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February 2, 2018

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San Francisco Board of Supervisors
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San Francisco, CA 94102

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**Re: 1526 Wallace Avenue, Saba Live
Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption
Hearing Date: February 13, 2018
Our File No.: 10849.01**

Dear President Breed and Supervisors:

This office represents Abdul Mused, owner of Saba Live Poultry ("Saba Live"). In November, the Planning Commission unanimously approved a Conditional Use ("CU") for Mr. Mused to open San Francisco's first and only live Halal butcher shop on Wallace Avenue in the Bayview ("Project") (CU Authorization attached at **Exhibit A**). The 2,100-square-foot facility would provide direct-to-consumer sales of freshly processed poultry in a building that was, until recently, used as a 24-hour auto-and heavy-truck towing service with a fleet of five tow trucks.

The Animal Legal Defense Fund ("ALDF") appealed the CatEx for the Project, but did not appeal the CU. We urge the Board of Supervisors to reject the appeal, because:

- **A small-scale change of use is exactly what categorical exemptions are for.** At 2,100 square feet, the change of use from an automobile tow service to a livestock processing facility is exactly the type of project that is supposed to be exempt under CEQA. (See p. 9.)
- **Saba's Oakland shop has operated for five years next to a residence without complaint.** With approximately 600 birds and some larger animals, Saba Live's Oakland shop has already proven that its small-scale use does not result in significant impacts and has not received complaints from neighbors regarding noise or odors. (See p. 19.) The physical layout and nature of operations ensure that the Project will similarly be a good neighbor that is less intensive than the prior use of the site and the many industrial uses nearby. (See p. 4-7.)

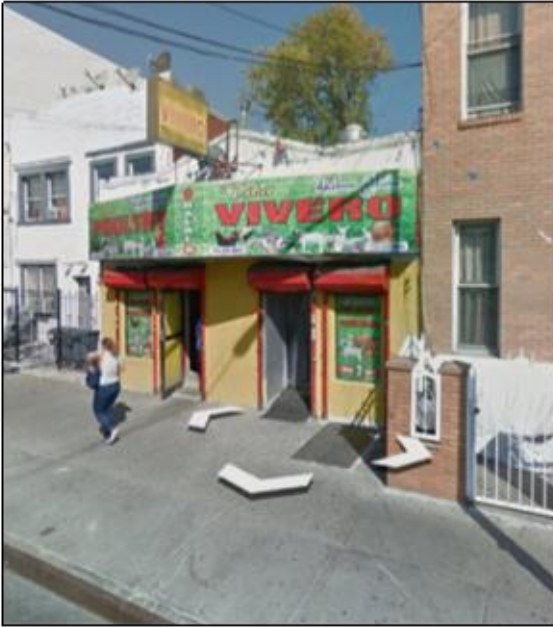
- **There are no unusual circumstances that defeat the exemption: facilities that handle live animals and/or process meat are common and operate without significant impacts throughout the City.** Saba Live’s characteristics are similar to other uses—pet boarding facilities, butchers and grocery stores, live fish markets—that handle live animals, process meat and fish, and dispose of waste and byproducts in mixed-use settings throughout San Francisco. (See p. 9-12.)
- **No significant air quality impacts will occur.** The small volume of trucks that will serve Saba will reduce overall truck traffic compared to the prior use and are typical for a small business. (See p. 11-13.) Saba’s Oakland facility has operated without odor complaints for five years. The design and operations proposed here ensure the same will be true of this facility. (See p. 4-7; 19.)
- **State, federal, and local regulations ensure a safe, sanitary operation that properly disposes of waste and wastewater.** Food processing facilities in San Francisco are comprehensively regulated. Animal waste and byproducts cannot be disposed of in the regular garbage, solid waste cannot be put into the municipal sewage system, and off-haul of animal byproducts is regulated for safety and hygiene. Permitting and inspection requirements are in place to enforce these regulations, as well as laws governing the humane treatment of animals and hygienic handling of food. (See p. 15-18.)
- **The inflated impacts alleged by the ALDF are based on studies of massive agribusinesses in loosely regulated environments.** The ALDF attempts to inflate the impacts of Saba Live by ignoring the more intensive use that preceded it and relying on studies of industrial scale operations. With 500 chickens, Saba Live will not be remotely similar to the 182,000-chicken facility or 10,000+ hog farm, which the ALDF uses to support its claims of significant environmental impacts. (See p. 13-15.)

A. Overview of Saba Live

1. Background

Saba Live is a family-owned business that currently operates nine Halal live butcher shops. These are small poultry processing shops that handle meat according to Islamic dietary traditions and have direct-to-consumer sales on site. The Project would be the only the live Halal butcher shop in San Francisco, and Saba’s second in the Bay Area. Its Fruitvale shop in Oakland has been operating successfully for approximately five years. The San Francisco location would handle poultry exclusively.

Examples Saba Live East Coast Facilities



Saba Live Oakland Facility



Halal generally refers to what is permissible or lawful in Islamic tradition, and here, to animals raised and prepared specifically according to traditional practices, which are similar to those in the kosher tradition. While many consumers may want to keep their distance from what happens to animals between the farm and their kitchens, some consumers, both Muslim and non, prefer to see the conditions in which live animals are kept and how they are prepared for consumption. Saba Live takes a lifecycle approach to the final product it sells. While the chickens are being raised, they are fed on a vegetarian diet, treated humanely, have access to the outdoors,

and kept healthy. The chickens will be sourced from the Bay Area and Central Valley by Pitman Family Farms, which sells in supermarkets under the Mary’s Free Range Chicken brand.

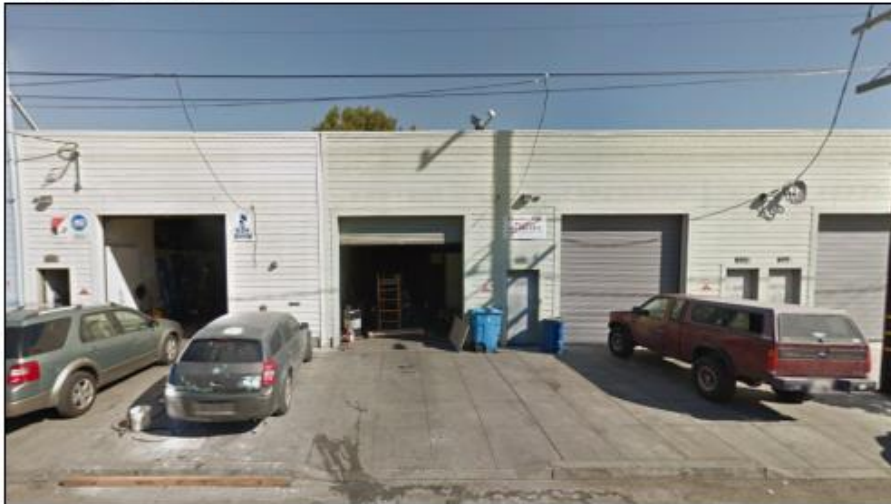
Saba Live’s customers come primarily from immigrant communities—mostly Asians, Latinos, and Muslims—which make up about 80% of Saba Live’s Oakland customers. The majority of patrons are not Muslim, but instead are people who prefer fresh meat from a small-scale facility where they can see into the processing area and select their own bird, versus a plastic-wrapped product from industrial scale production facilities. Many of Saba Live’s 20-30 daily customers travel long distances and buy in bulk due to the dearth of Halal and live butchers. To our knowledge, Saba Live’s facility in Oakland is the only live Halal butcher in the Bay Area.

2. The Wallace Avenue Property

a. Prior Use: Auto & Heavy Truck Towing

The 2,100-square-foot Property was previously occupied by “Charles Tow Service,” which offered auto and heavy truck towing services from the Property with a fleet of five tow trucks.¹ (See SFPD Police Permit, attached at **Exhibit B**.) The Project proposes to convert the existing space to a small-scale Halal poultry processing facility.

1526 Wallace Ave.



¹ Police Permit No. 143897, San Francisco Police Department, Chief of Police Hearing Results for July 15, 2015.

b. Zoning & Nearby Uses

The Wallace Avenue site is in a PDR-2 (Core Production, Distribution, and Repair) District within walking distance of MUNI's T-Third line. The PDR-2 District encourages:

[T]he introduction, intensification, and protection of a wide range of light and contemporary industrial activities . . . Light industrial uses in this District may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. . . . As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law...²

Consistent with this designation, surrounding uses on the block include a number of noisy auto-body and metal-working shops, active storage yards, and buildings with high-volumes of truck traffic.

Wallace Ave., Project Site Block looking East



Intersection of Wallace Ave. and Jennings St.



² Plan. Code § 210.3.

Intersection of Wallace Ave. and Ingalls St.



3. The Project and Operations

a. Physical Changes to the Building

The existing building is an enclosed structure without windows and a loading bay fronting the street. The Project will make minimal exterior alterations, and has been designed to minimize noise and odors. Noise from the chickens will be minimal, as the animals are stored at the rear of the building with no openings to the exterior and will be separated from the customer service area by a solid wall. The customer service area, in turn, is separated from the street by a steel door and enclosed entry hall.

Air will be exhausted from the facility with a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney. Air is discharged from the fan at 3,000 feet per minute, sufficient velocity to send it more than 50 feet above ground level before it dissipates into the atmosphere. The ventilation system will minimize any perceptible odor in the immediate vicinity of the site. Other tenant improvements include the installation of grease traps to capture solids before they enter the sewer system, installation of sinks and electrical machinery to clean, de-feather, and butcher chickens, and construction of a walk-in cooler for temporary storage of animal waste and byproducts.

b. Operations

Saba Live anticipates storing approximately 500 birds on-site on a typical day, slightly fewer than their Oakland facility pictured below. This will support daily sales of 200-400 birds, with higher numbers during peak holiday sales. There will be no other animals on-site besides poultry. The company plans to hire their 5 to 10 employees locally by advertising in the local newspaper as well as with nearby mosques—a practice they use successfully at their Oakland location, where nearly all of their employees are local residents.

Poultry at Saba Live, Oakland



Trucking to and from the facility will be typical for, or less than that of, any other small industrial use. Poultry will be sourced from the outer Bay Area and Central Valley (not Pennsylvania, as ALDF repeatedly claims). The chickens will be supplied by Pitman Family Farms, which is well-known for Mary's Free Range Chicken. The chickens are raised on a vegetarian diet and most of the poultry sold by Saba Live is organic. From the farm, the chickens are trucked to the Property in a box truck, with 2-4 deliveries per week. Saba Live anticipates another 3-5 trucks per week to remove waste products. **At the busiest times of year, two trucks total are expected to serve the facility per day.**

When customers come to Saba Live, they identify a chicken for purchase, and the chicken's leg is identified with a number attached to a wire. Half of the ticket goes to the customer, the other half is attached to the chicken leg. The chicken is weighed for pricing before being transferred to the slaughter room. In accordance with Halal tradition, slaughters are conducted out of sight of the other animals. Prayers are said and then the chicken's throat is cut. Just as fast, it is transferred to a tank, which collects the blood. The chicken is then transferred to a hot water bath to ease plucking before it is placed in a large drum with rubber paddles that carry the chicken in a circle that removes the feathers. After plucking, the bird is taken to a cleaning room where its internal organs are removed quickly and delicately. The organs are put into a lined drum and the chicken is quickly chilled in a tank of water and ice before butchering according to customer specifications.

All drains within the building will have grease traps and filters to capture solids before they enter the sewer system. Animal waste will be collected in a tray of shallow water underneath the chicken cages. The trays are then collected and emptied daily into airtight drums that are then disposed of by an offsite vendor. All biodegradable materials are stored in sealed containers in a walk-in cooler. The drums housing internal organs are also sealed and stored in the walk-in cooler. Blood will be sealed in five-gallon packets and stored in the cooler as well. All waste would be collected and recycled by Darling International, Inc.

Waste Storage Containers



B. Legal Standard for Categorical Exemptions

Certain categories of projects are exempt from environmental review under CEQA, because they generally do not have significant effects on the environment. Where a project is exempt, no further environmental evaluation is required unless a recognized exception applies (e.g. there is a reasonable possibility of significant environmental effects due to unusual circumstances).³

The ALDF misstates the standard of review for a categorical exemption. **In order to prove that unusual circumstances defeat a categorical exemption, a challenger must demonstrate two things: (1) that there are unusual circumstances that distinguish a project from others in the exempt class, and (2) that there is a fair argument that a project will have significant environmental impacts due to those unusual circumstances.**⁴

The first step is to determine whether substantial evidence supports the agency's determination that there are no unusual circumstances. Contrary to ALDF's assertion, **there is a presumption in favor of the agency's determination**, and it must be upheld "if there is any substantial evidence, contradicted or uncontradicted, to support it."⁵ Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument

³ Cal. Code Regs. tit. 14 ("CEQA Guidelines,") §15300.2.

⁴ *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086.

⁵ *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393; see also *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1128 ["when an agency has determined that a project falls within an exempt category, the project enjoys a considerable procedural advantage . . . When an agency finds that a project is subject to a categorical exemption, it impliedly finds that it has no significant environmental effect, and the burden shifts to the challengers of the proposed project to produce evidence that the project will have a significant effect."].

can be made to support a conclusion, even though other conclusions might be reached.”⁶
“Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”⁷

The second inquiry is made only if there is no substantial evidence of unusual circumstances. Here, the ALDF has the burden to demonstrate not just that the project could have a significant environmental effect, but that some feature of the project differs from the general circumstances of projects covered by a particular categorical exemption, and that those circumstances create a risk of environmental impacts that does not exist for the general class of exempt projects.⁸ “Evidence that a project *may* have a significant effect is not alone enough to remove it from a class consisting of similar projects that the Secretary has found ‘*do not* have a significant effect on the environment.’”⁹

C. The Project Is Categorically Exempt from CEQA

The ALDF mischaracterizes Saba Live’s operations, conflates the impacts of a small-scale facility with those of an industrial-scale operation, and misstates the standard of review that applies to a categorical exemption and an assertion of unusual circumstances. As demonstrated here, the 2,100-square-foot change of use from a tow service to a Halal poultry slaughterhouse is well within the parameters for a Class 1 and Class 3 exemption. The ALDF has not demonstrated that any unusual circumstances are present, nor, for that matter, has it made a fair argument that significant impacts would be caused by them.

1. **Project Falls Squarely within the Parameters for a Categorical Exemption.**

The Project qualifies for a Class 1 (existing facilities) and Class 3 (new construction or conversion of small structures) exemption. Class 1 applies to a project that “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing . . . structures.”¹⁰ “The key consideration is whether the project involves negligible or no expansion of an existing use.”¹¹ (See CEQA Exemption Types, attached at **Exhibit C.**) Saba Live proposes a change of use from an automobile tow service to a livestock processing facility-1. It does not propose additional square footage or entail substantial construction, and is less intensive in terms of truck traffic volume than the prior use.

⁶ *Citizens for Responsible Equitable Envir. Dev. v. City of San Diego* (2011) 196 23 Cal.App.4th 515, 522.

⁷ CEQA Guidelines § 15384.

⁸ *San Lorenzo Valley Cmty. Advocates for Responsible Educ. v. San Lorenzo Valley Unified Sch. Dist.* (2006) 139 Cal. App. 4th 1356, 138.

⁹ *Berkeley Hillside* at p. 1115.

¹⁰ CEQA Guidelines § 15301.

¹¹ SF Planning, CEQA Exemption Types (printed January 23, 2018).

The Project also qualifies for a Class 3 exemption. A Class 3 exemption will apply to a project that “consists of . . . the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”¹² In an urban area, a Class 3 exemption is available for up to four commercial buildings up to 10,000 square feet on sites zoned for the proposed use.¹³ San Francisco is considered an urban area for the purposes of a Class 3 exemption, and the Planning Department’s own categorical exemption guidelines explicitly state that “New construction and **changes of use of industrial uses are also included when 10,000 square feet or less.**”¹⁴ Saba Live proposes to occupy only 2,100 square feet of an existing industrial structure in an urbanized area, it therefore also qualifies for a Class 3 exemption.

2. There are no unusual circumstances.

The ALDF has not demonstrated that unusual circumstances are present, i.e. that “the circumstances of a particular project differ from the general circumstances of the projects covered by a particular categorical exemption.”¹⁵ In fact, there is nothing at all unusual about a small-scale butcher shop in an industrial district. Similar food-processing facilities operate in numerous locations throughout the City, and there are large numbers of businesses that handle or store live animals. Most small businesses in the City involve some amount of trucking; Saba is not an outlier in this regard, and will reduce truck volumes compared to the prior tow-truck operation.

a. A Small Industrial Use Is Not Unusual.

