H
Case No.	Previous Building Permit No.	New Building Permit No.
2018-011441PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:

Attachment 2

Certificate of Determination of Exemption Exclusion From Environmental Review

1997 Memorandum



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title: 97.304E/Small Projects in an Urban Context
Location: Citywide
City and County: San Francisco

Description of Nature and Purpose of Project: The proposed project consists of certain classes of small projects in San Francisco requiring discretionary actions by the Planning Department, Building Department, Department of Public Works, or other governmental bodies. The classes of projects affected are described below.

1. **Zoning Reclassifications** where the maximum development permitted as a principal use under the proposed zoning is otherwise Categorically Exempt (e.g. one lot proposed for rezoning from single-family residential to two-family residential).
2. **Acquisition of Property by Government** where the prospective use of the property is not yet defined.
3. **Minor Land Divisions** similar to those in State CEQA Guidelines Section 15315, where the maximum development permitted would be exempt, regardless of whether a variance from lot size standards is required.
4. **New Construction or Conversion of Small Structures** containing a total of up to six residential dwelling units, regardless of the number of individual structures involved.
5. **Use or Conversion of Existing Facilities** where (i) the proposed change in use is not an intensification under the Planning Code (i.e., the proposed use is first permitted in an equally or more restrictive zoning district than the district where the existing use is first permitted); and (ii) the maximum occupancy under the proposed use would be no greater than the maximum occupancy possible within a 10,000 square foot addition to the existing use.

Name of Person, Board, Commission or Department Proposing to Carry Out Project: Private developers and City decision makers including various departments, commissions, and the Board of Supervisors.

EXEMPT STATUS: General Rule Exclusion (State Guidelines, Section 15061(b)(3)).

REMARKS: See Attached.

Contact Person: Hillary E. Gitelman, Environmental Review Officer 558-6381

Date of Determination:
July 1, 1997

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

cc: Planning Department Staff
Bulletin Board
M.D.F.
Exemption/Exclusion File

Hillary E. Gitelman,
Environmental Review Officer

97.304E

San Francisco is a densely populated urban area which is virtually unique in California for its population and employment density, and for the availability and use of public transit. Within this context, it is reasonable to expect that some small development projects and some actions by public agencies would be less noticeable and have fewer environmental impacts than if the same actions were to occur in another setting. The five classes of actions considered in this document can be clearly seen to have no significant impacts within the urban context of San Francisco. Each class of action is described below, along with its relationship to classes already identified as Categorically Exempt from environmental review by the State CEQA Guidelines.

1. **Zoning Reclassifications**, where the maximum development permitted as a principal use under the proposed zoning is otherwise Categorically Exempt (e.g. one lot proposed for rezoning from single-family residential to two-family residential).

Discussion: Such reclassifications technically do not fall within any of the Categorical Exemption classes. However, since the maximum development permitted as a principal use under the proposed zoning would be exempt, it is logical to conclude that the reclassification can have no significant environmental impact. The State CEQA Guidelines have already determined that the maximum development would not have significant effects on the environment, and the zoning reclassification by itself has no physical effects.

Several projects of this type are reviewed by the Planning Department each year. The Department's existing practice for such projects is to require that an environmental evaluation application be submitted. Since the maximum development potential would be exempt, reviewers of such applications routinely conclude that there is no possibility of a significant environmental effect.

Zoning reclassifications require public actions (i.e. approval by the City Planning Commission and the Board of Supervisors), so there is ample opportunity for public input into decisions, and ample opportunity for discussion of planning issues pertinent to reclassifications. Since the scale of the projects covered by this class are very small (by definition), environment impact issues are not the real area of concern.

2. **Acquisition of Property by Government** where the prospective use of the property is not yet defined.

Discussion: Acquisition of property by a private party, when there is no public agency discretionary decision involved, is not a project and is therefore not subject to environmental review. Subsequent proposals to develop any such property may be subject to environmental review, if the development proposal is not exempt due to its scale and location. This class would apply a comparable standard to acquisition of property by a governmental body where the future use of that property has not been fully defined.

Under the current State CEQA Guidelines, if a public agency wishes to acquire property, the acquisition itself is subject to environmental review. However, the acquisition by itself has no potential for changing the physical environment. The only potential for changing the physical environment would result from subsequent development or change in use of the property. Any such subsequent development or change in use would still be subject to environmental review, unless the proposed development or change fell into a class of exempt activities.

Exclusion of this activity from further environmental review would not affect the likelihood of potential development of such property, since the present practice, which requires an up front commitment of money to secure an option, already creates momentum for subsequent development. Additionally, as stated above, any subsequent development or change in use proposal would still be subject to environmental review.

3. **Minor Land Divisions** similar to those in State CEQA Guidelines Section 15315, where the maximum development permitted would be exempt, regardless of whether a variance from lot size standards is required.

Discussion: State CEQA Guidelines Section 15315 provides an exemption for subdivisions into four or fewer parcels, where no variance is required. In situations where the maximum development permitted as a principal use under the proposed zoning is otherwise categorically exempt, the requirement for a variance is irrelevant to consideration of the projects impacts in a densely developed urban area.

The rationale for excluding this class of projects from environmental review is essentially the same as that for the Zoning Reclassification class above. Projects in this class are by definition very small, the State CEQA Guidelines have determined that the development would not have significant effects, and there is an established hearing process to discuss the planning issues relevant to the project.

4. **New Construction or Conversion of Small Structures** containing a total of up to six residential dwelling units, regardless of the number of individual structures involved.

Discussion: Section 15303 of the State CEQA Guidelines presently authorize an exemption for the construction of up to six dwelling units within an urbanized area, provided that no more than one structure is proposed. Thus, under existing law, one six-unit building is exempt, but two two-unit buildings are not. Within the urban context of San Francisco, the potential environmental impacts of six units, whether they are provided in one structure or in six structures are essentially the same, and are by definition (i.e. by Section 15303) not significant.

Several project proposals each year require environmental review because they exceed the restriction on maximum number of structures, which is presently one. Review of those projects invariably concludes that due to the dwelling unit density of the project

relative to the overall density in the project vicinity, the potential environmental impacts are negligible.

5. **Use or Conversion of Existing Facilities** where (i) the proposed change in use is not an intensification under the Planning Code (i.e., the proposed use is first permitted in an equally or more restrictive zoning district than the district where the existing use is first permitted); and (ii) the maximum occupancy under the proposed use would be no greater than the maximum occupancy possible within a 10,000 square foot addition to the existing use.