As shown in preceding pictures, the area surrounding the Property is industrial in character with a number of industrial businesses, including auto-body repair shops, active storage yards, and metal-working shops. In fact, industrial uses comprise over one quarter of the land in Bayview Hunters Point.¹⁶ (See Bayview Hunters Point Area Plan, attached at **Exhibit D.**)

Industrial uses are not only typical in the area, it is the City’s express policy to promote industrial development in the area. The PDR-2 Zoning District:

“[E]ncourage[s] the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. . . . Light industrial uses in this District may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. . . . As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law...”¹⁷

¹² CEQA Guidelines § 15303.

¹³ CEQA Guidelines § 15303(c).

¹⁴ SF Planning, CEQA Exemption Types (printed January 23, 2018).

¹⁵ *Wollmer v. City of Berkeley* (2011) 193 Cal. App. 4th 1329, 1350.

¹⁶ Bayview Hunters Point Area Plan, Industry Element.

¹⁷ Plan. Code § 210.3.

Similarly, objective 8 of the Bayview Hunters Point Area Plan (Industry Element) calls for strengthening “the role of the Bayview’s industrial sector in the economy of the district, the city, and the region.” Policy 9.2 of the plan encourages “the local business community to play a larger role in Bayview’s industrial sector.”

Given both the physical and policy context, the Project is not at all unusual, and if anything, is less intensive than many other surrounding industrial uses.

b. Light Volumes of Truck Traffic Are Not Unusual.

The Planning Code states that the light industrial uses permitted within the PDR-2 District “may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night.”¹⁸ Even outside of industrial areas, most businesses in the City will receive or send several truck deliveries over the course of a day.

Saba Live expects to generate 1-2 service/delivery trucks per day, with 2-4 poultry deliveries per week, and 3-5 trucks per week to remove contained waste products. Given that an automobile tow service with a fleet of five trucks previously occupied the Property, this will be a net decrease in truck traffic over the prior business. This level of truck travel is much less intensive than what is contemplated by zoning, and typical or lower than the truck trips to serve most typical retail or light industrial businesses of a similar size. This is not an unusual circumstance.

c. Air Quality Conditions Are Not Unusual and Will Not Be Worsened.

One of ALDF’s key contentions is that the Project’s location near residences and other business, in a neighborhood that “already suffers disproportionately from air pollution” is an unusual circumstance that disqualifies the Project from a categorical exemption.¹⁹

However, the San Francisco Department of Public Health’s (“SFPDH”) Air Pollutant Exposure Zone maps show that much of the eastern side of the City is within an Air Pollutant Exposure Zone (“APEZ”). While unfortunate, heightened air pollution is not an unusual circumstance.²⁰ (See Citywide Air Pollutant Exposure Zone Map, attached at **Exhibit E.**)

More to the point, however, the Project itself is not within an APEZ and will result in a net reduction of truck trips compared to the prior towing operation.²¹ (See Inset Air Pollutant Exposure Zone Map, attached at **Exhibit F.**)

¹⁸ Plan. Code § 210.3.

¹⁹ ALDF CEQA Appeal Letter (December 23, 2017) (“Appeal Letter”) pg. 3.

²⁰ SFPDH Air Pollutant Exposure Zone Map, Citywide (April 10, 2014).

²¹ SFPDH Air Pollutant Exposure Zone Map, Inset 4 (April 10, 2014).

d. Businesses that Generate and Dispose of Animal Waste are not Unusual

Animal shelters, pet stores, groomers, doggie daycares, and pet boarding facilities across the city all deal with animal waste on a daily basis. A search for “pet boarding” in San Francisco on Yelp returns 595 results, and a search for “pet groomers” yields 237 results. Each of these businesses collects and disposes of feed, fur, animal waste, and cleaning materials without significantly impacting the surrounding environment. That Saba Live will also dispose of the kinds of solid waste generated by live chickens does not preclude it from eligibility for a categorical exemption.

e. Businesses that Process Food and Poultry are not Unusual

While livestock processing facilities may not be as prevalent as they historically were, there are facilities throughout the city that handle and process animal products and the resulting waste. Live seafood markets are commonplace in mixed-use settings—Fisherman’s Wharf ranks among the City’s top tourist attractions. Grocery stores, butcher shops, and restaurants all handle meat products and byproducts, control odor, and properly dispose of waste without issue. There also appear to be at least two live poultry markets in Chinatown situated on the ground floor immediately below upper floor residences.

Live Poultry Markets, Chinatown



Commissioner Fong made this same point at the November 30 Planning Commission hearing:

“I happen to be a graduate of a cooking school, as well as a certified food handler in sanitation, and to the point, Whole Foods doesn’t get bulk meat wrapped up. They cut it

down, and dispose of it in the proper way, using sanitary chemicals and hot water.”²² (See Planning Commission Caption Notes, attached at **Exhibit G.**)

Even where animals are not slaughtered on site, the processing of raw meat and poultry is not at all unusual. There are numerous state and local regulations in place to guide the proper handling and disposal of such material, as discussed in more detail below.

3. The ALDF Has Not Made a Fair Argument that Significant Impacts Would Occur.

The ALDF has failed to make a fair argument that Project could have potentially significant environmental impacts due to unusual circumstances. In arguing that the Project could have impacts, the ALDF relies on speculative arguments, erroneous evidence, and flawed interpretations of the law. Specifically, it:

- Misrepresents Saba Live’s operations;
- Ignores the numerous laws and regulations that will govern Saba’s activities;
- Fails to acknowledge the environmental baseline, i.e. the trucking associated with the prior tow-truck operation; and
- Relies on studies of industrial-scale agribusiness operations, not small-scale operations like Saba Live.

a. ALDF Overstates Impacts by Ignoring the Tow-Truck Operation that Saba Replaces.

An overarching flaw in ALDF’s arguments is that it fails to acknowledge a baseline condition, instead suggesting that any noise, air emissions, or other effects generated by the Project are significant impacts under CEQA. But “the baseline for an agency’s primary environmental analysis under CEQA must ordinarily be the *actually* existing physical conditions.”²³

Class 1 and Class 3 categorical exemptions are predicated on the concept of an environmental baseline. If one use vacates and a different use takes over the same space, then CEQA assumes that the one-for-one replacement will not result in significant environmental impacts. In other words, we assume that every use has some level of impact, but the continuation of existing or similar conditions from one type of use to another is not a significant impact under CEQA.

Up until recently, the Property was occupied by an automobile tow service that operated on a 24-hour basis with a fleet of five tow trucks—a use which undoubtedly generated truck traffic, vehicle traffic, traffic-related air emissions, noise, and waste. Nowhere in its Planning Commission Letter or Appeal Letter has ALDF acknowledged the existing conditions at the site or the impacts of the prior tow service use. Without doing so, ALDF cannot demonstrate a likelihood that Saba

²² Planning Commission Caption Notes (November 30, 2017).

²³ *POET, LLC v. State Air Res. Bd.* (2017) 12 Cal. App. 5th 52, 78; CEQA Guidelines § 15125.

Live will be so much more impactful than the tow service that such impacts would be deemed significant under CEQA, particularly when Saba's operation will reduce the number of truck trips.

b. The ALDF Inflates the Scale of the Project and Relies on Studies of Massive Agribusinesses.

ALDF relies on a laundry list of studies of large-scale, industrial agribusiness and confined animal feeding operations ("CAFOs") to allege environmental impacts. In fact, we were not able to identify a single source cited by appellant in either its Appeal Letter or Planning Commission Letter that studies the potential impacts of a small-scale urban poultry operation like Saba Live, and the ALDF makes no effort at quantification. For example:

- **500 Chickens, not 182,000.** To support its allegation of greenhouse gas emissions, the ALDF cites a USDA Draft Environmental Assessment for a proposed 16-acre facility in Arkansas where 182,000 chickens would be raised for a period of months at any given time.²⁴
- **500 Chickens, not 10,000+ Hogs.** To support its contention of air quality emissions from animal waste, the ALDF relies on a declaration related to large-scale hog CAFOs in rural North Carolina where animal feces is collected in large open-air cesspools. This has no relevance to an enclosed operation where waste from 500 chickens is collected daily, stored in closed containers in a walk-in cooler, then picked up for use as compost.
- **No Wastewater Dumping.** The ALDF notes that wastewater from slaughterhouses is "one of the largest sources of nitrate pollution in drinking water nationwide."²⁵ This is a re-statement of content on a website that notes these discharges are from some of the nation's largest industrial polluters who "dump" waste directly into waterways. While these problems may occur where large-scale slaughterhouses operate in loosely regulated areas, there is no indication these problems will occur here. Per City regulations discussed further below, solids, including chicken waste, will be collected and recycled off-site. Wastewater from the facility will discharge into the municipal sewage system for treatment.
- **No Long-Haul Trucking.** ALDF refers to an article titled "The Long Haul: Risks Associated with Livestock Transport."²⁶ While the article does not define "long haul" transport, it opens with a statistic that "U.S. livestock may travel an average of 1,000 miles."²⁷ The article goes on to explain that "[l]ong-distance animal

²⁴ USDA Draft Environmental Assessment, Tracy Poultry Farm, pg. 3-10.

²⁵ Planning Commission Letter p. 8.

²⁶ Planning Commission Letter, p. 5 and note 30.

²⁷ Michael Greger, "The Long Haul: Risks Associated with Livestock Transport," pg. 301 (2007), available at: http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1001&context=acwp_faafp.

transport is restricted in Europe to a duration ranging from 9 to 24 hours, with either continuous access to water or watering every 8 to 14 hours, depending on species.”²⁸ The conclusions this article draws about the impacts of long distance animal transport cannot be reasonably applied to Saba Live, which will source its chickens from the outer Bay Area and Central Valley—requiring no more than a few hours of travel time.

The potential impacts of large scale agribusiness operations are not comparable to those of the small scale neighborhood Halal facility proposed by Saba Live. The distinction is key—as ALDF cannot reasonably argue that a facility with a few hundred chickens on site for a few days at a time will have environmental impacts comparable to a large scale industrial farm or feeding operation. As the Oakland Planning Department staff explained in evaluating an expansion of Saba Live’s Oakland facility, Saba Live’s operation “is different than the large industrial slaughterhouses in the San Joaquin Valley and elsewhere.”²⁹ (See Oakland City Planning Commission Staff Report, attached at **Exhibit H.**)

Seemingly acknowledging the lack of factual evidence to support its claims of significant impacts, Appellant argues that “Relevant personal observations by local residents as to the impact a facility will have on them can constitute substantial evidence.”³⁰ However, residents’ speculation is not substantial evidence—as conjectural assertions have no evidentiary value. (See *Jennings v. Palomar Pomerado Health Sys., Inc.*³¹ [Even an expert “does not possess a carte blanche to express any opinion within the area of expertise. For example, an expert’s opinion based on assumptions of fact without evidentiary support, or on speculative or conjectural factors, has no evidentiary value and may be excluded from evidence.”]; see also *Wollmer v. City of Berkeley*³² [“Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence.”].) Members of a community may have sincere concerns about a project, but if not adequately founded in fact, their concerns do not amount to substantial evidence of likely environmental impacts under CEQA.

c. The ALDF Ignores Comprehensive Environmental Laws and Regulations.

ALDF practically ridicules the Planning Commission for considering existing laws and regulations when assessing the likelihood that significant environmental impacts would occur. They assert that “other agencies’ regulatory actions have no bearing on whether the project requires CEQA analysis.”³³ Under this bizarre formulation, CEQA would require an agency to find significant environmental impacts for nearly any project. If Building Code requirements are ignored, virtually any new building could be a safety hazard. If the state laws regulating sewage

²⁸ *Id.* at pg. 306.

²⁹ Oakland City Planning Commission Staff Report, Case File No. DET15-026-A01 (July 1, 2015).

³⁰ Appeal Letter, p. 3.

³¹ (2003) 114 Cal. App. 4th 1108, 1117.

³² (2011) 193 Cal. App. 4th 1329, 1350.

³³ Appeal Letter, p. 4.

discharges are disregarded, all projects would be potential health risks. And each environmental review would have to recreate comprehensive regulatory schemes as project-specific mitigation.

That is not how CEQA works. **It is well-settled that a reviewing agency can rely on other generally-applicable laws and regulations to determine that impacts will be less than significant.** (See *San Francisco Beautiful v. City & Cty. Of San Francisco*³⁴ [“An agency may rely on generally applicable regulations to conclude an environmental impact will not be significant and therefore does not require mitigation.”].) In this case, a number of State, Federal and local regulatory schemes apply to the Project and will avoid the very impacts ALDF alleges.

i. SFPUC Regulations: Water and Wastewater

ALDF’s Planning Commission Letter asserts that “poultry operations, specifically, may generate effluents from various sources, including poultry housing, feeding, and watering, as well as from waste storage and management.”³⁵ However, under the National Pollutant Discharge Elimination System (“NPDES”), the City is required to implement a Pretreatment Program, which must comply with the Clean Water Act and the General Pretreatment Regulations.³⁶

Enforcement of the City’s Pretreatment Program by the SFPUC requires the regulation of discharges from non-domestic sources into the City’s sewage system.³⁷ Non-domestic sources include discharges from industrial and commercial sources, including food processing facilities.³⁸ Regular users who discharge non-domestic sources must obtain an Industrial Use Wastewater Discharge Permit.³⁹ In accordance with this Program, solids must be captured before entering the sewer system.

As required by these regulations, the drains at the Property will have grease traps and will filter out grease and other waste before entering the municipal sewage system, where treatment will prevent discharges of contaminated water. Thus, existing laws and regulations are sufficient to ensure less-than-significant impacts; ALDF has not made a fair argument to the contrary.

ii. CalRecycle, SFPDPH, and SFPUC Regulations: Food-handling and Waste Disposal

In its Planning Commission Letter, the ALDF states that “solid waste generated during poultry production includes waste feed, animal waste, carcasses, wastewater, contaminated ventilation filters, and used cleaning materials.”⁴⁰ However true this claim may be as to “poultry

³⁴ (2014) 226 Cal. App. 4th 1012, 1033.

³⁵ Planning Commission Letter, p. 8.

³⁶ See SFPUC, Wastewater Discharge Overview, <https://sfwater.org/index.aspx?page=498> (last accessed January 25, 2018); 33 U.S.C., § 1251 et seq; C.F.R., Title 40, Part 403.

³⁷ See SFPUC, Wastewater Discharge Overview, <https://sfwater.org/index.aspx?page=498> (last accessed January 25, 2018); SF Public Works Code, Article 4.1.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Planning Commission Letter, p. 9.

production facilities,” Saba Live does not propose a poultry production facility. The chickens temporarily held at the Property prior to sale would be raised offsite in the outer Bay Area and Central Valley, by Pitman Family Farms.

More to the point, state and local regulations ensure that no significant impacts could occur.⁴¹ The California Integrated Waste Management Board (referred to as CalRecycle) regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease and protect the environment.⁴² Under CalRecycle’s supervision, local solid waste enforcement agencies (“LEAs”) enforce regulations for proper storage and transportation of solid waste.⁴³ In San Francisco, SFPDPH is the LEA.⁴⁴ As such, SFPDPH is responsible for ensuring that all residences and businesses in San Francisco subscribe to adequate and licensed refuse collection service and that refuse collection is handled in a manner that protects health and safety.⁴⁵ The SFPUC also enforces regulations for waste haulers, which include vendors who transport food processing refuse.⁴⁶ Commercial operations that generate a certain amount of animal waste are prohibited from disposing of it in the regular garbage.⁴⁷

As noted above, Saba’s facility is designed to comply with these regulations. All animal waste generated by the Project will be collected daily and sealed in airtight drums in a walk-in cooler before being collected and disposed of or recycled by off-site vendors. No animal material or byproducts will be disposed of in the regular garbage.

⁴¹ See Planning Commission Letter, p. 9.

⁴² See CalRecycle, Safely Disposing of Waste Meat, Poultry, and Fish Material Guidance and FAQs (printed January 22, 2018).

⁴³ See CalRecycle, LEA Overview, <http://www.calrecycle.ca.gov/SWFacilities/Compostables/WasteMeat.pdf> (last accessed January 25, 2018).

⁴⁴ See SFPDPH, Solid Waste Program Overview, <https://www.sfdph.org/dph/EH/refuseLiens/default.asp> (last accessed January 25, 2018); see SFPUC Biosolids Management System Manual, <http://sfwater.org/Modules/ShowDocument.aspx?documentID=6641> (last accessed January 25, 2018).