Discussion: State CEQA Guidelines Section 15301 presently exempts minor alterations and/or conversions of existing structures involving negligible or no expansion of use. Subsection 15301(e) further provides for an exemption for additions of up to 10,000 square feet to existing structures in areas that are not environmentally sensitive, where all public infrastructure is already in place. This class of projects would include conversions of existing structures where (i) the proposed change in use is not an intensification; and (ii) the maximum occupancy under the proposed use would be no greater than the maximum occupancy possible within a 10,000 square foot addition to the existing use.

Since Section 15301(e) presumes that a 10,000 square foot addition to an existing use does not have a significant effect on the environment, it follows that a change in use to a comparable activity which would increase the occupancy on site by no more than the increase allowed by a 10,000 foot addition to the existing use would also have no significant effect. The restriction stated in Section 15300.2(b), Cumulative Effects would prevent successive conversions and additions to an existing building over time.

Each of the classes described above include small projects which could not have a significant effect on the environment, either when considered individually or when considered as a group. Projects that would be affected are generally scattered throughout the City, and are of such small scale that once constructed they are generally unnoticeable in their urban context. Excluding these classes from further environmental review would eliminate a bureaucratic process (i.e. filling and processing an environmental application) for a small number of cases per year, but would not reduce opportunities for public comment, or result in a different environmental finding than if these projects were considered individually. As with other types of exemptions (See State CEQA Guidelines Section 15300.2), if there was the potential for cumulative or other significant effects, the City would subject the project to more in depth CEQA review.

Attachment 3

San Francisco Planning Commission
Resolution No. 14952

CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) and the Guidelines for implementation of CEQA adopted by the Secretary of the California Resources Agency require that local agencies adopt a list of categorical exemptions from CEQA. Such list must show those specific activities at the local level that fall within each of the classes of exemptions set forth in Article 19 of the CEQA Guidelines, and must be consistent with both the letter and the intent expressed in such classes.

In the list that follows, the classes set forth in CEQA Guidelines Sections 15301 - 15332 are shown in bold italics, with further elaboration or explanation for applying these exemptions in San Francisco shown in normal upper- and lower-case type. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA. The following exceptions, however, are noted in the State Guidelines.

First, Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant. Therefore, these classes will not apply where the project may impact an area of special significance that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. These classes have been marked with an asterisk (*) as a reminder.

Second, all classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant -- for example, annual additions to an existing building under Class 1. Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project, it is not exempt even if it clearly fits one of the categories. Additionally, small projects which are part of a larger project requiring environmental review generally must be reviewed as part of such larger project, and are not exempt.

Finally, exemptions shall not be applied in the following circumstances: (1) A categorical exemption shall not be used for a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. (This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.) (2) A categorical exemption shall not be used for a project located on a site which is included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code. (3) A categorical exemption shall also not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

It must be observed that categorical exemptions are to be applied only where projects have not already been excluded from CEQA on some other basis. Projects that have no physical effects, or that involve only ministerial government action, are excluded; such projects are shown on a separate list. Feasibility and planning studies and certain emergency projects also are excluded, and private activities having no

involvement by government are not Aprojects≡ within the meaning of CEQA. Some projects not included in this list of categories of projects determined to be exempt from CEQA nevertheless clearly could not possibly have a significant effect on the environment and may be excluded from the application of CEQA under Section 15061 of the CEQA Guidelines. Projects that are initially screened and rejected or disapproved by a public agency are excluded from any CEQA review requirements.

Projects that are not excluded, and are also not categorically exempt according to the following list, are covered by CEQA and require preparation of an initial study or an environmental impact report.

CLASS 1: EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of Aexisting facilities≡ itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

This Class, as a whole, includes a wide range of activities concerning existing structures and facilities. In many cases more than one item in the Class will apply to the same project. Certain new structures and facilities, and expansions, are covered by subsequent Classes.

The term Aoperation≡ includes all running and management of existing structures, facilities and programs, including continuing legal non-conforming uses beyond the original termination date whether such running and management has physical effects or not, and whether or not the activities are continuous. For example, the rental of a stadium or auditorium to various organizations for separate performances is part of the operation of that facility.

Examples include but are not limited to:

- (a) ***Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.***

Much of the work included under this item and others in this Class is ministerial in the case of private structures and facilities and is therefore not subject to CEQA. This item should not be used for code-mandated changes exempted under Class 1(d).

Addition of dwelling units within an existing building is included in this item.

Changes of use are included if the new use, as compared with the former use, would first be permitted as a principal or conditional use either in any equally restrictive or more restrictive zoning district as defined in the City Planning Code. Note that it is the former use of the property, not its zoning status, which is determinative in deciding whether a change of use will be exempted under this item. For example, if the former use of a 2,500-square-foot lot was a six-unit apartment building, first permitted in an RM-1 district, a change in use to a residential care facility for six or fewer persons, first permitted in RH-1 and RH-1(D) districts, would be exempt under this class. Conversion of a single-family dwelling to office use is covered under item (n) below. Certain other changes of use are included under Class 3(c).

Changes of use are also included if the occupancy of the new use would not exceed the equivalent occupancy of the former use plus an addition to the former use, as exempted under Class 1(e).

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

The utilities systems covered include, in addition to those named above, telephone, radio, television, alarms and signals, other communications, water, and electricity for transit vehicles and street lights. Replacement, as opposed to maintenance, is covered under Class 2(c) below.

Street openings for the purpose of work under this item are included in this item.

Note that new installations, as opposed to replacements, are not covered by this item.

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

This item, in combination with Classes 1(d) and (f) below and Class 2, includes the following (the number of the applicable category should be indicated when making an exemption under this item):

1. Cleaning and other maintenance of all facilities.
2. Resurfacing and patching of streets.
3. Street reconstruction within existing curb lines.
4. Replacement of existing drainage facilities.
5. All work on sidewalks, curbs and gutters without changes in curb lines, including lowering of curbs for driveways, and additions of sidewalk bulbs when not in conjunction with a program for extensive replacement or installation.
6. Replacement of stairways using similar materials.
7. Repair and replacement of bicycle ways, pedestrian trails, and dog exercise areas, and signs so designating, where to do so will not involve the removal of a scenic resource. (Creation of bicycle lanes is covered under Class 4(h) below.)
8. Replacement of light standards and fixtures, not including a program for extensive replacement throughout a district or along an entire thoroughfare.
9. Changes in traffic and parking regulations, including installation and replacement of signs in connection therewith, where such changes do not establish a higher speed limit along a significant portion of the street and will not result in more than a negligible increase in use of the street.
10. Installation and replacement of guide rails and rockfall barriers.
11. Installation and removal of parking meters.
12. Painting of curbs, crosswalks, bus stops, parking spaces and lane markings, not including traffic rechannelization.
13. Installation, modification and replacement of traffic signals, where no more than a negligible increase in use of the street will result.
14. Replacement of transit vehicle tracks and cable car cables, with no alteration of grade or alignment.
15. Rechannelization or change of traffic direction, where no more than a negligible increase in use of the street will result.
16. Installation of security fencing and gates.
17. Minor extension of roadways within the Port of San Francisco container terminals.