⁴⁵ See SFPDPH, Solid Waste Program Overview, https://www.sfdph.org/dph/EH/refuseLiens/Solid_Waste_FAQ.asp (last accessed February 2, 2018).

⁴⁶ See SFPUC Wastewater Discharge Overview, <https://sfwater.org/index.aspx?page=498>; <https://sfwater.org/modules/showdocument.aspx?documentid=1661>.

⁴⁷ SF Health Code, art. 6 § 3 [“Refuse consisting of . . . animal and vegetable matter . . . shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided.]; See also (AB 1826; CalRecycle Mandatory Commercial Organics Recycling (MORE), available at <http://www.calrecycle.ca.gov/recycle/commercial/organics/FAQ.htm> (last accessed February 2, 2018) [State law “requires businesses that generate a specified amount of organic waste [including meat, bones, and poultry] per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.”].

iii. Federal, State and Local Food Safety and Hygiene Regulations

All three levels of government have an oversight role to ensure that livestock/poultry processing facilities comply with state, federal, and local standards for human and animal health, sanitation, pest control, and the humane treatment of livestock.

The United States Department of Agriculture (“USDA”) enforces the Poultry Products Inspection Act to ensure the safety of poultry.⁴⁸ In addition to these food safety laws, the USDA also implements the Humane Methods of Slaughter Act of 1958, which requires that livestock are handled and slaughtered humanely.⁴⁹ These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food. The USDA inspectors generally visit facilities at least annually to ensure compliance with these federal provisions.

At the State level, the California Department of Agriculture’s (“CDFA”) Meat, Poultry, and Egg Safety Branch (“MPES”) licenses and inspects meat, poultry, and egg production establishments, including retail poultry plants that sell live poultry and slaughter them for customers.⁵⁰ The MPES Branch reviews operational plans prior to issuing a license to a new facility and trains, licenses, and evaluates Poultry Meat Inspectors (“PMIs”).⁵¹

PMIs are employed by the facility owner, but receive their training and requisite licensing from the CDFA. PMIs are state-certified inspectors who are required to be on site at all times to enforce state regulations, including sanitation standards, pest control measures, and the humane treatment of poultry. Every PMI is subject to oversight by CDFA-certified inspectors who generally visit facilities under their jurisdiction two to four times per month.⁵²

SFDPH also monitors compliance with local and state food safety regulations.⁵³ Because Saba Live will include a retail component, SFDPH District Inspectors will inspect the facility prior to commencing operation.⁵⁴ Once Saba Live receives the requisite Food Permit to Operate from the District Inspector, the facility will generally be subject to at least two unannounced inspections per year.⁵⁵ The District Inspectors will examine the facility for cleanliness, safe food storage,

⁴⁸ 21 U.S.C., Title 21, Chapter 10, Section 454; see USDA, FSIS Mission Book, <https://www.fsis.usda.gov/wps/wcm/connect/7a35776b-4717-43b5-b0ce-aeec64489fbd/mission-book.pdf?MOD=AJPERES>.

⁴⁹ *Id.* at p. 1.

⁵⁰ (C.C.R., Title 3, Division 2, Chapter 5, Subchapter 1; see CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (last accessed January 25, 2018).

⁵¹ *Id.*

⁵² C.C.R., Title 3, Division 2, Chapter 5, Subchapter 1; see CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (last accessed January 25, 2018).

⁵³ See SFDPH, Solid Waste Program Overview, <https://www.sfdph.org/dph/EH/refuseLiens/default.asp> <https://www.sfdph.org/dph/EH/Food/Inspections.asp>.

⁵⁴ See SFDPH, Retail Food Safety Program Overview, SFDPH, Restaurant Permits Overview, <https://www.sfdph.org/dph/EH/Food/Permits/default.asp>; SFDPH, Food Safety Program: Inspection Overview, <https://www.sfdph.org/dph/EH/Food/Inspections.asp>.

⁵⁵ *Id.*

vermin, adequate equipment, regular refuse collection, and good employee hygiene and work habits.⁵⁶ SFDPH also enforces state law requiring every retail food facility to employ a Certified Food Handler. A "food handler" is anyone involved in the "preparation, storage, or service of food in a food facility."⁵⁷ Food handlers must obtain a food handler card from the American National Standards Institute (ANSI), an accredited training provided upon completion of a food handler training course and exam.⁵⁸

d. ALDF has not made a fair argument of significant air quality impacts.

The ALDF argues that the Project will generate truck trips that will cause significant air emissions impacts from diesel emissions and "pathogens and other matter from the animals, themselves."⁵⁹ But ALDF has not provided any quantifiable evidence illustrating the alleged significance of such emissions.

The ALDF's Planning Commission Letter includes citations to two documents in support its air emissions claim. Neither demonstrates that the Project would result in significant air emissions impacts. The first, the San Francisco Department of the Environment's "Bayview Hunters Point Community Diesel Pollution Reduction Project Final Report" focuses on diesel emissions "due to the community's proximity to heavily-traveled truck routes, including Hwy. 101 and I-280."⁶⁰ The second, the "Environmental Justice Analysis for Bayview-Hunters Point" analyzes "the potential effects of the proposed Biosolids Digester Facilities Project (BDFP)."⁶¹ ALDF relies on this report for the claim that traffic densities in this neighborhood are higher than in the rest of the City.⁶² But the prior tow service use generated both consumer and truck traffic, and ALDF has not pointed to any evidence that (1) Saba Live will result in more traffic than the prior use, or that (2) such an increase will rise to the level of a significant impact.

Appellant suggests that air emissions and odor from the Project will negatively impact nearby residents. However, off-site odor from a small operation will not be noticeable. Air from inside the facility will be vented up through a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney at a sufficient velocity to send it 50 feet above ground before dissipating into the atmosphere. And while ALDF's Planning Commission Letter details the broad dangers and effects of air emissions in general, it has not presented any evidence quantifying emissions from this particular proposal or illustrating what significant impacts such emissions could have.

⁵⁶ *Id.*

⁵⁷ Cal. Health & Safety Code § 113790.

⁵⁸ Cal. Health & Safety Code § 113948, SFDPH, Food Safety Training Requirements Overview, <https://www.sfdph.org/dph/EH/Food/FoodCert/default.asp>.

⁵⁹ See Planning Commission Letter, p. 5, p. 8; Appeal Letter, p. 1.

⁶⁰ Feb. 2009, p. 7.

⁶¹ Prepared by ESA for the SFPUC (June 2017), p. 1-1.

⁶² Planning Commission Letter, p. 5.

Saba Live's Oakland facility is illustrative here. The Oakland location at 845 Kennedy Street is in a similarly industrial area, but it also abuts several residences. The proximity to residential use has not been an issue. When the Oakland Planning Department considered increasing the capacity at that facility to include goats, sheep, and rabbits, it noted that there have been no complaints in recent years from the operation of this business.⁶³ (See Oakland Planning Commission Staff Report, attached at **Exhibit I**.) Additionally, we confirmed with the Oakland Planning Department that there have been no enforcement matters filed against Saba Live in Oakland. Based on records dating back to 2000, there have been two complaints regarding the Oakland property, but both pre-date Saba Live's occupancy. (See Email from Staff Planner and Records Summary, attached at **Exhibit J**.)

Saba Live Oakland Facility



e. Socioeconomic and Environmental Justice

ALDF states that CEQA requires the City to consider the effects on the particularly economy in which it will operate.⁶⁴ We agree that the Planning Department must consider the impacts of a particular use on the surrounding community, but CEQA is clear that “evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence” of significant environmental impacts.⁶⁵

The 2,100-square-foot facility proposed, with one to two truck trips anticipated each day, is considerably less intense than other uses that would be permitted at the Property. And rather than acting as a detriment on the neighborhood's economic growth, the hybrid PDR/retail use

⁶³ Oakland Planning Commission Staff Report, Case File No. DET15-026-A01 (July 15, 2015).

⁶⁴ Planning Commission Letter, p. 10.

⁶⁵ CEQA Guidelines § 15384.

proposed will provide job opportunities and drive foot traffic. Saba Live's Oakland location sees approximately 20-30 customers each day, many of whom travel to the store on foot. Saba Live will also hire locally, modeling its hiring tactics on those utilized in Oakland, where employees are found through advertisements in local newspapers at local mosques.

f. Animal Health and Welfare

ALDF's "mission is to protect the lives and advance the interests of animals through the legal system." CEQA aims to "inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities" and "identify ways that environmental damage can be avoided or significantly reduced."⁶⁶ While CEQA certainly protects animals in the wild, it does not protect livestock raised for consumption. In San Francisco, animal welfare is protected by the Commission of Animal Control and Welfare, which is charged with recommending measures regarding animal control and welfare to the Board of Supervisors and the City Administrator and with studying and recommending requirements for the maintenance of animals in public, private, and commercial care.⁶⁷

D. Conclusion

The ALDF is an animal rights organization attempting to use CEQA as a means to prevent the lawful operation of a small-scale Halal poultry slaughterhouse. Appellant claims that the proposed use and location constitute usual circumstances that will have significant environmental impacts. But it has not met its burden of putting forth substantial evidence to support its claims. Rather, the ALDF relies on conjecture about the nature of the proposed operation, conflates the small neighborhood facility with large industrial agribusiness, fails to acknowledge the environmental baseline set by the prior tow service use, and ignores the numerous regulatory schemes in place that ensure

The Project is exactly the sort of small-scale change of use that Class 1 and Class 3 exemptions are meant to cover. As an industrial use in a PDR-2 zoning district, Saba Live's proposal is consistent with the Planning Code and its location cannot reasonably be considered an unusual circumstance. A contrary conclusion would essentially close the door to the growth of industry and manufacturing in San Francisco.

Accordingly, we respectfully request that the Board of Supervisors uphold the CatEx. Please contact me at 415-517-9395 if you have any questions.

⁶⁶ CEQA Guidelines § 15002.

⁶⁷ SF Health Code art. 1, § 41.2

President London Breed
Board of Supervisors
February 2, 2018
Page 22

Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Daniel A. Frattin

Enclosures

cc: Supervisor Malia Cohen
Supervisor Sandra Lee Fewer
Supervisor Jane Kim
Supervisor Aaron Peskin
Supervisor Hillary Ronen
Supervisor Ahsha Safai
Supervisor Sheehy
Supervisor Catherine Stefani
Supervisor Katy Tang
Supervisor Norman Yee
Angela Calvillo, Board of Supervisors Clerk
Matthew Chandler, Planning Department
Cristina Stella, Animal Legal Defense Fund
Saba Live, Project Sponsor

EXHIBIT LIST

- Exhibit A..... Planning Commission Motion No. 20070 – CU Authorization (Nov. 30, 2017)
- Exhibit B..... SFPD Police Permits Hearing Results (Jul. 15, 2015)
- Exhibit C..... Planning Department – List of CEQA Exemption Types (Printed Jan. 23, 2018)
- Exhibit D..... Bayview Hunters Point Area Plan – Industry (Printed Jan. 24, 2018)
- Exhibit E..... SFDPH Air Pollutant Exposure Zone Map – Citywide (Apr. 10, 2014)
- Exhibit F..... SFDPH Air Pollutant Exposure Zone Map – Inset 4 (Apr. 10, 2014)
- Exhibit G..... Planning Commission Caption Notes (Nov. 30, 2017)
- Exhibit H..... Oakland Planning Department Staff Report (cited by ALDF) (Jul. 1, 2015)
- Exhibit I Oakland Planning Department Staff Report (Jul. 15, 2015)
- Exhibit J Oakland Zoning Email and Records Summary (Feb. 1, 2018)

Exhibit A

**Planning Commission Motion No. 20070 – CU Authorization (Nov. 30,
2017)**



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Project Summary and Motion No. 20070

COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM
HEARING DATE: NOVEMBER 30, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: **2017-010819CUA**
Project Address: **1526 Wallace Ave**
Zoning: PDR-2 (PDR Production, Distribution, and Repair)
40-X Height and Bulk District
Plan Area: Bayview Hunters Point
Block/Lot: 4829/004
Project Sponsor: Harvey Hacker
528 Bryant Street
San Francisco, CA 94107
Staff Contact: Mathew Chandler – (415) 575-9048
Mathew.chandler@sfgov.org

PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization (CUA) to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). Direct sales to customers is proposed on site. All activities are proposed within and to be contained in a completely enclosed building, with no opening, other than fixed windows or exits required by law. The structure is a hard shelled building to prevent any noxious or offensive emissions. There is currently one roll-up door on the existing west façade to be used for loading functions. The project has qualified for review under the Planning Commission's Community Business Priority Processing Program ("CB3P").

REQUIRED COMMISSION ACTION

In the PDR-2 Processing, Distribution, and Repair Zoning District, Planning Code Section 210.3 requires a Conditional Use Authorization for Livestock Processing 1, which by definition includes the processing and sale of small animals including chickens and rabbits.

DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2017-010819CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated August 9, 2017, and stamped "EXHIBIT B."

CB3P CHECKLIST


	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
CB3P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			
Planning Code §303(o) findings for Eating and Drinking Uses			X	
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals			X	
Photographs of the site and/or context	X			Photographs of the site and other locations for reference, the applicant has also submitted a map of adjacent land uses
Scaled and/or dimensioned plans	X			
Clearance under California Environmental Quality Act ("CEQA")	X			

Additional Information	
Notification Period	20 day mailing, 300' owner radius, 20 day newspaper, 20 day posting
Number and nature of public comments received	One member of public has inquired about procedure
Number of days between filing and hearing	100 days

Generalized Basis for Approval (max. one paragraph)
<p><i>The Commission finds that this Project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in the Section 101.1 and 303(c) findings submitted as part of the application. The proposed livestock processing, sales and service business (d.b.a Saba Live Poultry) will occupy 2,100 square feet of an existing structure within a PDR Production Distribution, and Repair Zoned Parcel. The operations will be completely contained within a hard-shell structure to prevent any noxious or offensive emissions. The site is well suited for livestock processing and is surrounded by compatible uses. To the west, east, and south are other PDR-2 Zoned Parcels, with a PDR-1B Light Industrial Buffer to the north, separating the industrial from residential zoned parcels by approximately 50 linear feet. The proposed project is on balance consistent with General Plan Policies by creating additional retail and industrial services and jobs within the City.</i></p>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 30, 2017.

AYES: Richards, Fong, Koppel, Johnson, Melgar, Moore
NAYS: None
ABSENT: Hillis
ADOPTED: November 30, 2017



Jonas P. Ionin
Commission Secretary

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors.