- (d) ***Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.***

In addition to such work on public structures and facilities, this item includes nearly all private work resulting from code enforcement and inspections and areawide rehabilitation programs, including loan programs to bring an area up to code.

The environmental hazards referenced under this Class, as they apply in San Francisco, are primarily geologic hazards. It is permissible to restore or rehabilitate a structure to prevent seismic damage under this item, except in the case of a historical resource. (Then see Class 31.) Under most circumstances fire, wind, fog, rain leakage, termites, rot, sun, and cold shall not be deemed to be environmental hazards within the meaning of this item.

This class also includes maintenance and repair of pier aprons, piers, boat ramps, and other pile-supported structures in areas that are not environmentally sensitive.

Note that this item applies to restoration or rehabilitation of an existing structure, rather than replacement or reconstruction, which is exempt under Class 2. Thus, the restoration of a building after a fire which destroyed all but the foundations is exempt under this item, but had the foundation also required reconstruction, the rebuilding would be exempt under Class 2.

- (e) ***Additions to existing structures provided that the addition will not result in an increase of more than:***
- (1) ***50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or***
 - (2) ***10,000 square feet if:***
 - (A) ***The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and***
 - (B) ***The area in which the project is located is not environmentally sensitive.***

Where public services are already available for the maximum development allowable and where the area is not historically significant, or subject to landslide hazard, the 10,000-square-foot addition will normally apply in San Francisco. In an area where services are not available for maximum permitted development, the 50 percent or 2,500-square-foot limitation will apply. Note that the latter is whichever is less and that 50 percent means 1/2 of the existing structure's floor area -- the building may not be doubled in size.

Work under this Class may be related to the construction and reconstruction included in Classes 2, 3, 11, and 14. However, it normally cannot be accumulated together with the maximum work stated in those Classes in a single exempt project.

Addition of dwelling units to an existing building that does not involve a mere partitioning of existing space (see Class 1(a) above for coverage of the latter) is included in this item. Also included are additions of new decks, where they are not accessory structures covered under Class 3(e), and enclosures of existing decks or patios.

- (f) ***Addition of safety or health protection devices for use during construction of or in conjunction with***

existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

Devices used during construction under this item include temporary shoring, temporary sanitary facilities, barriers, and covered pedestrian walkways in street areas.

Certain work for protection of health and safety is excluded from CEQA as emergency projects.

Lighting in parks and playgrounds and around buildings may be regarded as a safety or health protection device under this item, provided such lighting does not produce excessive glare. Replacement of street lighting may be exempted under Class 1(c)(8) above.

(g) *New copy on existing on- and off-premise signs.*

Installation and alteration of signs are ministerial and therefore exempt from CEQA, except for signs on designated landmarks or in historic districts, signs on sites regulated by prior stipulations under the City Planning Code, and signs that are part of a larger project requiring environmental review.

(h) *Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code).*

Such maintenance pertains primarily to existing landscaping, but when combined with Classes 2 and 4(b), this item includes replacement with similar landscaping.

Landscaping includes walls, fences, walkways, irrigation systems and similar features as well as plant materials.

Water supply reservoirs under this item supplement the water systems under Class 1(b) above.

Economic poisons, as defined by State law, are substances used for defoliating plants, regulating plant growth, and controlling weeds, insects, fungi, bacteria, animals, and other pests.

(i) *Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.*

This item is applicable mainly to property owned by the City and County of San Francisco outside its borders.

(j) *Fish stocking by the California Department of Fish and Game.*

This item is not applicable to activities of the City and County of San Francisco.

- (k) ***Division of existing multiple-family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.***

This is a form of subdivision involving no new construction.

- (l) ***Demolition and removal of individual small structures listed in this subsection;***
- (1) ***One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.***
 - (2) ***A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where no more than six dwelling units will be demolished.***
 - (3) ***A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.***
 - (4) ***Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

The definition of individual small structures under this Class is similar to but not exactly the same as that found under Class 3, below.

Demolition is not exempt where a structure is a historic resource as defined in CEQA Section 21084.1.

Grading in connection with demolition is categorically exempt only as stated under Class 4.

Demolition of any structure determined by the San Francisco Fire Department to be a health and safety hazard is statutorily exempt as an emergency project (Guidelines Section 15071(c)).

Although occupant loads are not specified for all small commercial uses by local ordinances and regulations, the capacity of 30 persons or less shall be calculated on the basis of the type of use and the floor space available for customers and employees, using the standards of the San Francisco Building Code where applicable.

Note that the limitation on size and number of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an urbanized area (CEQA Guidelines Section 15387).

- (m) ***Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.***

This item applies only to property owned by the City and County of San Francisco outside its borders.

- (n) ***Conversion of a single-family residence to office use.***

Note that this Class concerns one single-family residence. It includes one of any kind of dwelling unit.

- (o) ***Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no off-site waste.***
- (p) ***Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.***

CLASS 2: REPLACEMENT OR RECONSTRUCTION

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

When considered together with Classes 1(d), 3, and 11, it must be deemed to include replacement and reconstruction of industrial, institutional, and public structures and facilities within the limitations stated, including construction undertaken to meet seismic safety standards.

The Same site \cong shall be deemed to mean the same lot or lots as were occupied by the original structure(s).

Siting of the replacement structure(s) may not result in land alterations other than those necessary to remove the old structure(s) and to provide new foundations in compliance with present building and seismic safety codes.

Note that if only part of a structure is to be replaced or reconstructed, such activity may be exempt under Class 1(a) or (d).

- (a) ***Replacement or reconstruction of existing schools and hospitals to provide earthquake-resistant structures which do not increase capacity more than 50 percent.***

This item is applicable to many instances of proposed school and hospital replacement and reconstruction in San Francisco.