PROTEST OF FEE OR EXACTION: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development. If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections 210.3 and 303 to authorize Livestock Processing and Sales (d.b.a. Saba Live Poultry) at an existing 2,100 square-foot tenant space of an existing one-story metal commercial building, within the PDR-2 (PDR Production, Distribution, and Repair) Zoning District and 40-X Height and Bulk District; in general conformance with plans, dated **August 9, 2017**, and stamped "EXHIBIT B" included in the docket for Record No. **2017-010819CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 30, 2017** under Motion No. 20070. This authorization and the conditions contained herein run with property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 30, 2017** under Motion No. 20070.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20070 shall be reproduced on the Index Sheet of construction plans submitted with the site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the design, including signs and awnings. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Signs and Awnings.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code. Any awnings or canopies must have a permit and shall comply with the requirements of Planning Code Section 136.1 and be reviewed by the Department's historic preservation staff for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application if any rooftop mechanical equipment is proposed as part of the Project. Any such equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the Project is operational, the Building Permit Application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

17. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

18. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Exhibit B

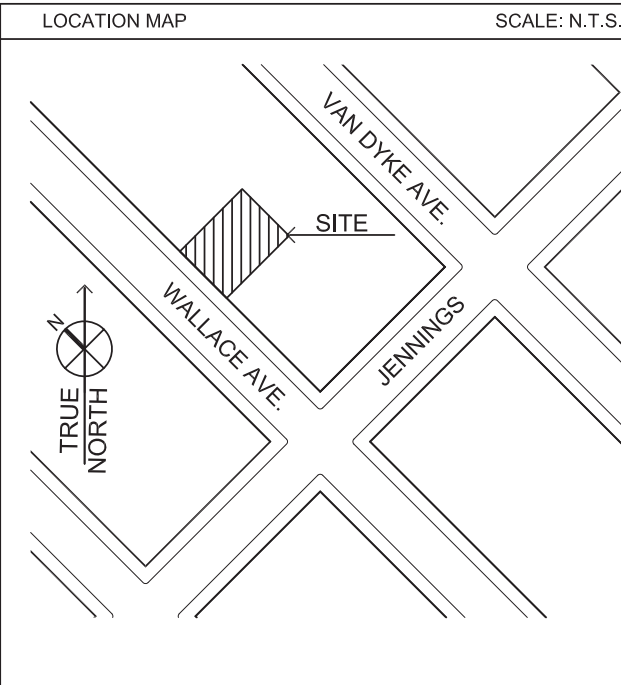
LIVESTOCK PROCESSING & SALES 1526-C WALLACE AVE. San Francisco, California

EXHIBIT

Exhibit B

REVISIONS	BY
1	REVISION
	20 OCT 17

ABBREVIATIONS	
A.B. ANCHOR BOLT	F.E. FIRE EXTINGUISHER
ACCESS. ACCESSIBLE	F.F. FINISH FLOOR
A.F.F. ABOVE FINISH FLOOR	F.O. FACE OF FINISH FLOOR
ABV. ABOVE	FLASH. FLASHING
ACOUS. ACOUSTICAL	FLUOR. FLUORESCENT CEILING TILE
A.C.T. ADJUSTABLE	FT. FOOT OR FEET
ALUM. ALUMINUM	FTG. FOOTING
B.O. BOTTOM OF BOARD	G.S.M. GALVANIZED SHEET METAL
BLDG. BUILDING	GA. GAUGE
CAB. CABINET	CER. CERAMIC
CER. CERAMIC	GALV. GALVANIZED
CLS. CLEAR	GL. GLASS
CLR. CLEAR	GWB. GYPSUM WALL BOARD
CNTR. COUNTER	GYP. GYPSUM
COL. COLUMN	H.C. HOLLOW CORE
CONC. CONCRETE	H.M. HOLLOW METAL
CONT. CONTINUOUS	HDWD. HARDWOOD
CPT. CARPET	HORIZ. HORIZONTAL
CTR. CENTER	I.D. INSIDE DIMENSION
D.S. DOWNSPOUT	INSUL. INSULATION
DIM. DIMENSION	INT. INTERIOR
DN. DOWN	JT. JOINT
DR. DOOR	H.O. HOLLOW CORE
(E) EXISTING	R. RISER
EA. EACH	R.O. ROUGH OPENING
EL. ELEVATION	RAD. RADIUS
ELEC. ELECTRICAL	RDWD. REDWOOD
EQ. EQUAL	REFR. REQ. REFRIGERATOR REQUIRED
EXT. EXTERIOR	RESIL. RESILIENT ROOM
	RM. ROOM
	S.S.D. SEE STRUCTURAL DRAWINGS
	SHT. SHEET
	SIM. SIMILAR
	SO. SQUARE
	STD. STANDARD
	STL. STEEL
	SYM. SYMMETRICAL
	T TREAD
	T & G TONGUE & GROOVE
	T.B. TOWEL BAR
	T.O. TOP OF
	T.O.S. TOP OF SLAB
	T.O.W. TOP OF WALL
	T.P.D. TOILET PAPER DISPENSER
	TEL. TELEPHONE
	TYP. TYPICAL
	U.O.N. UNLESS OTHERWISE NOTED
	V.C.T. VINYL COMPOSITE TILE
	V.I.F. VERIFY IN FIELD
	VAR. VARIES
	VERT. VERTICAL
	WEST WINDOW OPENING
	W/ WITH
	W/O WITHOUT
	WD. WOOD
	WT. WEIGHT



PROJECT DIRECTORY

OWNER:
SABA LIVE POULTRY
845 KENNEDY STREET
1526-C WALLACE AVENUE
OAKLAND, CA 94606
PHONE: (510) 535-1111
EMAIL: SAPSELLS@GMAIL.COM
CONTACT: MR. SMITH

ARCHITECT:
HARVEY HACKER ARCHITECTS
528 BRYANT STREET
SAN FRANCISCO, CA 94107
TEL: (415) 957 0579
FAX: (415) 957 5851
EMAIL: HARVEY@HARVEYHACKER.COM
CONTACT: HARVEY HACKER

SCOPE OF WORK

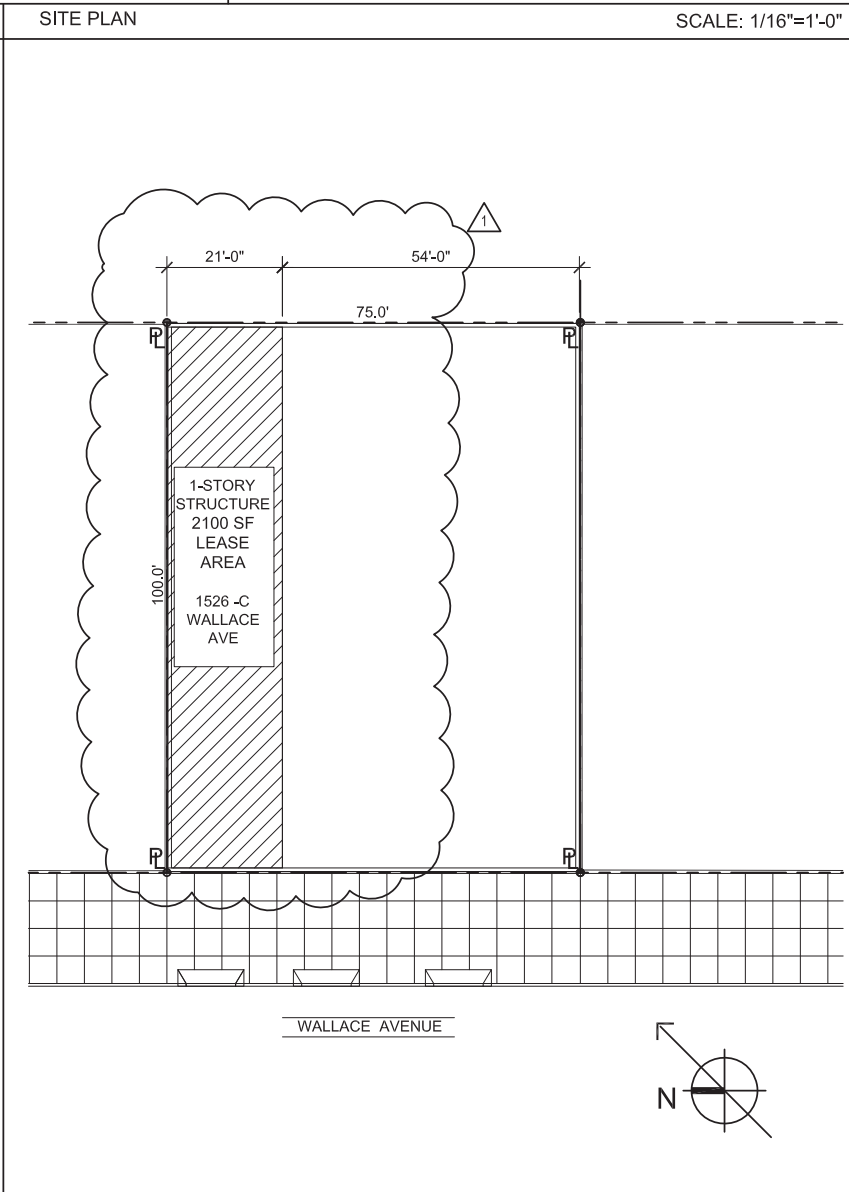
1. TENANT IMPROVEMENTS FOR LIVESTOCK PROCESSING

SHEET INDEX

ARCHITECTURAL	
A0.0	TITLE SHEET
A2.1	EXISTING & PROPOSED FIRST FLOOR PLAN
A3.1	EXISTING & PROPOSED EXT. ELEVATIONS
A3.2	EXISTING EXTERIOR ELEVATIONS AND BUILDING SECTION

GENERAL NOTES

- THESE NOTES APPLY TO ALL DRAWINGS AND GOVERN UNLESS NOTED OR SPECIFIED FOR MORE SPECIFIC REQUIREMENTS APPLICABLE TO PARTICULAR DIVISIONS OF THE WORK. SEE NOTES CONTAINED IN SUBSECTIONS OF THESE DRAWINGS.
- THE GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, (AIA DOCUMENT A201), LATEST EDITION, AND SPECIFICATIONS SUPPLEMENT THESE DRAWINGS AND OR ARE A PART OF THE CONTRACT DOCUMENTS.
- ALL WORK SHALL CONFORM TO ALL APPLICABLE PERMITS, REGULATIONS, CODES, AND ORDINANCES OF PUBLIC AUTHORITIES, FEDERAL, STATE, AND LOCAL, HAVING JURISDICTION.
- CONTRACTOR SHALL VISIT SITE AND BE FULLY COGNIZANT OF ALL FIELD CONDITIONS. ANY CONFLICTS OR DISCREPANCIES BETWEEN THE DRAWINGS AND SITE CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- DISCREPANCIES WITHIN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING.
- CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS IN FIELD. ON DRAWINGS, ONLY WRITTEN DIMENSIONS SHALL BE USED. DO NOT SCALE DRAWINGS. CONTRACTOR SHALL VERIFY AND BE MADE COMPLETELY RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. ARCHITECT MUST BE NOTIFIED IN WRITING OF ANY PROPOSED OR REQUIRED VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN, AND A WRITTEN CHANGE ORDER ISSUED BEFORE MAKING ANY CHANGES AT THE JOB SITE.
- CONTRACTOR ACKNOWLEDGES THAT HE HAS THOROUGHLY FAMILIARIZED HIMSELF WITH THE BUILDING SITE CONDITIONS WITH THE DRAWINGS AND SPECIFICATIONS, WITH THE DELIVERY FACILITIES, AND ALL OTHER MATTERS AND CONDITIONS WHICH MAY AFFECT THE OPERATION OF THE WORK, AND ASSUMES ALL RISK THEREFROM.
- ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS OTHERWISE INDICATED: DIMENSIONS LOCATING DOORS AND WINDOWS ARE TO EDGE OF DOOR JAMB OR EDGE OF WINDOW, UNLESS OTHERWISE INDICATED.
- THESE DRAWINGS AND ALL IDEAS, ARRANGEMENTS AND PLANS, EITHER INDICATED OR REPRESENTED BY THESE DRAWINGS ARE OWNED BY, AND ARE THE PROPERTY OF HARVEY HACKER ARCHITECTS, AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THE PROJECT SO DESIGNATED IN THE TITLE BLOCK. NONE OF THESE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY, OR DISCLOSED TO, ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER, NOR SHALL ANY CHANGES WHATSOEVER BE MADE ON THIS DRAWING WITHOUT THE WRITTEN PERMISSION FROM HARVEY HACKER ARCHITECTS. THESE DRAWINGS ARE NOT VALID FOR ANY USE UNLESS THEY BEAR THE ORIGINAL SEAL AND SIGNATURE OF THE ARCHITECT. UPON COMPLETION OF THE PROJECT.



PLANNING CODE

PLANNING CODE: SAN FRANCISCO PLANNING CODE

STREET ADDRESS: 1526-C WALLACE AVENUE, SAN FRANCISCO CA 94124

BLOCK / LOT: BLOCK / LOT 4829 / 004

USE DISTRICT: PDR-2 PRODUCTION DISTRIBUTION REPAIR

HEIGHT LIMIT: 40-X

STORIES: 1 STORY

FLOOR AREA SUMMARY: FIRST FLOOR 7500 SF (LOT AREA ALSO)

EXISTING USE: WAREHOUSE

PROPOSED USE: LIVESTOCK PROCESSING

LEASE AREA: 2100 SQUARE FEET (21 FT. X 100 FT.)

BUILDING CODE

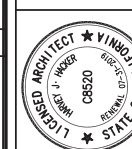
CODES:
CALIFORNIA BUILDING CODE, 2016 EDITION
CALIFORNIA ELECTRICAL CODE, 2016 EDITION
CALIFORNIA FIRE CODE, 2016 EDITION
CALIFORNIA MECHANICAL CODE, 2016 EDITION
CALIFORNIA PLUMBING CODE, 2016 EDITION
CALIFORNIA GREEN BUILDING CODE, 2016 EDITION
SAN FRANCISCO CODE AMENDMENTS TO ALL OF THE ABOVE
2013 SAN FRANCISCO HOUSING CODE
CALIFORNIA ENERGY CODE, 2016 EDITION

CONSTRUCTION TYPE:
EXISTING: V-B, FULLY SPRINKLERED

EXISTING OCCUPANCY: S-1 (MODERATE-HAZARD STORAGE)

PROPOSED OCCUPANCY: F-1 (MODERATE-HAZARD FACTORY INDUSTRIAL (FOOD PROCESSING FACILITIES NOT MORE THAN 2500 SQUARE FEET))

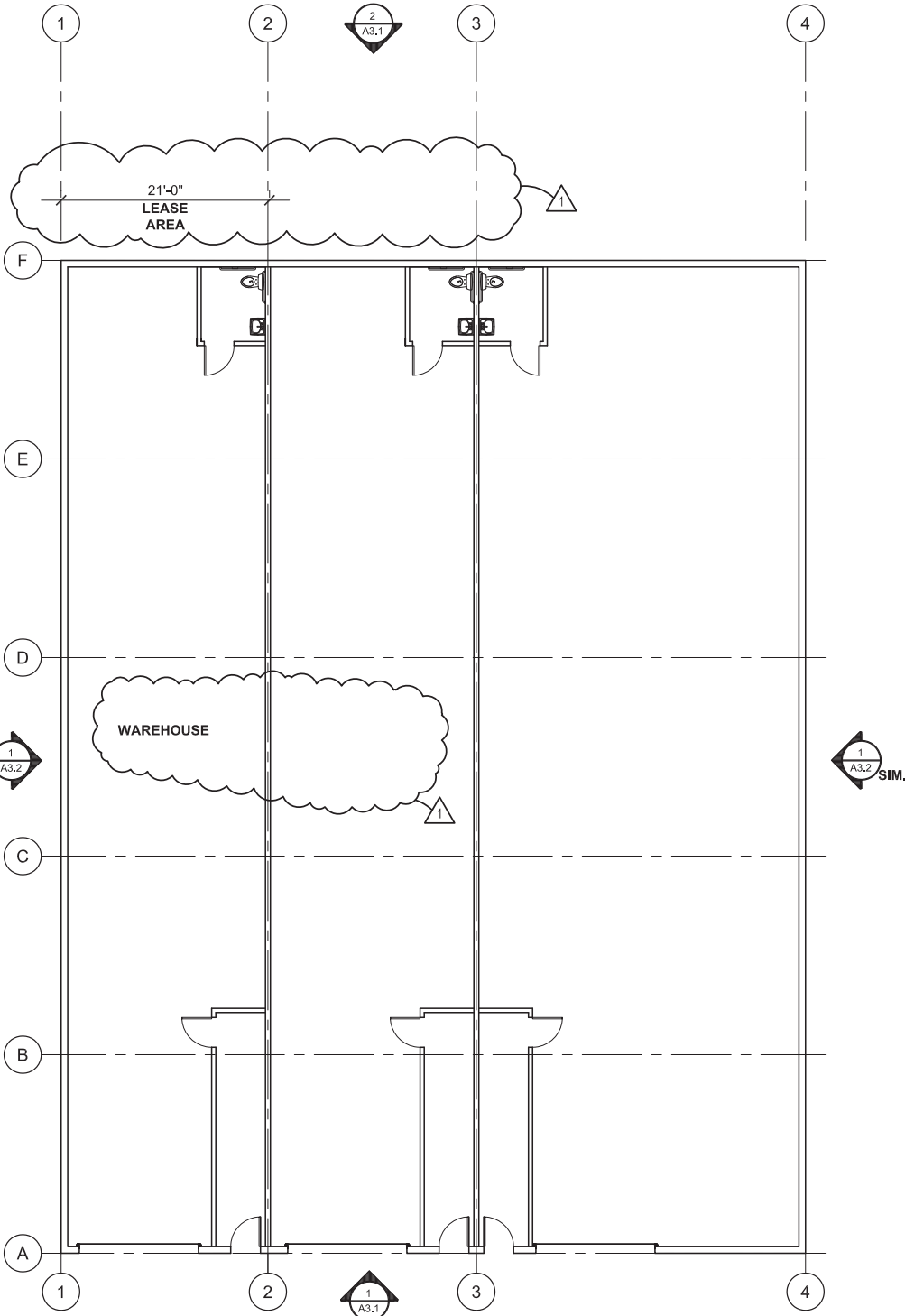
Harvey Hacker Architects
528 Bryant Street
San Francisco, CA 94107
415 957 0579