- (b) ***Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.***

This exemption does not cover expansions in use or capacity of the facility to be replaced or reconstructed. If expansion is contemplated or made possible by the replacement or reconstruction, this Class is not applicable, although Class 3(c) may apply.

- (c) ***Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.***

Replacement of utility and transit power lines and equipment in existing locations and capacities is included in this item. As a general rule, such replacements will not involve any increase in size of a structure or facility. However, sewers are an exception to this rule where the size increase is solely for the purpose of carrying storm water runoff in order to prevent flooding in the immediate area. Water

mains are also an exception where the size increase is necessary to bring old mains up to the current minimum standard to serve existing development, or to provide adequate capacity for fire protection for such development.

This item includes short extensions of water mains for the purpose of eliminating dead-end mains to improve circulation and water quality in service to existing development.

Street openings for the purpose of work under this item are included in this item.

- (d) ***Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.***

***CLASS 3: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES**

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

When considered together with other classes, it must be construed to include small structures and facilities for industrial, institutional, and public use.

Note that the limitation on size and numbers of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an Urbanized area \cong (CEQA Guidelines Section 15387).

Examples of this exemption include but are not limited to:

- (a) ***One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.***
- (b) ***A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.***

This section is limited to dwelling units and to no more than one building even when the number of units in two or more buildings totals less than six. The term Adwelling unit \cong or Aresidential structure \cong shall also include live/work or loft-style housing units. Motels and commercial structures are covered in Class 3(c) below.

- (c) ***A store, motel, office, restaurant and/or similar small commercial structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.***

This item is deemed to include both new construction and changes of use of all retail, service, and office uses of the types permitted in C-1 and C-2 zoning districts, within the size limitations stated. New construction and changes of use of industrial uses are also included when 10,000 square feet or less. Changes of use are included because to provide otherwise would place greater restriction upon existing buildings than upon new buildings (see also Class 1(a) regarding changes of use).

This exemption, when applicable, shall apply among other things to the issuance of permits by the Central Permit Bureau; the Police, Fire, Public Health, and Social Services Departments; and the Port of San Francisco Building Inspection and Permits Division. This exemption shall also apply to leases and concessions of all departments, boards, and commissions.

- (d) *Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.***

The types of utilities covered under this item are indicated under Class 1(b).

These utilities are exempt if they are to serve any construction or use included in this Class.

The utility extensions may serve a number of new structures built separately.

Street openings for the purpose of work under this item are included in this Class.

Certain utilities under the jurisdiction of the State Public Utilities Commission are not subject to local control and therefore do not require local environmental review.

- (e) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

This item covers accessory structures for both existing and new residential structures. Accessory structures covered by this item may be either separate or attached to the main structure, although attached structures are also covered by Class 1(e) in many cases.

This item also covers accessory structures for new nonresidential structures included in this Class. Accessory structures for existing nonresidential structures are covered by Class 11. School additions are further covered by Class 14.

- (f) *An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.***

***CLASS 4: MINOR ALTERATIONS TO LAND**

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

Stabilization of shorelines in areas that are not environmentally sensitive is also included in this item.

Examples include but are not limited to:

- (a) ***Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an Official Seismic Hazard Zone, as delineated by the State Geologist.***

If grading is part of a larger project requiring environmental review, the grading will be considered as part of such project, regardless of slope. In such cases any special permit for grading will not be reviewed separately.

Where grading is done for construction of a building exempted by Class 3, and is covered by the construction permit, such grading is exempt under that Class even if on a slope of 10 percent or more. Grading on land with a slope of 10 percent or more for more buildings than are exempted under Class 3 will not be exempt, however.

Blasting used in excavation and grading is not exempt.

- (b) ***New gardening or landscaping, including the replacement of existing conventional landscaping with water-efficient or fire-resistant landscaping.***

Addition and removal of trees and other plant materials on private property does not require a permit.

Landscaping includes walls, fences, walkways, placement of statues and similar commemorative objects, irrigation systems, and similar features, as well as plant materials.

This item includes landscaping of parks, rights-of-way, and other public areas, except for grading that is otherwise limited by this Class. This item also includes development activities involved in the creation of new parks when the creation of a new park is not outside standards for exemption set forth in this or other classes. Development of parks and open space on undeveloped streets within Port of San Francisco jurisdiction would be included in this item.

Removal of dead, seriously damaged, and incurably diseased trees is exempt under this Class.

Movement of trees in planter boxes is not deemed to be tree removal or installation.

Under certain exceptional circumstances involving hazards to health and safety, removal of healthy trees may be considered an emergency project.

- (c) ***Filling of earth into previously excavated land with material compatible with the natural features of the site.***

Permits for private filling of this kind are ministerial and are therefore not subject to CEQA.

The term Aearth≅ normally means natural materials, but it may include other materials such as demolition debris at locations where they have the required compatibility.

The term Afilling≡ does not include operation of a dump.

- (d) ***Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.***

This item is applicable mainly to property owned by the City and County of San Francisco outside its borders.

- (e) ***Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.***

Such uses might have certain temporary effects of a nuisance nature, but such effects are to be controlled by the regulatory department issuing permits for such uses.

Uses under this item include:

Fire Department permits: public fireworks display, tent.

Police Department permits: circus, closing-out sale, auction, temporary loudspeaker, rummage or garage sale.

Department of Public Health permits: temporary establishment for food preparation and service or food products and marketing.

Department of City Planning Permits: carnival, booth, sale of Christmas trees, or other ornamental holiday plants; placement of temporary buildings during construction; rental or sales office, all as specified in Sections 205.1 and 205.2 of the City Planning Code. Class 11(c), which lists other types of other seasonal uses, may also apply to projects under this category.

Port of San Francisco special events, public gatherings, athletic events, filming, commemorations, market places, fairs and construction of temporary tents and buildings to accommodate such uses.

Occasional temporary facilities set up at City museums and on piers along the Port of San Francisco waterfront to accommodate special exhibits and events are included in this Class. Public gatherings that are part of the normal operation of a facility are exempt under Class 23.

- (f) ***Minor trenching and backfilling where the surface is restored.***
- (g) ***Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.***
- (h) ***The creation of bicycle lanes on existing rights-of-way.***

This item is applicable where there would be no changes in street capacity significantly affecting the level of service.