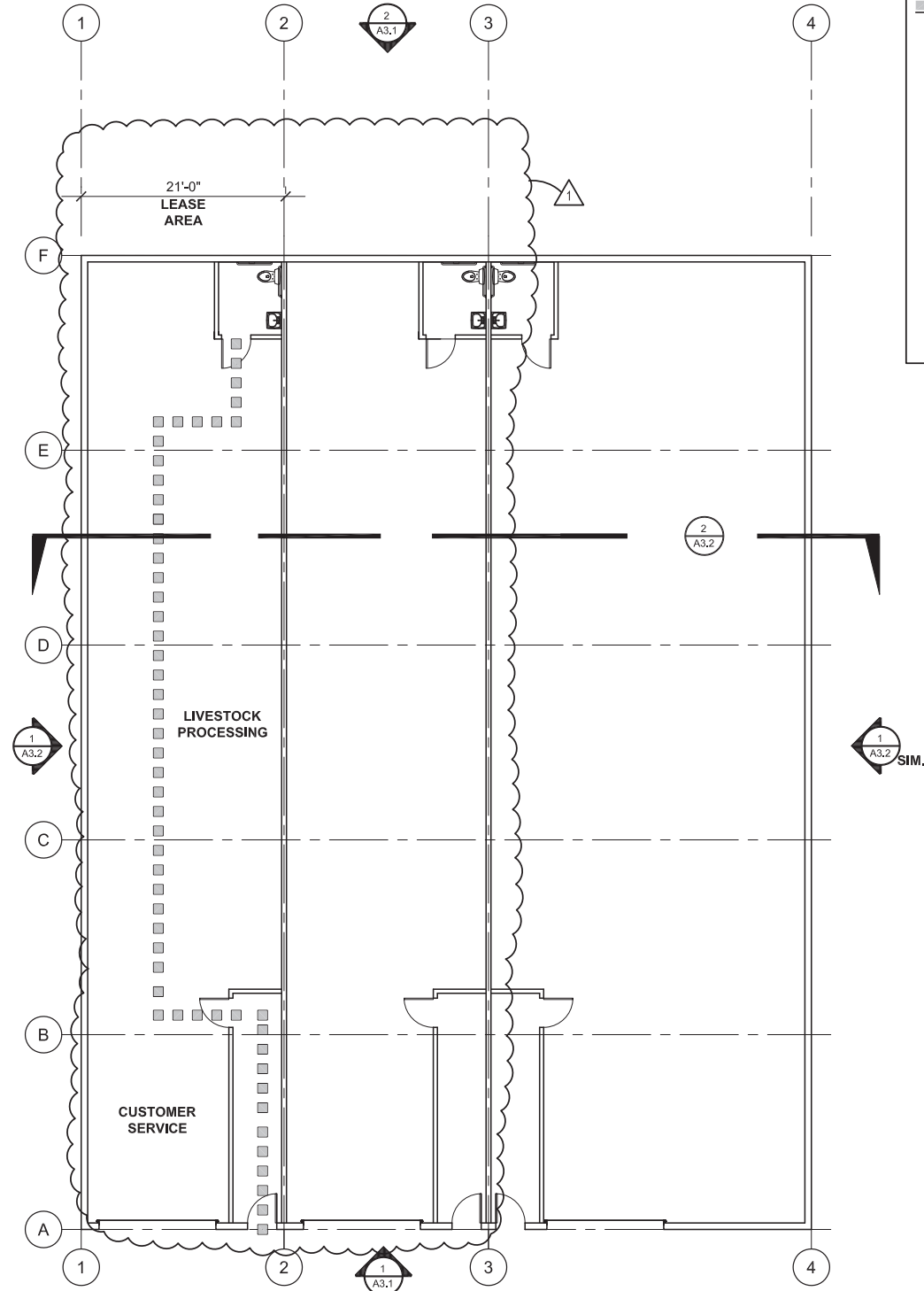
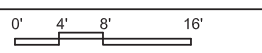
LIVESTOCK PROCESSING & SALES
1526-C WALLACE AVE.
SAN FRANCISCO, CA

TITLE SHEET

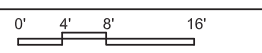
DATE	8 / 9 / 17
SCALE	AS NOTED
DRAWN	MR
JOB	1719
SHEET	A0.0



2 EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



FLOOR PLAN LEGEND	
	EXISTING WALL TO REMAIN
	NEW WALL
	NEW 1-HR. WALL
	TO BE DEMOLISHED / REMOVED
	ACCESSIBLE PATH OF TRAVEL
	PARTITION TYPE SYMBOL, SEE WALL/PARTITION SCHEDULE
	DOOR SYMBOL, SEE DOOR SCHEDULE
	EXISTING DOOR SYMBOL
	EMERGENCY EXIT SYMBOL

REVISIONS	BY
1	REVISION
	20 OCT 17

Harvey Hacker Architects
528 Bryant Street
San Francisco, CA 94107
415 957 0579

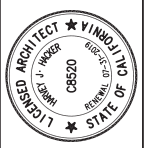


LIVESTOCK PROCESSING & SALES
1526-C WALLACE AVE.
SAN FRANCISCO, CA

EXISTING & PROPOSED FIRST FLOOR PLAN

DATE	8/9/17
SCALE	AS NOTED
DRAWN	MR
JOB	1719
SHEET	A2.1

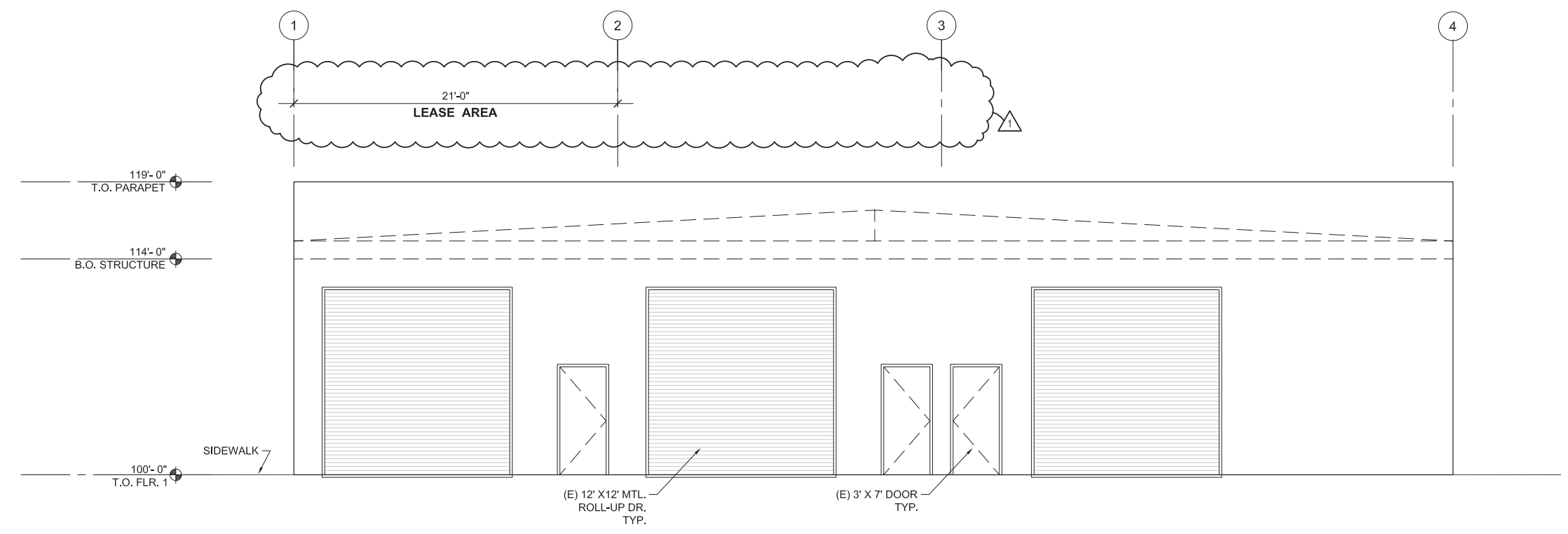
REVISIONS	BY
1	REVISION
	20 OCT 17



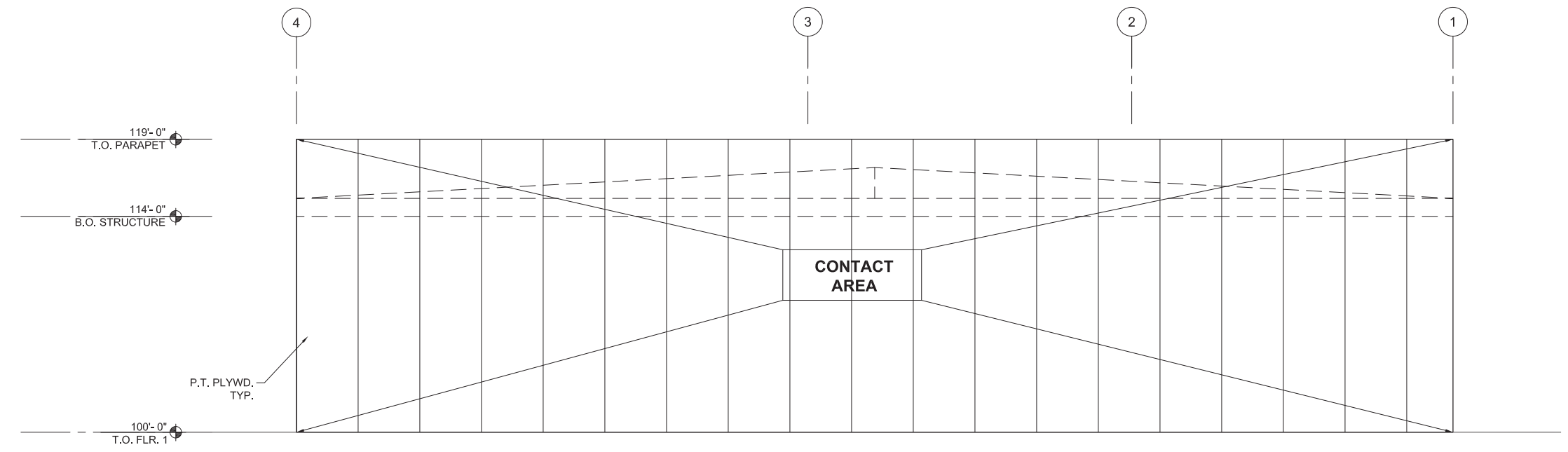
**LIVESTOCK PROCESSING
& SALES**
1526-C WALLACE AVE.
SAN FRANCISCO, CA

**EXISTING & PROPOSED
EXTERIOR ELEVATIONS**

DATE	8 / 9 / 17
SCALE	AS NOTED
DRAWN	MR
JOB	1719
SHEET	A3.1



1 EXISTING WEST ELEVATION (NO CHANGE)
SCALE: 1/4" = 1'-0"
0' 2' 4' 8'



2 EXISTING EAST ELEVATION (NO CHANGE)
SCALE: 1/4" = 1'-0"
0' 2' 4' 8'

REVISIONS	BY
1	REVISION
	20 OCT 17

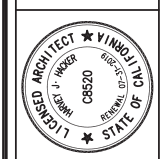


Harvey Hacker Architects

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 San Francisco, CA 94107

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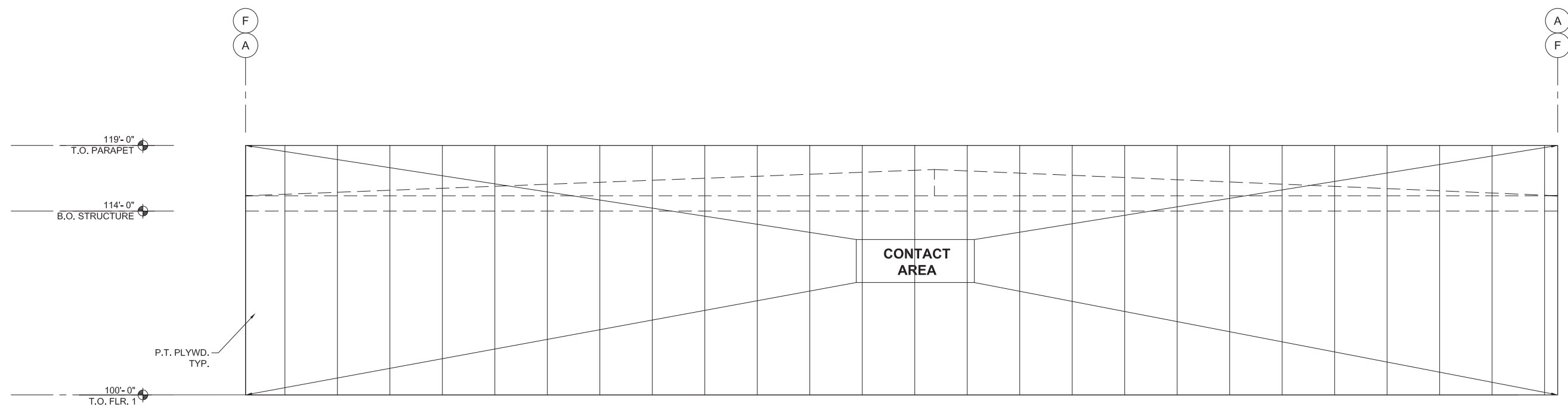
LIVESTOCK PROCESSING & SALES

 1526-C WALLACE AVE.

 SAN FRANCISCO, CA

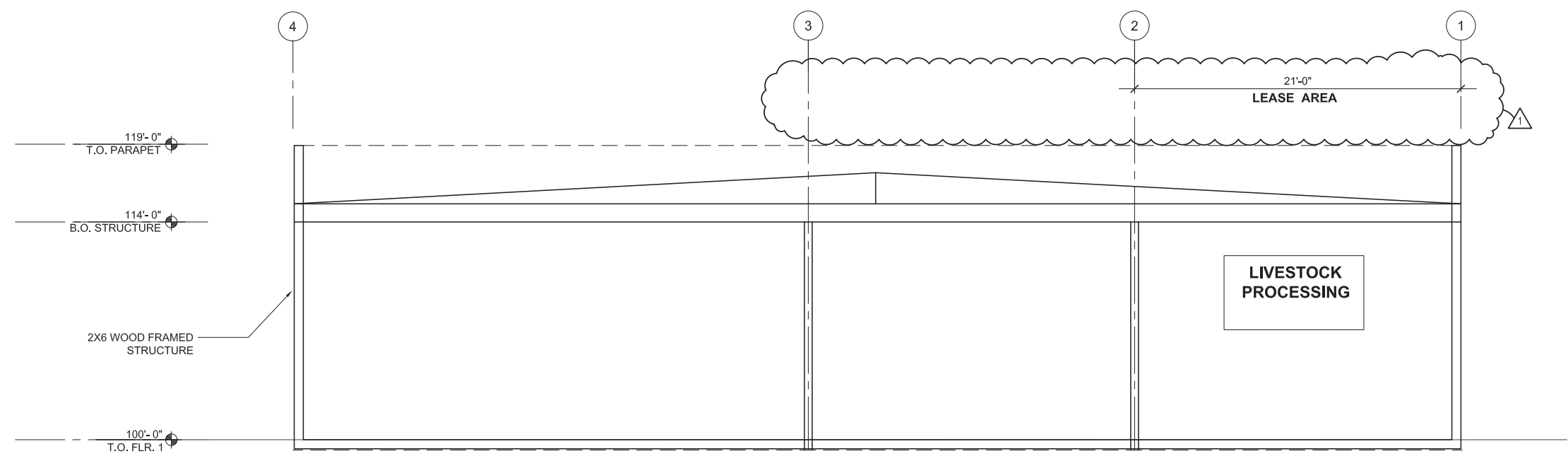
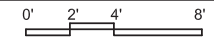
EXISTING & PROPOSED EXTERIOR ELEVATIONS

DATE	8 / 9 / 17
SCALE	AS NOTED
DRAWN	MR
JOB	1719
SHEET	A3.2



1 EXISTING NORTH ELEVATION (SOUTH SIMILAR)

 SCALE: 1/4" = 1'-0"



2 BUILDING SECTION

 SCALE: 1/4" = 1'-0"

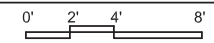


Exhibit B

SFPD Police Permits Hearing Results (Jul. 15, 2015)

Police Department

July 15, 2015

San Francisco Police Department

Chief of Police Permits

Hearing Results for

Wednesday, July 15, 2015

Room 551 at 1:00 PM

1 **Alonso, Joel**

1526C Wallace Street

District: U

Tow Car Firm

Permit #: 143897

OK TRAFFIC, PERMIT.

dba "Charles Tow Service"

Adding two (2) tow trucks, for a total of five (5).