- (i) *Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.*

***CLASS 5: MINOR ALTERATIONS IN LAND USE LIMITATIONS**

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) *Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel.*

This item covers only the granting of lot line adjustments and variances, not construction that could occur as a result of such approvals. Setback variances include both front and rear yard variances and modification or abolition of legislated setback lines. Class 15 may also apply for minor land divisions into four or fewer parcels when no variance is required.

- (b) *Issuance of minor encroachment permits.*

Minor encroachments are encroachments on public streets, alleys, and plazas. Such encroachments may include the following:

1. Building extensions: subsidewalk structures and overhead projections in compliance with applicable ordinances and regulations.
2. Street furniture: planter boxes, vending stands, benches, bicycle racks, litter boxes, telephone booths, interpretive signs.
3. Use of street and sidewalk space during construction.
4. Street closings and equipment for special events.
5. Holiday decorations.
6. Development of pedestrian plazas or arcades in public rights-of-way when existing vehicular traffic will not be affected.

- (c) **Reversion to acreage in accordance with the Subdivision Map Act.**

This item will seldom apply in the City and County of San Francisco.

***CLASS 6: INFORMATION COLLECTION**

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

This Class is for the most part non-physical, but it also includes such activities as test borings; soil, water, and vegetation sampling; and materials testing in facilities and structures.

CLASS 7: ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

This Class includes activities such as an energy-conservation program funded by a regulatory agency. Projects covered under this category that involve the transfer of ownership of interest in land may also be exempt under Class 25.

CLASS 8: ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

This Class includes:

1. The review process pursuant to CEQA.
2. Designation of landmarks and historic districts, and other such preservation efforts.
3. Acquisition of urban open space.

The acquisition or sale of land in order to establish a park where the land is still in its natural condition may be exempted under Class 16. Amending the San Francisco General Plan to include a parcel in the Recreation and Open Space Plan is not categorically exempt. Development of an urban park following acquisition may also be exempt under Class 4(b).

Transfer of portions of undeveloped streets to the Recreation and Park Department for development as a park is exempt under this Class. Class 25 includes open space acquisition in some special circumstances.

CLASS 9: INSPECTIONS

Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

Such activities are primarily non-physical in the City and County of San Francisco, although they may lead to physical activities such as rehabilitation, which may be covered under Classes 1 or 2.

CLASS 10: LOANS

Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.*
- (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.*

This Class is rarely applicable to activities of the City and County of San Francisco.

***CLASS 11: ACCESSORY STRUCTURES**

Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

This item includes tanks, bins, and other accessory structures within the property lines of existing sewage treatment plants, where such structures will be used to improve the quality of processing without increasing capacity.

Accessory structures for any residential structures and for some new non-residential structures are exempt under Class 3(e).

(a) On-premise signs.

On-premise signs may also be exempt under Class 1(g).

(b) Small parking lots.

Parking lots are in many cases subject to conditional use review, as either independent or accessory uses. Lots not requiring such review, whether small or not, are ministerial projects and are therefore not subject to CEQA review. In the downtown area, parking lots of up to approximately 50 parking spaces are considered small and are therefore exempt.

(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

This item includes temporary structures associated with public events of up to a two-week duration, such as music festivals, and includes sporting events, such as the ESPN Extreme Games (X-Games), on public and/or private property. Temporary uses and structures may also be exempt under Class 4(e). Public gatherings may be exempt under Class 23, if part of the normal operation of a facility.

CLASS 12: SURPLUS GOVERNMENT PROPERTY SALES

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and*
- (b) Any of the following conditions exist:*
 - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or*
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or*
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.*

Most sales of surplus property other than land are non-physical actions, but such sales may also include sale of buildings for removal from the site and sale of transportation equipment. Street vacations of undeveloped streets rights-of-way are included under this item. Sales of surplus land may be physical actions, but most such sales are exempt under this Class.

Leases of government property are not included in this Class.

CLASS 13: ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

This Class is applicable mainly to property owned by the City and County of San Francisco outside its borders, but may include natural shorelines and undeveloped natural areas.

CLASS 14: MINOR ADDITIONS TO SCHOOLS

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

This item is applicable to schools at which attendance satisfies the requirements of the compulsory education laws of the State of California.

CLASS 15: MINOR LAND DIVISIONS

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Only land divisions into four or fewer parcels requiring no variances from the City Planning Code and no exceptions from the San Francisco Subdivision Ordinance are covered by this Class.

CLASS 16: TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS

Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- (a) The management plan for the park has not been prepared, or*
- (b) The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.*

This Class applies only to land that is presently in its natural condition and/or contains historic or archaeological sites. Acquisition of land for parks that is not in its natural condition may also be exempt under Class 8, and development of parks may be exempt under Class 4(b). Class 8 will be more often applicable within the borders of the City and County of San Francisco.

CLASS 17: OPEN SPACE CONTRACTS OR EASEMENTS

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

This Class is applicable to property owned by the City and County of San Francisco outside its borders.

CLASS 18: DESIGNATION OF WILDERNESS AREAS

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

This Class is applicable to property owned by the City and County of San Francisco outside its borders.

CLASS 19: ANNEXATION OF EXISTING FACILITIES AND LOTS FOR EXEMPT FACILITIES

Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.*
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.*

This Class ordinarily will not apply in the City and County of San Francisco.

CLASS 20: CHANGES IN ORGANIZATION OF LOCAL AGENCIES

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.

Examples include but are not limited to:

- (a) Establishment of a subsidiary district.*
- (b) Consolidation of two or more districts having identical powers.*
- (c) Merger with a city of a district lying entirely within the boundaries of the city.*

This Class ordinarily will not apply in the City and County of San Francisco.

CLASS 21: ENFORCEMENT ACTIONS BY REGULATORY AGENCIES

Class 21 consists of:

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:
 - (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.*
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.**

This category includes revocation of permits by the Department of Building Inspection and Port of San Francisco Building Inspection and Permits Division, and enforcement actions by the Planning Department and the Port of San Francisco until referred to the City Attorney.

- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.*
- (c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.*

CLASS 22: EDUCATIONAL OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES
Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

- (a) Development of or changes in curriculum or training methods.*
- (b) Changes in the grade structure in a school which do not result in changes in student transportation.*

CLASS 23: NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, Past history shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Operations of facilities in this Class are of an on-going nature. Minor temporary uses of land are exempt under Classes 4(e) and 11(c).

CLASS 24: REGULATIONS OF WORKING CONDITIONS

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,*
- (b) Hours of work, or*
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.*

CLASS 25: TRANSFERS OF OWNERSHIP OF INTEREST IN LAND TO PRESERVE EXISTING NATURAL CONDITIONS

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.*
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.*
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.*
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.*
- (e) Acquisition, sale, or other transfer to preserve historical resources.*

Classes 25(b) and (d) will seldom apply in the City and County of San Francisco. Class 8 regarding urban open space acquisition, and Class 16 for special types of park acquisition, may also apply.

CLASS 26: ACQUISITION OF HOUSING FOR HOUSING ASSISTANCE PROGRAMS

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

CLASS 27: LEASING NEW FACILITIES

- (a) *Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:*
- (1) *Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or negative declaration has been prepared,*
 - (2) *Shall be substantially the same as that originally proposed at the time the building permit was issued,*
 - (3) *Shall not result in a traffic increase of greater than 10% of front access road capacity, and*
 - (4) *Shall include the provision of adequate employee and visitor parking facilities.*
- (b) *Examples of Class 27 include, but are not limited to:*
- (1) *Leasing of administrative offices in newly constructed office space.*
 - (2) *Leasing of client service offices in newly constructed retail space.*
 - (3) *Leasing of administrative and/or client service offices in newly constructed industrial parks.*

CLASS 28: SMALL HYDROELECTRIC PROJECTS AT EXISTING FACILITIES

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) *The capacity of the generating facilities is five megawatts or less,*
- (b) *Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:*
- (1) *Rate and volume of flow,*
 - (2) *Temperature,*
 - (3) *Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and*
 - (4) *Timing of release.*
- (c) *New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.*
- (d) *Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.*
- (e) *There will be no significant upstream or downstream passage of fish affected by the project.*
- (f) *The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.*
- (g) *The project will not cause violations of applicable state or federal water quality standards.*
- (h) *The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and*
- (i) *Construction will not occur in the vicinity of any endangered, rare, or threatened species.*

CLASS 29: COGENERATION PROJECTS AT EXISTING FACILITIES

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- (a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - (1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and*
 - (2) Comply with all applicable state, federal, and local air quality laws.**
- (b) At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - (1) Meet all the criteria described in Subsection (a),*
 - (2) Result in no noticeable increase in noise to nearby residential structures,*
 - (3) Be contiguous to other commercial or institutional structures.**

CLASS 30: MINOR ACTIONS TO PREVENT, MINIMIZE, STABILIZE, MITIGATE OR ELIMINATE THE RELEASE OR THREAT OF RELEASE OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 30 exemption if the action requires the on site use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature thermal desorption, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:

- (a) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;*
- (b) Maintenance or stabilization of berms, dikes, or surface impoundments;*
- (c) Construction or maintenance of interim or temporary surface caps;*
- (d) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;*
- (e) Excavation and/or off site disposal of contaminated soils or sludges in regulated units;*
- (f) Application of dust suppressants or dust binders to surface soils;*
- (g) Controls for surface water run-on and run-off that meets seismic safety standards;*
- (h) Pumping of leaking ponds into an enclosed container;*
- (i) Construction of interim or emergency ground water treatment systems;*
- (j) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.*

CLASS 31: HISTORICAL RESOURCE RESTORATION/REHABILITATION

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

To be considered eligible under this Class, a project must be clearly defined by the project proponent as a rehabilitation that is consistent with the *Secretary's Standards*. The proponent must demonstrate use of qualified personnel (e.g. a preservation architect), a process/procedure (e.g. use of federal historic rehabilitation tax credits), or other means to ensure appropriate interpretation and application of the *Standards*. The proponent must understand that work undertaken may be halted, and the exemption revoked, if the work is not being performed consistent with the *Standards* as originally defined.

***CLASS 32: IN-FILL DEVELOPMENT PROJECTS**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) The project site has no value as habitat for endangered, rare or threatened species.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.*

This Class may be used where above-noted conditions (a) through (e) are fulfilled, where it can be seen with certainty that the proposed project could not have a significant effect on the environment.

N:\MEA\Exemptions\Categorical Exemption List CEQA 2000.doc

Attachment 4

Check Image

This check was dropped off at the Post Office on May 8, 2020, addressed to:

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94012

HENRY TANG
[REDACTED]

1339
11-8166/3210
02

May 8, 2020
DATE

PAY TO THE ORDER OF S.F. Planning Department \$ 640⁰⁰
Six hundred forty ²/₁₀₀ DOLLARS

FIRST REPUBLIC BANK
640 3rd Street
Santa Rosa, CA 95404
Ph: 888-488-0289 Customer Care

CEQA Appeal Fee
FOR 2018-01441 CUA

[REDACTED]

MP

Photo Safe Deposit®
Details on back

MP

Attachment 5

Fee Waiver



BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: Brian Kingan
Address: 627 Masonic Ave San Francisco, CA 94117
Email Address: kinganb33@gmail.com
Telephone: 415-244-5033

Neighborhood Group Organization Information

Name of Organization: NOPA West Neighbors (NOPAWN)
Address: 1831 Fulton St
Email Address: nopawestneighbors@gmail.com
Telephone: 415-441-6728

Property Information

Project Address: 1846 Grove St, Block 1187, Lot 003H
Project Application (PRJ) Record No: 2018-011441 Building Permit No:
Date of Decision (if any): 4/9/20

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

Table with 3 columns: REQUIRED CRITERIA, YES, NO. Contains 4 rows of criteria with checkmarks in the YES column.

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION, CURRENT ORGANIZATION REGISTRATION, MINIMUM ORGANIZATION AGE, PROJECT IMPACT ON ORGANIZATION, WAIVER APPROVED, WAIVER DENIED

NOPA West Neighbors

May 22, 2020

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Via Email

RE: CEQA Categorical Exemption Determination Appeal
2018-011441CUAVAR

Dear Madam Clerk,

This letter is to certify that Brian Kingan is Co-President of NOPA West Neighbors (NOPAWN). He is a member and authorized to file our CEQA Categorical Exemption Determination Appeal pertaining to 2018-011441CUAVAR (1846 Grove Street).

Should you have any questions, please contact me at henrytango@gmail.com or at 415-441-6728.

Thank you for your consideration.

Sincerely,



Henry Tang
Co-President
NOPA West Neighbors

Neighborhood meeting regarding Mid-Block Housing Project, Wed, Sept 20, 2017, 7-8 pm

Dear Neighbor,

There is a proposal for a construction zone to **build housing in the center of our block**. If approved, it would impact all of us, both during construction and after the project is built.