06/24/15 - Corrected DBA---from "Charles Tow" to "Charles Tow Service".

Continued from 06/24/15 to 07/08/15 to 07/15/15.

Original permit granted 11/12/14, expires 11/12/15.

Decision: GRANTED

2 **Bechard, Thomas**

101 California Street

District: A

Commercial Parking Garage Renewal

Permit #: 110263

OK Co. A, CP, RISK MANAGEMENT, SECURITY PLAN, SFFD, TAX COLLECTOR, BID, PERMIT.

dba "Propark"

Exhibit C

**Planning Department – List of CEQA Exemption Types (Printed Jan. 23,
2018)**

Planning Department

List of CEQA Exemption Types

**[Revised and Adopted by the San Francisco Planning Commission
Resolution No. 14952, August 17, 2000]**

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 "projects" 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 "existing 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 "operation" 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" 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" (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 "dwelling unit" or "residential structure" 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 "earth" normally means natural materials, but it may include other materials such as demolition debris at locations where they have the required compatibility.

The term "filling" 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.

Exhibit D

Bayview Hunters Point Area Plan – Industry (Printed Jan. 24, 2018)

INDUSTRY

The principal objectives for industry are to maintain and fully utilize existing industrial areas to better meet the City's and Bayview's economic needs and to achieve a closer linkage between the employment and investment opportunities created in the industrial areas and the employment and entrepreneurial needs in the Bayview Hunters Point community.

Background

Over one quarter of the land in Bayview Hunters Point is occupied by industrial uses, not including the Shipyard or Port property. The subareas that have industry as a primary land use include: Northern Industrial, India Basin Industrial Park, South Basin East, and South Basin West. Together these industrial areas contain over 1,000 establishments and provide almost 15,000 jobs. Maintaining the vitality and growth of these areas is crucial to the economic well-being and future of Bayview as well as the city as a whole.

The Northern Industrial area, India Basin Industrial Park, and the Port facilities at Piers 94 and 96 are oriented toward light and heavy industrial activities, maritime industry, and heavy commercial. Physically removed from Bayview's primary residential areas, India Basin Industrial Park and the Port's container terminals in particular are more directly linked to the adjacent maritime/heavy industrial uses in the Central Waterfront north of Cesar Chavez Street, immediately outside the boundaries of Bayview Hunters Point. Industrial growth in South Basin is circumscribed by surrounding residential areas and the Candlestick Point State Recreation Area. Future growth should be directed toward achieving more efficient utilization of space in already built-up industrial areas and improving compatibility with the State Park and surrounding residential areas.

The other previous industrial area is the Hunters Point Shipyard. Through special legislation under the federal Base Closure Act, it is being ceded to the city. Occupying over 500 acres, it was the single largest industrial area in the district, and has had determining influence on the overall economy of Bayview and the city as a whole, particularly when it was fully utilized by the Navy as a major ship repair facility from World War II to 1974. By physical location and characteristics and by citizen input, it is an appropriate location for a wide range of new uses, including housing, research and development, retail, commercial office and light industrial uses. The historical conflict between housing and industry in the Bayview and the need to achieve harmony between residential and industrial areas prompted the extensive community planning process to develop the Hunters Point Shipyard Redevelopment Plan, which designates land use throughout the Shipyard. Land uses include a variety of Research and Development Uses, Office Uses, Light Industrial Uses, Mixed Land Uses, residential and Cultural and Educational uses. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan and its accompanying Design for Development document.

OBJECTIVE 8

STRENGTHEN THE ROLE OF BAYVIEW'S INDUSTRIAL SECTOR IN THE ECONOMY OF THE

DISTRICT, THE CITY, AND THE REGION.

POLICY 8.1

Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts.

Northern Gateway, South Basin, Oakinba, and the India Basin Industrial Park have been rezoned to new Production, Distribution and Repair designations. The new districts clarify the purpose of these vital neighborhoods by clearly limiting uses that could compete for land and could create damaging land use conflicts.

A major opportunity to bring the Hunters Point Shipyard under productive use for local purposes has become available with the Congressional Base Closures Act. Separate legislation to specifically cede Hunters Point Naval Shipyard to the City creates a unique opportunity for the City to bring the shipyard area into full productive use in a way that benefits both the local and regional economy. Reuse of the shipyard has been planned for in the Hunter's Point shipyard Redevelopment Plan and its accompanying Design for Development document. The Redevelopment Plan provides for a mixed-use development including light industrial, and other mixed uses. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan. Given the central role of the shipyard in the overall economy of Bayview Hunters Point and the City and County, it is essential that these activities be closely coordinated with the planning activities for the Bayview as a whole.

POLICY 8.2

Achieve reuse of Hunters Point Shipyard.

A major opportunity to bring the Hunters Point Shipyard under productive use for local purposes has become available with the Congressional Base Closures Act. Separate legislation to specifically cede Hunters Point Naval Shipyard to the City creates a unique opportunity for the City to bring the Shipyard area into full productive use in a way that benefits both the local and regional economy. Reuse of the Shipyard has been planned for in the Hunter's Point shipyard Redevelopment Plan and its accompanying Design for Development document. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan. Given the central role of the Shipyard in the overall economy of the Bayview and the City and County, it is essential that these activities be closely coordinated with the planning activities for South Bayshore as a whole.

OBJECTIVE 9

IMPROVE LINKAGES BETWEEN GROWTH IN BAYVIEW'S INDUSTRIAL AREAS AND THE EMPLOYMENT AND BUSINESS NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY.

POLICY 9.1

Increase employment in local industries.

The India Basin Redevelopment Project has been successful in attracting new industries to the Bayview district. It is not clear, however, that the project has fully met its employment goals of creating major job opportunities for local residents. Local unemployment rates have fluctuated since completion of the redevelopment project. Future revitalization activities should give greater priority to assuring job opportunities for local residents.

POLICY 9.2

Encourage the local business community to play a larger role in Bayview's industrial sector.

The business community in Bayview Hunters has focused much of its interest on revitalizing the retail section of Third Street. Yet even with such revitalization, business opportunities would be limited because of the essentially neighborhood-serving commercial function of Third Street and the ample supply of existing commercial space. Bayview's industrial sector also offers many business opportunities. The local business community should broaden its interest in economic development to look at ways of playing a larger role in the industrial sector.

POLICY 9.3

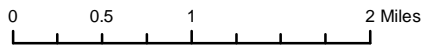
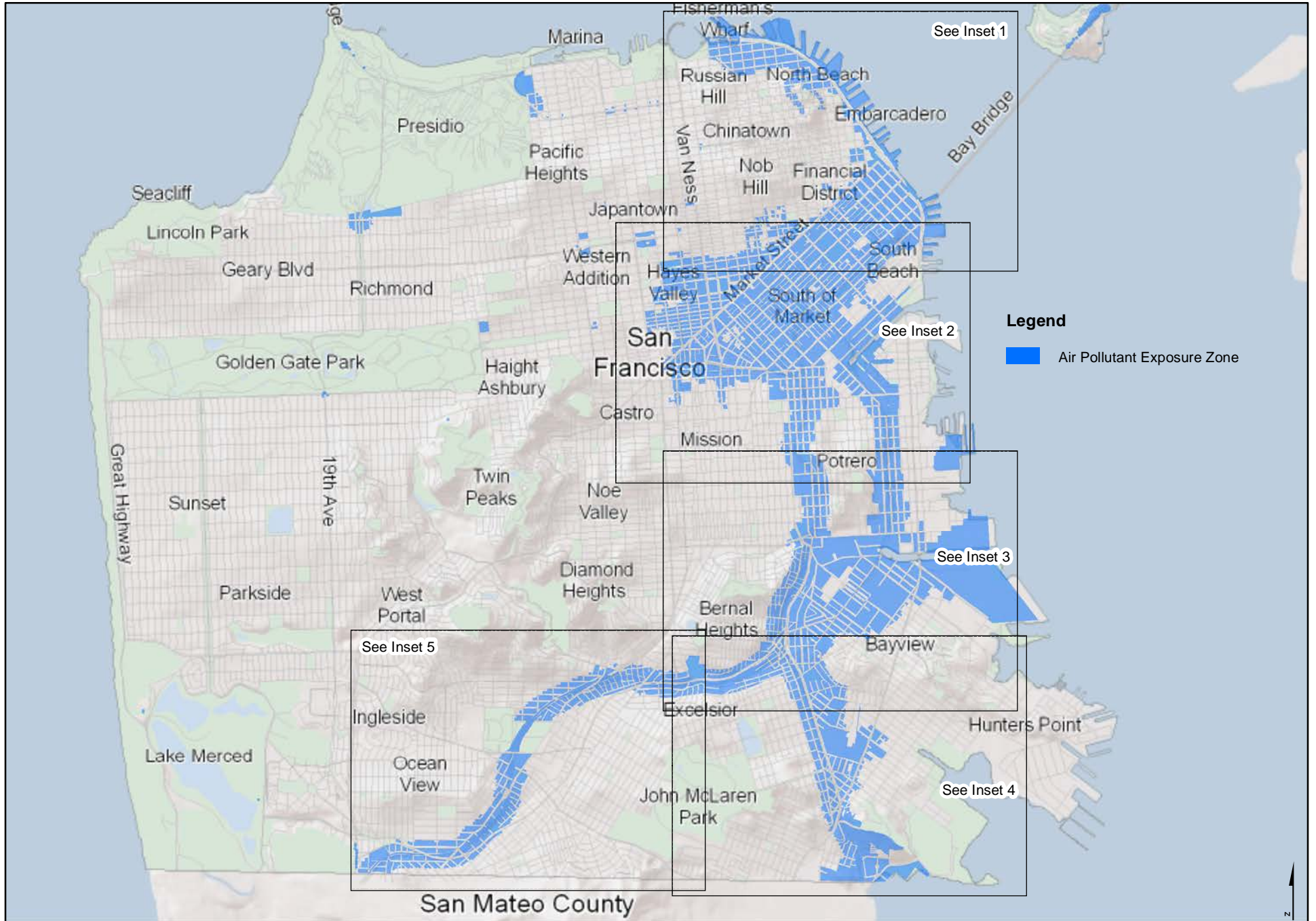
Support expanded role of African American firms in distribution and transportation industries.

The South Bayshore Economic Study (May 1988) prepared by Recht Hausrath Associates documented that "Warehousing/Distribution/ Transportation" (W/D/T) industries dominate the Bayview economy. African-Americans are grossly underrepresented in these industries. In most cases, as business owners and operators, they are totally unrepresented. Since the late 1980s, a few African American firms have managed to gain a foothold in this economic sector. These firms include one trucking firm owned and managed by African-American women. The efforts of these firms should be strongly supported. They still face many barriers to full participation as private entrepreneurs because of the historical isolation of African Americans from these industries. These barriers include private market restrictions relating to bonding, financing, contract bidding, marketing, and organizational leverage. Programs specifically designed to eliminate each of these barriers should be developed and implemented so that African American firms can compete on an equal basis with other private firms in this important economic sector of Bayview Hunters Point.

Exhibit E

SFDPH Air Pollutant Exposure Zone Map – Citywide (Apr. 10, 2014)

Air Pollutant Exposure Zone Map - Citywide



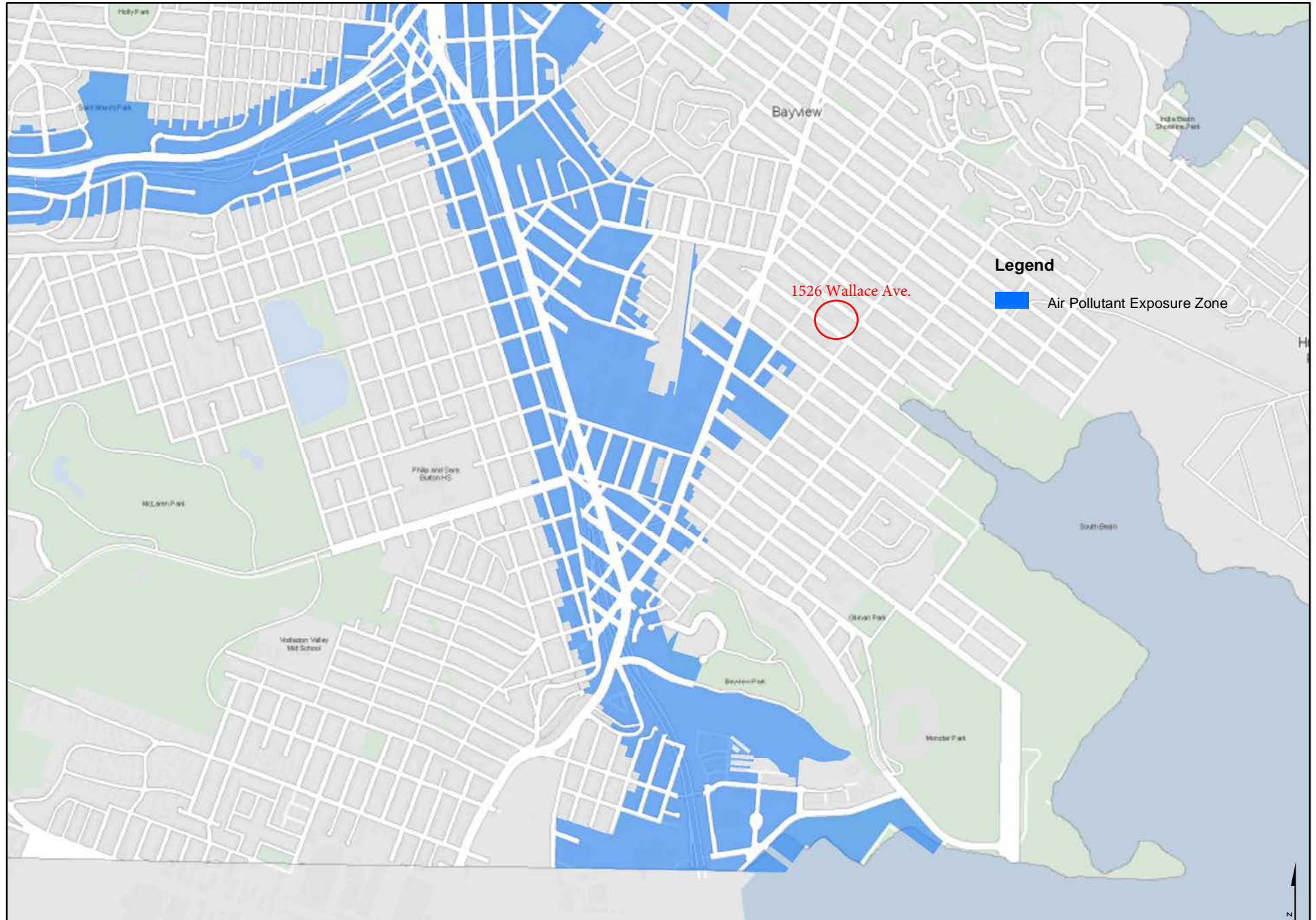
Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

Exhibit F

SFDPH Air Pollutant Exposure Zone Map – Inset 4 (Apr. 10, 2014)

Air Pollutant Exposure Zone Map - Inset 4



0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

Exhibit G

Planning Commission Caption Notes (Nov. 30, 2017)

on item 19, 2014-0376 cu 1526 wallace avenue.

>> I'd like to make a quick introduction of the staff members who's going to be

presenting number 18.

Matthew chandler retired as a

current planner with the flex team. He has experience in the commercial construction industry and city planning. He's worked with preservation

and city planning in the

midwest and join is us most

recently from St. Lewis, missouri.

He holds a bachelor's degree in

planning from missouri state university, and we welcome him to staff.

>> **Supervisor:** welcome, matthew. >> yes.

Thank you for the introduction, marcel. The case before you is a request for conditional use authorization to process and

sell small livestock at 1526 wallace avenue, a parcel within the production, distribution,

and repair zoning district.

This was processed as a cb 3 p or community business priority processing program application. Livestock processing one, which is defined in the planning code

as an industrial use that involves the life storage

killing or dressing of poultry rabbits or other small

livestock and/or the tanning or curing of raw hides or skins

from an animal of any size.

This use allows direct sales to customers and requires a conditional use authorization in this zoning district.

The simple reason why we're

here today.

Saba live poultry has been in

business for five decades. This use is subject to the locations and operation

restrictions of section 202.2 b of the planning code requiring the operation within a

completely enclosed building with no openings other than

fixed windows or exits required by law if within 50 feet of a residential district. The operation will be wholly

conducted within a hard shell

enclosure which enclosure, and the subject site is surrounded completely by other industrial uses and pdr

zoned parcels.