Please come to an important neighborhood meeting so we all can:

1. Hear more about the project and get a chance to share your concerns.
2. Learn how we can influence this proposal.
3. Be informed about what is at stake,
4. Share thoughts about the proposal, and
5. Discuss what we as a community want and can do.

This meeting is being organized by your block neighbors for the block neighbors.

When: **Wednesday September 20 from 7-8 pm**

Where: 625-627 Masonic Ave

RSVP: savesfopenspace@gmail.com

NOPAWN Meeting History 9/20/2017 - 5/7/2020

Meeting Date	Minutes
09/20/2017	1) Introduce the mid block project 2) get a chance to share your concerns 3) Ways to stay informed about what is at stake 4) Discuss ways to influence the proposal 5) Discuss what the community wants to do and has the power to do 6) create savesfopenspace group
10/03/2017	1) open space requirements for high density housing 2) history of property 3) present permits workflows 4) present summary of meeting with Planning Dept 5) Discuss investor claims re fire rating 6) Discuss prospect of affordable housing 7) Response of London Breed's office to meeting request 8) investigate if planner has been assigned and what case number is 9) introduce organizing resources: NOPNA, L Breed office, survey monkey, explore community garden, what reference number should be included in correspondence to Planning and L Breed
10/10/2017	Analysis of the permit process. Discussion of what convention should be used to compose email threads. Proposal to specify subject line as 1846 and a specific topic. List of items to be researched.
10/18/2017	Notes of conversation with Sara Vellve in Planning Dept re proposed project. Action item is to get copy of plans as filed.
10/27/2017	Confirmation from Sara Vellve in Planning that no plans have been filed. Report back on analysis of suggested comparable development, which demonstrated that it is not comparable in nearly any way.
11/20/2017	Discussion regarding building codes and CEQA process. Task is to research those. Discussed engaging D5 supervisor. Task is to send letters to L Breed requesting her to engage with us.
12/12/2017	Discussion about implications of L Breed becoming Mayor and how to engage new D5 supervisor.
1/2/2018	Request for updates on proposed development from elected officials, building or planning departments. No new information has been provided by any of them.
2/5/2018	meeting to update status and introduce Gus from Affordable Divis. Report on notification process. Discussion on strategy for engaging key decision makers and defining who they are.
2/24/2018	Update re engagement of NOPNA. Meeting with board requested.
3/10/2018	Discussion about SB 827 hearing scheduled for 3/12/2018. Highlights of the bill were listed. Suggestion is to attend hearing and encourage BOS to oppose the bill.
10/22/2018	Report back that a building permit for 1846 Grove has been pulled. Discussion of the details and analysis of the variance + conditional use requests. Review of strategy document from 2017. Discussion of next steps, including engaging BOS, Planning Dept,

NOPAWN Meeting History 9/20/2017 - 5/7/2020

11/1/2018	Report back re discussions with Planning to access documents related to the CU and Variance requests for 1846 Grove. Planner assigned to this project is Matt Dito.
12/04/2018	Strategy planning for wider meeting to be held at Park Branch. Application made by Henry for Jan 14 2019 meeting room.
12/08/2018	Strategy discussion re all points of proposed project application. Define agenda for Jan 14 2019 meeting at Park Branch.
12/12/2018	Summary presentation of correspondence with Matt Dito from Planning re 1846 Grove proposal.
1/14/2019	Discuss possible meetings at Mayor's office. Developer has submitted plans and applied for permits. Described review of plans: 3 buildings/8 units, zero lot lines, does not conform w/zoning. Discuss what to do: meet with supervisor Valle Brown, Planning Commission, if investors ask for variances they should give something back, 45% of a parcel must be open space, proposal for Lily/Oak project to avoid leaving less than 45% open was rejected by the City. No geological, ecological nor coastal live oak studies have been done. ADA compliance? NOPNA meeting with investor planned.
10/08/2019	Announcement re Planning Commission hearing 11/07/2019 at 1 pm. Review Commissioning hearing process: 10 min presentation by neighborhood group, voting by 4 of 6 required to pass/reject. Discuss next steps: get word out to attend, send letters to PC, flyering, how to describe project, what is ask, points of opposition/concern-open space, fire, safety, ADA, up against lot line. Investigate what is deeded, below market requirements, density, tree circumference (8.5 feet), Vallee Brown to meet with Planning soon and wants to know what our issues are. Project viability: Discussed cost of construction increase, fire walls at lot lines are expensive, not possible for ambulance, fire to access site, where is there precedent for zero lot line mid lot project and how does it compare? Arborist report: tree circumference is 8.5 feet, no ordinance to protect tree, during construction there is no adherence to standards of protection, Next meeting 10/17/2019
10/17/2019	Review of proposed project: Non combustible exterior but not interior, no gas lines only electric, Elaine/Henry to research NFPA. Is New fire chief supportive of the proposed project? What would happen to telephone pole? Discussed 29 Oakwood-Julia to investigate as precedent. Investors to host meeting on Tue at 7 but no notices mailed to neighborhood. Brandon shared his discussion w/investor who did not address neighbor objections, claimed all units market rate, 600-1300 sq ft, 5 mil sales estimate, city needs affordable rental houseing: is this acceptable? Building on zero lot lines woule preclude neighbors from building ADU. To Do: draft script for PC hearing, distribute points to hearing attendees in advance. Brandon to create 10 min presentation, community to get 3 min each, need photos of the lot, describe equipment needed to do construction, Malinda to create text tree, approval process is PC Hearing, Appeals, BOS, fire inspector may not know the nuances of this accessway
10/30/2019	Design neighborhood engagement flyer and assign outreach duties so neighbors are informed about upcoming commission hearing on Dec 12.
11/07/2019	Jason discussed fire block requirement, utility pole, 11/19/2019 presentation by investor at Park Branch, 17 lots abut proposed project lot, can we insert deed restrictions such as no short term rentals and others that address our interests, who is lender? possible to meet w/PC and zoning administrator prior to Dec 12 hearing?