Saba live poultry plans to establish a second location in the bay area. The facility will process on-site and sell directly to

the consumer.

This style of butchering will

provide a service which the san francisco city and county currently lacks. At this time those who are

limited to or wish to purchase halal products must travel outside of sprask.

i have completed copies of the required categorical exemption as well as public comments that were received after the commission packet was prepared. There are also copies up here for the public, as well. The department has found the project to be on balance, consistent with the general plan, and necessary and desirable and recommends approval. This -- that concludes my presentation. I am available for questions. The sponsor team has a presentation to follow with additional details.

Thank you.

>> so jonas, could I hand over

speaking cards for the supporters who are still here,

and these are for the 16 who

had to leave since things went a little bit longer. Maybe I should move over here.

So good evening, commissioners.

Dan franton with reuben, ginous

and rose for saba live.

We're here asking for the permission to grant a cu for the saba processing facility. As you heard, this will be the

only facility of its kind in san francisco, although saba does have a long record of operating eight facilities in

new york, as well as in the

fruitvale district in oakland.

Halal generally refers to what's in islam general practices and then slaughtered

according to the specific practices.

A brief prayer said before the animal's throat is cut. Its blood is drained, and as in

every slaughter house, there's an inspector present to make

sure that's everything that's done is high generalic ygienic. Many cultures want to see the conditions that their animals live in and are processed in,

and it's an important part of their food culture and their

religious practices.

These are some of saba's new

york facilities. So you can see that they're

often in locations that are --

that are not industrial. They're residential uses. These are not industrial scale

production facilities, they're -- they're really small

scale faciilities that are comparable compatible with mixed use neighborhoods.

Customers at their oakland

facility tend to be east asian,

muslims and latinos, mainly, and then, they serve some is

restaurants.

Saba's decision to -- let me just...Saba's decision to

locate in the bayview was

driven by a couple of things. One is desiring to be close to their customer base.

They're just a couple blocks

off the t-3rd railway line, and I think these conditions are

setup to regulate much larger

facilities than what saba

proposes here.

As know, less than 5% of san francisco is zoned for industrial use, and that

figure's been getting progressively lower over time.

Livestock processing is allowed

only in a subset of those

districts so there are really very few places for this business to go.

The pdr is intended to

facilitate some heavy pdr traffic. It's 24 hour trucking, relatively noising operations. There are a lot of auto body

shops, a lot of very active trucking facilities around here.

Saba's use is going to be

much -- much less intensive than what's -- than what's

going on around it. You can see some pallet

facilities, a lot of auto body shops.

Actually one of those is where

saba's facility will be moving into.

Saba's use here, it's a 2100 square foot facility. It'll be completely enclosed. They anticipate storing about

500 birds on-site on a typical

day to support daily sales of

about 200 to 400 birds, which

sounded like a lot to me when I first heard and then I went

over to see their facility in fruitvale, and it's really a room with a few cages of chickens in it.

It's not really a large operation. Of course, there will be some

peak times with more birds, but this is just the general day today. Trucking to and from the city

will be -- or to and from the facility will be really typical

for a small industrial use

probably less than many of the other businesses around with

one to two trucks a day. Although san francisco only allows livestock processing in a few industrial districts, they're allowed a lot more

widely in -- in other cities, including in oakland, where you

can see there's a residential building right next door.

I was there, again, this morning.

You don't smell any odors off-site.

It's actually a pretty quiet facility. I guess I'm out of time for the moment, but there are a few

other speakers here who I'm sure would like to make a few

more points, and I'm available

for questions.

>> **Supervisor:** thank you, so

I'm going to take public comment.

I'm going to read some names,

and you please lineup against this wall.

Ina dang, marry beth alonzo, nadine May. >> if your name's been called,

feel free to approach the dais. >> hi, commissioners.

My name is nadine May.

I'm a san francisco native, and the first thing I want to point

out is I have a button on my

purse that says, actually, keep our muslim neighbors safe.

My t-shirt says no muslim ban ever, so I don't think anyone

can accuse me of islamophobe I can't, not

can't -- islamophobe.

The last slaughter house was

closed before the earthquake,

and the one before that was 1971. I feel that it's not appropriate to have a slaughter house here.

I think san francisco's been vanguard, I think we've always

been, and I'd like to see the city move forward on an issue

that impacts not only animals, health, welfare, and the environment. Everybody knows that -- well,

maybe you don't know, but meat

and dairy industry is the

number one contributor to global warming, number one.

It's incredibly did he estrective of habitat. We don't want it around. I simply don't want san

francisco to go in that direction, and one other thing I wanted to point out is would

this slaughter house have been proposed in an area like the

richmond district where I live, even if it were zoned for that,

or st. Francis wood or pacific heights, no, it's in the bayview, which is as we know, a poor, struggling area that I

know fairly well 'cause I have friends there. And I think this is a question of the environmental injustice. I just don't think it's fair

the bayview has fought very hard to have a healthier environment, and I don't think

this is going to contribute to it.

I am a vegan, but I don't like in a bubble, and I'm very

concerned about conditions of

animal welfare, conditions of slaughter. I know that they would be able -- the slaughter house

would be able to sell animals

to the public, so while their facility says that they would

be killed in a halal method, in a humane method, what happens

when they sell to the public? There's no guarantee at all that those animals will be

killed in a halal manner, and last, but not least, jobs. Everybody mentioned jobs, everybody wants local jobs,

which is great, slaughter house jobs are awful.

They're mostly all across the

country done by undocumented

individuals, and there's a reason for that people people

do not want to do that. Thank you. >> thank you, ma'am your time is up.

>> thank you, commissioners. My wife is

name is ina day, and my wife and I are raising three chirnz,

and we run a doggie house at 223 shafter in the bayview.

We are embedded in the community. We care about the community. The bayview has historically

been a dumping ground for toxins.

30% of all toxins of san francisco have been placed in the bayview. I am native san francisco.

My fathered fished in the

waters avenue of bayview in the yosemite. When you bring a business such

as a slaughter house, and we

know that there are toxins in

chicken poop dust, where the feathers are going to go, I ask

you to take a pause and do an environmental impact study

before you place this into the bayview. There are zoning for this, but there are 37,000 of us that

live there, and it's also a socially economically challenged community, and we

don't need to increase the staff that show that our asthma rates are four times higher than the rest of the city, and

so are cardio problems, so please tell us where the exhaust is going into our system, what is being done with

the poop, what is being done with the blood. Personally, at my doggie

daycare, the facility was run at a as a meat packaging company

from 1992 to 2012 before it was sold to my predecessor.

We tried to find the source of a stench.

We were told by the President Sever that it was urine.

It turns out it's blood in the

water system below us, and we're spending thousands of dollars to dredge that out that

was in the system from 1992 to 2012, so I ask you please think about the community as you move

forward with this. Please stop the cycle of environmental racism and impact

on those who are in the lower socioeconomic realm. Thank you.

>> thank you, mace iss dain.

Next speaker, please. >> hi there.

My name is deandra hundrin, and before I start, I just need to

make a minute because the emotional feeling of standing there -- actually, watching this room packed for people who were fighting in regards to

buildings, and brick and mortar

to being just a few people here

fighting for lives of people

was quite interesting.

Again, my name is deandra

deandra hundren.

Current owner of business bear

with me, a mother and daughter doula and maternity consultant business located in the

bayview, and a member of the

economic development on 3rd

street, I'm actually the secretary of that committee. I am submitting these comments

or stating these comments to each of you for consideration in regards to the conditional

use permit currently pending for 1526 wallace avenue. My commitment as a business

owner and a long time resident

of the bayview-hunters point community has made it possible

for me to raise my children, now grandchild in our family home, just three blocks away

from the property at 1526 wallace.

I received no notification on

my door, in my mailbox, in my

e-mail, knock on the door, from

anyone stating and letting me

know that this slaughter house was going to happen just three

blocks from my home.

It is so disappointing that once again the community and folks like myself that live

just blocks away from what I

feel is an intrusive and potentially hazardous establishment wasn't notified

in a clear, concise and acceptable way that this

potential event has the potential to take hold in our back yards. In fact, I can see the slaughter facility from my living room window.

It wasn't until I requested to

be on an informal call with the animal legal defense fund that

I learned about the proposed conditional use request in its current format. I, too, believe the department

lacks an adequate real basis

for approving the conditional use affecting 1526 wallace

avenue as a livestock processing avenue. The 20152016 wallace avenue

building it into a livestock

processing facility has strong

environmental impacts. I strongly believe that you need more information.

I strongly believe we as

residents need more clear

information about blood -- and the waste. Thank you. >> thank you.

Next speaker, please. >> hi there.

My name is ali al-moled, and

what we need is a halal chicken. I'm a citizen, you know, this is what we're looking for in

this area, and I hope you approve it. Thank you. >> thank you.

Next speaker, please. >> hi there. Good evening.

My name is marry beth stalanzo,

and I am a resident of the district. I have concerns that a slaughter house would have on the neighborhood and the animals. I would oppose a slaughter house in my own neighborhood, and therefore, iopose one in

the bayview, too.

People who live, work, and

visit there should not have to

deal with the impacts, be they

physical or emotional any more than I want to.

I ask you to deny this application, please.

>> thank you Miss Stalanzo. Next speaker, please. >> how do you do.

My name is salal, and I'll make this very short for you.

I hope we're not debating here whether people should eat meat or not and what kind of meat

they should eat.

However, I want to relate to

you that our community needs

and demands are under represented. Our community needs -- there's

no place for us, for muslims to go ahead and get halal meat around this place, the place of the city of san francisco and while it was opened with the muslim community in mind, I have a business very close to the one in oakland.

Over 90% of clients are non-muslims. I spent the last three days counting foot traffic to that

store, and I have found that in

the first day, one out of 12 were muslim.

In the second day, one out of

11, and the third day, one out

of nine, so the people that go there really demand and need to see where the animal has come from, how it is being slaughtered and how it's being processed.

It might be somewhat foreign to

some -- a good segment of the

population, but for a whole lot of us who really care about organic a place is, where this product has come from, what

food did it eat, and how it's slaughtered. We're importantly for the

people who are really worried about how humane it is or not, I challenge that there is a more humane way of slaughtering an animal, and I hope that's not the discussion that we're having here than the muslim way.

reason why is the animals, when

they get slaughtered are in separate chamber from where

they get gathered. Unlike those commercial

slaughter houses that are in the bay area, where another

animal gets to see another animal being slaughtered.

This is highly fore bidden in

the religion, but more

importantly the health way is really important to the muslims and people who are health conscious. Because the way it was bled out, so it has an impact on the people. We are very well aware that

this place used to for many

years host these places, and I very strongly recommend that

you approve this, not for the sake of the muslim community but the community at large, so

I ask upon you to approve this

agencial use permit. God bless. >> thank you very much.

Next speaker, please.

>> hi name's jamal guinan. I grew up and I was raised here

in san francisco and as far as

I can remember, one of my parents' biggest issues that we

faced when we live here was

finding halal meat.

We can eat -- halal meat is

what we can eat under the

islamic guidelines that require healthy, humane treatment of

the animals. That was important to our

family first and foremost

because of the meat. 20 years later, and now I am facing the same difficulty

finding halal healthy, safe meat to provide to my kids. We are still facing the same issue.

There's no other slaughter house our anything else close to it in that matter that allows clear, visible slaughter

of the animals like they were

saying in conditions that are humane. Not allowed to see other

animals being slaughtered.

The san francisco bay area has

one of the largest muslim communities in the united states, and these are difficulties that we have faced year after year. This is not just for the

quarter of a millian muslims living in the country, but to

the other communities that

follow this culture, asians

that eat this type of meat, and

jewish culture that eats kosher. >>Vice President Richards: thank you.

Next speaker, please. >> good evening.

My name is alina anella, and

I'm speaking on behalf of the animal legal defense fund.

The animal legal defense fund

opposes the permitting of the

slaughter house at 1526 wallace avenue.

As explained in detail in our written statement, the planning

department lacks abadequate legal basis to approve the facility. We urge the department to

conduct an environmental impact

report as required by the

california environmental quality act.

The department has next to no information about what this

slaughter facility will involve.

However, we can expect that the

facility will result in the he

mission of air pollutants, the

release of effluent into water,

and it will generate waste, including solid waste. All of this will have a negative impact on a

neighborhood that's

disproportionately impacted by pollution.

In addition, the animals slaughtered in this slaughter house will be transported all the way from pennsylvania, and when they get there, they'll be held sometimes up until multiple days in small cages.

This long transport and being held in these cages will cause the animals unnecessary suffering and it will increase their risk of disease when they're placed under stress and kept in close quarters.

This in turn puts the community at risk for zoonotic disease.

Lastly, proper notice was not given of the consideration of

this conditional use permit application as required in the san francisco planning code. Notice should have been given 20 days in advance in the newspaper. That would have been November 10th. However, notice was given on November 22nd in the

newspaper, which is 12 days late. As a result, not all community members had a property opportunity to comment on this.

Thank you for your consideration. >>Vice President Richards: thank you thank you.

I'll call some more speaker cards. -- those were called?

I'm sorry.

Sala al kari, schwan parker,

abdul,

abdul, -- abdul awardi.

>> hi.

I'm here to support the -- [Inaudible] We draw up like that.

We like the fresh meat.

If you've ever tasted fresh

meat, you see the difference between this meat and the fresh meat.

We support halal 100%.

It's strong for our community.

It's different from other meat absolutely. That is different from any meat in san francisco.

When they opened it in oakland,

I supported it 100%. It's the taste is different

from others.

Please we need your support. Thank you. >>Vice President Richards: thank you. Next speaker please.

>> my name is shawn parker, and

I support the opening of the slaughter house. There's been misconceptions on how the blood and everything -- it does not go into the sewer, it's separated into a tank so

it does not go into our sewer systems, and feathers and everything are placed in

separate containers, so there's

no problem with, you know, the environment because it is put

into a different waste container.

Also, there are drains and

filters to prevent the -- just

like for restaurants, how they have grease traps, things are separated out so it's not going into the sewer system, but once

again, I wish you would support

the use of the slaughter house for us. Thank you. >>Vice President Richards: thank you.

I have a few more speaker

cards.

Moniae mohamed rkts olga miranda, roberto hernandez, and

michael haas. Anybody? -- or anybody else who would like to speak, to offer public

comment on this item.

>> good evening, commissioners, council. I'm not in opposition to the establishment of the business that has been proposed.

I've known the gentlemen that are operating the business in

oakland for just under 3.5

years, and since July of 2014, I've been to their business nearly a dozen times.

None of the issues that were

raised here, which were opposable, which was a smell

was recognized.

I understand that there's some

consideration for airtion. I did not recognize any

problems with that in my visit to the business, and as such,

I'm not in opposition to the

establishment of this business based upon my observations of

the business in oakland. Thank you very much. >>Vice President Richards: thank you.

Any additional public speakers?

Public comment, please... >> good evening commissioners.

My name is kristina stella.

I am a staff attorney with the animal legal defense fund.

I'm a san francisco resident,

and a patron of businesses in bayview, hunters point.

I just want to reity rate, erate, legal notice was not given to us

under the planning code. Green action, the planning

organization that represents

residents of this neighborhood

has submitted comments based on opposition. Our comments were based solely on environmental impacts, and

so you've heard differing

opinions, but legally, you're

required to decide on the facts.

No offense to the owners, merits of the facility aside,

but the facility will have

significant environmental impacts. Aside from the documentation that alds has introduced into

the record, the commission has

no studies with regards to this facility.

I also want to correct, we have no indication that these

animals are raised under the

standards of the national organic program, as someone mentioned. Slaughtering 400 birds or

keeping 400 birds on-site is

substantially larger than the

location in oakland, and the oakland city council pushed

back on that facility. Our written comments and the

comments we've submitted today

meet the even if this facility will ultimately be regulated by

other agencies or under other laws, it is still your responsibility to study its

impacts before approving it and to justify your decision in light of the information that

you've been presented with. You saw earlier the value of the air. We all witnessed that. Much of the environmental information that we presented in our comments was generated

by the city of san francisco which certainly deserves your consideration. Also, with regard to your conversation before about the community benefits package, at this point, there's nothing

that would bind the business owners to any, you know, specific standards, but you do have the power to implement

them, so in conclusion, you need to know the law prior requires

this commission to know, study the impact of your

environmental decisions before

you approve impacts or try to impose any meaningful conditions, so with that missing here, we urge you to deny the permit. Thank you. >>Vice President Richards: thank you.