NOPAWN Meeting History 9/20/2017 - 5/7/2020

12/11/2019	Request a continuance from PC because investors did not properly notify neighborhood about hearing, discussed hearing schedule and flow, rehearsed presentation, identify presenters and their topics, appears that the Planner is glossing over our concerns. Misrepresentation by investor to the community. Anticipation of how the Commissioners might respond.
12/12/2019	Planning Commission Hearing
02/05/2020	Matt Dito, Planning Department planner in charge of th 1846 Grove project shared in an email to Tes that the project sponsor is hosting a public meeting on 02/06/2020. This is the first time that anyone has heard of the developer's meeting.
02/06/2020	Investors told to send letters and emails to everyone in the neighborhood directly instead of communicating with only a few neighbors. LLC does not have insurance. Questioned how CEQA applies, how did fire marshall approve the narrow accessway, suggestions and requests from neighbors, arrogant responses to objections and insistence that the project will be built, remove 250 cu yards soil , Haven St project is not comparable because of access and when it was built.
02/27/2020	Presentation of latest project design: 4 units by merging two into one, reduce volume by 75 sq ft, place foliage, relocate garbage, est occupancy, no change in height, claimed setback of 5 feet, objected to invasive lighting, little substantive accommodation to neighbor's objections
03/02/20	Discussed developer's meeting with NOPNA. Our records do not support the number of meetings claimed to be held with our neighbors. Discussed FAQs, and letters to Planning Commission and NOPNA. Reviewed concerns about project construction, welding, fire danger, proximity to the surrounding wooden fences, and post-construction. Records show the space was created as a fire break. Multi-million dollar losses at other recent projects in SF & Emeryville due to fires during construction.
03/08/20	Subcommittee meeting with NOPNA (Henry, Meg & Marian) and Julian of NOPNA. We reviewed NOPNA's role on projects. Do developers modify plans when neoghors have concerns? Impact to the neighbors: trees on the site & Fulton St., 5-Fulton, noise, visual impact of the buildings, potential of short-term rentals.
04/01/20	Discussed Planning Commission meeting to be held on video due to Covid. Process, presentation, comments. Reviewed NOPNA comments on the project. What is the hierarchy of Planning, Supervisors, Arbitration? Would the project be viable now financially given Covid? We need neighbors directly affected to weigh in at the Planning meeting. There's a lack of public outreach now because of Covid and we are unable to go out to neighbors. Discussed developers' claims that the neighbors haven't objected to the project. Do we have documentation? Reviewed discussion with developer: we wanted to meet as a group, not one or two individuals meeting privately. Is this project "essential" during Covid? Should we create another flyer? If so how we would deliver it now? Reviewed obtaining neighbors' addresses. We have some information through the email address. Discussed drafting letter.

NOPAWN Meeting History 9/20/2017 - 5/7/2020

04/21/20	<p>To object to the project as approved by Planning, filing deadline is 05/09/20. Reviewed various dates for project to meet various deadlines. Discussed CEQA: is it applicable? Reviewed how we could get the project on the Board of Supervisors' agenda. Various thresholds appear to meet the requirement: e.g., 5 Supervisors or 20% of landowners within 300 feet. Do the deadlines still apply during Covid? There may be fees involved. How much would we need, how would we pay them? None are needed now.</p>
04/27/20	<p>We now have a bank account, proper signatories. Discussed attorney representation or whether we would represent ourselves. Draft letter to homeowners: would need response by 05/06/20 to meet deadline. Reviewed procedure for signatures needed (e.g., if co-owners, both have to sign). We may need attorney representation. Henry set up a bank account with First Republic Bank, awaiting checks. Process in the meantime: personal checks, Zelle or Venmo: send to Henry. CEQA appeal: they will accept electronically during Covid. One person can send the letter and the fee. What attachments are needed? Still trying to find information from other projects in the city.</p>
05/04/20	<p>Update on letter mailing campaign: we have 13 signatures to date. We received money from a number of people for fees that may be needed. Consulted with an attorney who recommended hiring a safety consultant. Discussed Conditional Use Appeal (CUA). CEQA issues. Timetable for appeals. Discussed what qualifies as a neighborhood organization: length of time in existence and registered with Planning. If it qualifies then it qualifies to have the fee waived. 2017 is our start date. Need group's name, mailing address & contact information. Who will sign CUA and receive notices: Agreed. We have instructions. Needs to go to the Clerk of the Board of Supervisors. We send checks separately for CEQA. Fee waiver request: sending. Soft copy/wet signatures/other? We need signatures from the Board of Supervisors to add this project to their agenda. How many signatures do we have or what % of landowners' signatures? We qualify on both. Working with Dean Preston's office and the Clerk to obtain signatures and information on wet signatures/email/ok? Discussed whether to pursue CEQA or CUA or both simultaneously. What is the process/timetable for the two meetings? Meetings are often combined and happen quickly. Will that be true with Covid? If we obtain a waiver we would get our money back. Discussed hiring a fire consultant. What does SF gain by this project since none of the units are affordable? Do we file for CEQA and/or CUA? Timetable? If the project is delayed what would that mean for financing and demand for SF housing? There is a Board of Appeals if the project is OK'd. How much money would we need to finance the appeal? Who could we have as experts? Do we need to create a presentation for the Board of Supervisors? A two-unit project would conform with codes for the site. Discussed the issues we had with the Planning meeting: first meeting during Covid, technical issues, many people didn't get to speak. We have to file documents this week. Submit by Monday, 5PM.</p>

NOPAWN Meeting History 9/20/2017 - 5/7/2020

05/07/20	<p>A sub-group wrote & edited the CUA. Discussion on ADA and the project's classification: is it single-family homes/apartment/multi-unit building? Accessibility required for ground-floor units, appropriate egress, but codes are different for single family homes. The developers' language is not consistent in the descriptions. Dean Preston's staff collected signatures from five other supervisors. We now have a blank appeals form. Awaiting information from Dean Preston's office whether email confirmation is OK. The documents say we need signatures from 20% of the owners by square footage of adjacent neighbors: "landowners," not "property owners." Who will send the scan? Agreed on preparing the document, signatures, fee waiver, pdf of checks and sender. For CEQA we don't need a wet signature but we may for this one. Various signatories for the docs agreed. Adding scans of landowners' letters. Monday, 5PM deadline to submit. Awaiting NOPAWN's checks. Sending personal check in the meantime. Haven't found a Fire Advisor. Who else would be a good resource? Why & how did past projects proposed for this site fail? What would happen if the Supervisors rule in our favor? Developers could sue the city, could submit a conforming project. The project may be well-funded. Developers took out two variances. There is a new Director of the Planning Commission now. Finalizing our document: what's needed? It would be good to provide an overview document/FAQ/discuss the process/problems with the virtual meeting.</p>
----------	---