Next speaker, please. >> hello, everyone.

My name is ahmed aboussi, and

most of my members and

community goes to oakland for

islamic halal meat, and it's

unfair that our -- such a city in oakland has a place for

them -- has a halal meat in

there, and we do not have one here in san francisco. I've been going to oakland for

the past five years.

I did not hear of an environmental problem or health

issue or anything that was

raised by some people in here. Therefore, I'm going to ask --

I also want to add that I was

in here a few weeks ago, and i

went to the same plant with families, and they've been living there for the past 20

years, and there is no environment issue there or health issue.

I'm here today -- I waited for

five hours to tell you, I need

your compassions for our

community to vote yes for that application. Thank you. >>Vice President Richards: thank you.

Next speaker, please.

>> good evening and I want to

thank you for your marathon meeting. You guys have been in and out,

and it's been a long night, so

I want to be able to thank you

for your time and that you guys are still awake.

My name's olga miranda, and I'm

the President Of local 87, and I'm speaking in support tonight

of saba halal meat.

I represent about 5,000

janitor's working in private sector in san francisco the

lights you see on in the city,

those are our members, those

are our workers working downtown.

Our union local 87 doesn't just stop at our contracts.

We go and we help our members advocate at the school district for more -- better services for our children.

We also go and we're -- we're

always at the forefront of

fighting for immigrant rights, against police brutality, and the first time in 20 years that

I've ever come to talk to you about meat in city hall, so

there's always a first. Our city has always prided

ourselves in inclusivity.

we've always condemned racism and prems of a face. The condition of wearing a

t-shirt or button is not the

same, because islam is a way of life for our members.

It's a life thing.

These muslim members don't have

a supermarket, and it would be hard on you if you had to travel on us your community just to buy meat.

For our members who are muslim, those are the treks that we

have to go, or stockton or san

joaquin or modesto to get real halal meat, and that would be

an intrusion of all of our time

if we were put in that same position.

They can't afford whole foods, so they can't shop at whole foods.

We, and our members have to travel very far to have the luxury of putting meat, a protein on their table, so I just ask that you please put yourself this that position. How would all of you like to be put in that position, having to

trek just to put a slight of

organic chicken on your tables? For our members. The same way that people feel

so passionate about organic,

halal is the same for our

members. In terms of the socioeconomic

impact, it would be a positive impact.

The bayview has always been ignored, and now, there will be

more gentrification,

unfortunately, but these members live in our community, and for a long time, they've been ignored.

Every weekend at the farmer's

market, life chickens are being

sold there, and they're being slaughtered.

I'm just asking you to think where that has happened. >>Vice President Richards: thank you, ma'am.

Your time is up. [Inaudible] >> thank you. >>Vice President Richards:

ma'am, your time is up.

Thank you. [Inaudible] Thank you.

Next speaker, please.

>> hello.

My name is merces d. I'm not a good public speaker,

but we need your support for our community. Also your support for this business. Thank you so much. >>Vice President Richards: thank you. Any other speakers on this item?

Seeing none, this portion of the hearing is closed. Commissioner johnson?

>>**Commissioner Johnson:** thank you.

So I will have a question or two for the staff and the attorney in just a moment, but

I do want to say that there's a lot of issues to weigh here, but I do think it's important

for us to be culturally

inclusive in this city, and

that's not just being saying

it, when you see people walking

up that may look different or worship different than we do,

but it's allowing for the infrastructure that diversity requires, and I don't think that everyone here in the room here is vegan. I know that some people identify themselves that way, but I don't think they are, but I think we need to really make sure that we are being culturally inclusive as we discuss this project. So my question is, it was a short packet.

It was a short packet, but in terms of the environmental

impact questions, we have a building code, we have a

plumbing code, we have a green building code that -- and I believe -- this is my question

for the city attorney, that

those codes are -- by having them, we have affirmed them

under CEQA, is that -- I have a line of questioning here.

See if I get -- see if I get this right.

>> commissioners, Kate Stacey from the city attorney's office. When the city adopts codes or

code amendments, most of those code amendments are considered

projects under CEQA, so there

is environmental review.

I can't confirm what the environmental review might have

been for the various components of the building code.

>> **Commissioner Johnson:** okay. Thank you. I think the reason I asked that

question is particularly as it

relates to the handling of

livestock and disposal of

remains, those activities

broadly are covered under our

existing codes, so, for

example, I believe that halal method is different in the sense that you're not just

dumping blood in sewers. I mean, the animals are blessed

and they're processed for

slaughter and processing, but

where there is effluent or where there are other remains

or materials, it seems that that's covered under our

plumbing and green building code. >> specifically, I don't know

where the disposal of effluent and blood would happen. The program is going to be required to go through additional review through the building department, as well as receive

approvals through dph

and possibly the state for

disposal of the waste, the processing of food as well as the finish of the interior walls because they're going to be processing food they'll be for sale, so there are multiple steps of final approval that we do not know, I think all of the

details, just like we might not know all of the details that the building department might review, but they are subject to those further details.

As far as the halal slaughter process, I think the project

sponsor might know a few more details if we wanted them to possibly discuss that.

>>**Commissioner Johnson:** thank you. Yeah, broadly speaking, there's a little bit of gray area here,

but I feel it's our decision to

have the land use decision, and there are other departments,

both locally and statewide that cover the operations and making sure that they comply with

those regulations. I'm familiar with -- I haven't

been inside one, but there are halal butchers in other cities

that aren't necessarily in fully industrial areas, so i think there's an opportunity for something here because

here, it's a pdr, but it's not necessarily out that just because of the area that it is.

I would say that debating the bayview-hunters point has other agri-type uses. I would not necessarily say that this is an outlier, and this should be out there somewhere if we're going to

consider ourselves an inclusive and diverse city. The actual operations are covered under other laws and agencies that have, you know,

approved their codes under ceqa. >> Mr. Koppel.

>> thank you, vice President, so I'm going to echo the comments of commissioner

johnson, as far as being inclusive and diverse here in san francisco, seeing as we do

not have one of these already. Looking at the location in

general, I don't have a problem with this business being in

this location, so the land use issue, I don't have a problem there.

I do not think this needs an official eir. I do think maybe some more

clarification to make the

nearby neighbors -- [Inaudible] -- might be in approximate order.

I do see there's talks of a

liaison or odor removal.

Some of this May just go into compost. I don't know and I'm sure there is a plan in place and all of these issues are addressed and

taken care of, but I do think

it May be in order to provide that actual plan in writing to

the adjacent neighbors. I actually respect the treatment of the animals and so

I don't -- I have support for

the project in general.

I May be open to just kind of

solidifying a more defined disposal and removal plan for

the liquids and the solids,

just so that the neighboring businesses and people feel better about what is actually happening, but other than that, I'm supportive. >> thank you.

Mr. Fenton, can you help us with what all that means,

because I'm thinking what the

difference is between this and whole foods.

>> yeah, I'd be happy to answer those questions, and with due

respect to the commission, knowing you've had a long night, it's also difficult to convey the information that we'd planned to convey in half the time that we thought we had, so thank you for calling me. Thank you for calling me back

up to make a couple of more

points because they're -- the

san francisco public utilities commission does have a program

that regulates industrial uses

and what they can put into --

into the sewage system, and so

there's an industrial use

permitting requirement in place

that requires operations like

these to divert solids and to

divert biological wastes from the sewer system, and so what

that's done, when the chickens

are slaughtered, the blood is

captured into a tank.

The feathers are similar ly put into another container to hold

them, as with the meat by-products.

Those are cleaned, they're put

into air tight containers, and

they're stored in an on-site

facility for san tear itary reasons,

and they're collected by

darling, located on amador

street just up the road, where

they take a lot of waste from

restaurants, grocery stores, other food service industries

around the city, and then, turn

those into useful products so

there's -- it's obviously not a

100% closed system, but there

is absolutely a permitting requirement in place that will deal with all of these issues

in a very thorough way. >>Vice President Richards: thank you. Commissioner melgar.

>>**Commissioner Melgar:** thank you.

So just to echo the comments of

commissioner johnson, I do think that supporting the

diversity in the -- our city

means having the infrastructure

to support folks who live here,

and worship here and, you know,

live in different ways, so I do believe that that is something that we must do.

The one thing that I heard that troubled me was about the noticing, and so if you -- if staff could please comment on that, and you know, clarify what the requirements are and

what we did, and if there's any

gray areas that we need to take into account. >> sure. I was able to review the newspaper postings. They are available on the website on-line, and the newspaper posting for this project was made on November

8th, 2017, which is 22 days, which far exceeds the minimum requirements for this area,

which, I believe is 20 days, so

it far exceeds the minimum requirements.

>>**Commissioner Melgar:** okay. Thank you. >>Vice President Richards: commissioner fong.

>>**Commissioner Fong:** yes. While I respect all diet choices and lifestyle choices

and religious choices, I do believe that we are a farm to

table city, and you know, when

we step into a restaurant, we

enjoy that aspect and bringing

produce and the processing of produce, whether it's vegetables or meats getting closer to the place where we're going to eat it and enjoy it. I happen to be a graduate of a

cooking school, as well as a

certified food handler in

sanitation, and to the point,

whole foods doesn't get bulk meat wrapped up.

They cut it down, and dispose

of it in the proper way, using

sanitary chemicals and hot

water over 215 . I'm sure this company would stay to the health department

in all those same codes and aspects, so I'm in support of it.

I think it's just one more aspect that keeps san francisco unique and fresh. >>Vice President Richards: commissioner moore.

>>**Commissioner Moore:** I'm in

support of comments made by my fellow commissioners,

especially the biggest one, inclusivity, and supporting the diversity of our community,

which is a haulmark community. I want to clarify the building in question is really not directly adjacent to residential, but it's clearly

in the midst of like sized

warehouses to all sides, and I do believe that given that we

do have very strict food handling and environmental regulations on all level of local, state, and federal government, that this

particular facility will spend

every -- leave no page

untuned, particularly as it limpps into links into religious practices, so I would move that we approve the project and hope that it

will be realized soon so it can be considered for the community which really needs it.

>>**Vice President Richards:** one morquestion.

Why transport the chickens all

the way from pennsylvania, not petaluma?

>> actually, most of saba facilities are in the new york area, so their website says that their chickens are coming

from pennsylvania, and I think

that's just an oversight

because they have facilities in oakland.

Their poultry is actually

coming from pitman family

farms, which is based in fresno.

You know them as the purveyors of mary's free range chicken

that you get in the grocery stores.

>> we heard this in comment

quite a bit, and people were wondering if this was just chicken and this area is zoned for small livestock processing so you're not going to see

goats and lambs and other livestock in this facility. >> that is correct.

The larger livestock will actually be a different land

use category, so that would be a separate request that they would have to come before the

planning commission to obtain

conditional permit use for.

>> any other comments? No.

Please call the motion.

>> **clerk:** commissioners,

there's been a motion to

1/15/2018

Planning Commission

approve the motion with conditions. [Roll call.]

So moved commissioners, that

motion passes unanimously 6-0. >>V

Exhibit H

Oakland Planning Department Staff Report (cited by ALDF) (Jul. 1, 2015)

Location:	845-849 Kennedy Street (APN019-0066-001-00)
Proposal:	Increase slaughterhouse capacity to include goats and sheep
Contact Person/Phone Number:	Abdulsalam Mused (347) 408 5850
Owner:	Wayne Lazarus Trust
Case File Number:	DET15-026-A01
Planning Permits Required:	Appeal of a Zoning Manager’s determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats and sheep annually under Oakland Planning Code Section 17.10.570 (General Industrial)
General Plan:	Planned Waterfront Development 2, Estuary Plan
Zoning:	DCE-5 Central Estuary District Industrial Zone
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15270 (projects which are disapproved)
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	4
City Council District:	5
Action to Be Taken:	Approve Staff Recommendation
Finality of Action:	Planning Commission Action is Final (Not Administratively Appealable)
For Further Information:	David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

SUMMARY

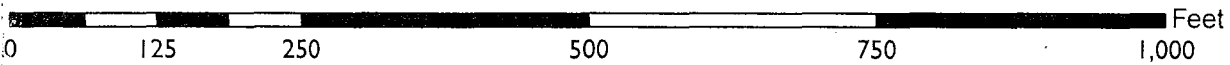
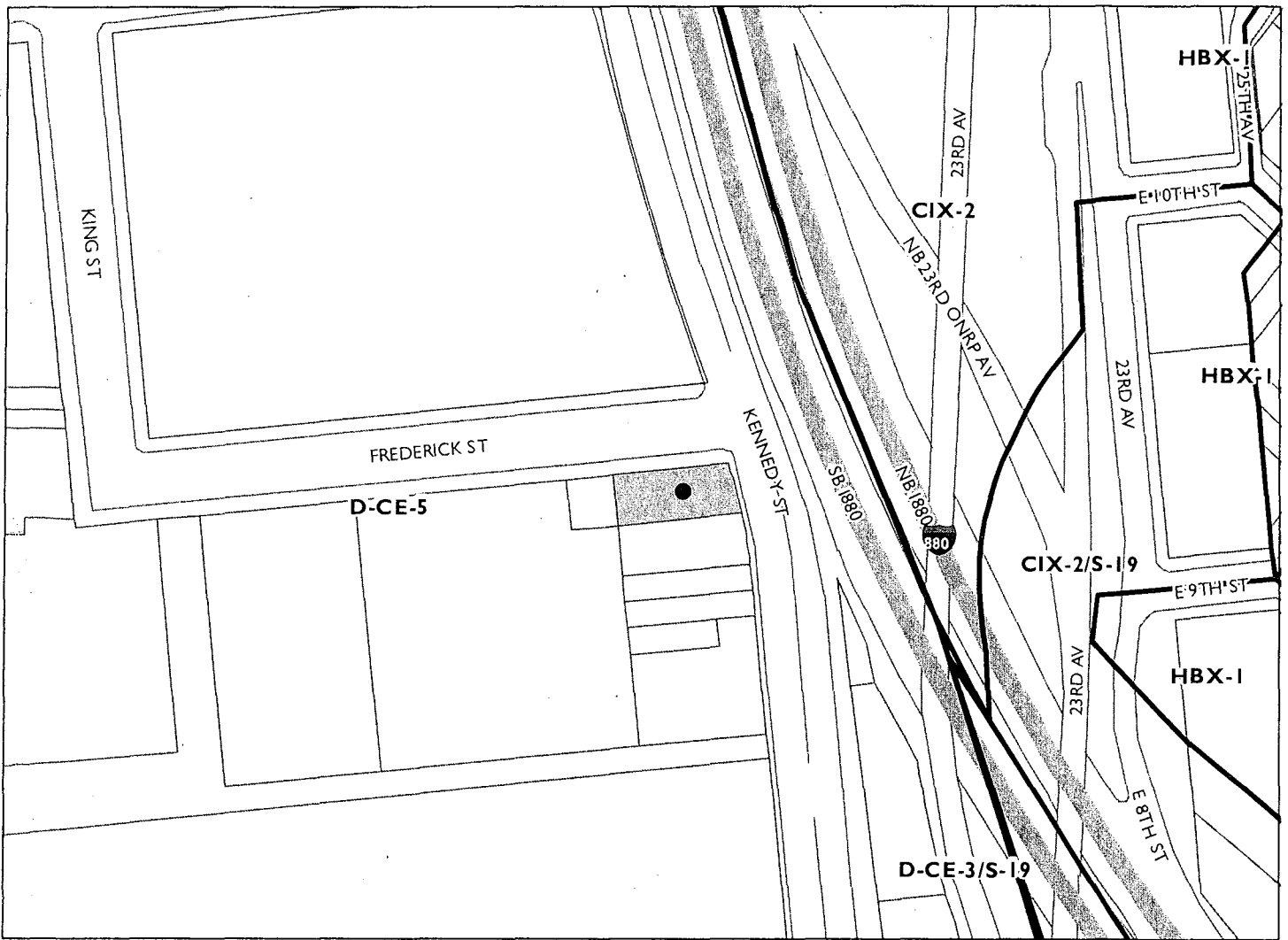
On March 5, 2014, the Zoning Manager issued Zoning Determination DET13-079 (“2014 Determination”), which concluded that slaughter of 50,000 birds per year is not permitted at Saba Live Poultry, located at 845 Kennedy Street. On appeal, the Planning Commission overturned the 2014 Determination. On March 24, 2015 the applicant filed Zoning Determination DET15-026 (“2015 Determination”) requesting approval to slaughter of up to 2,500 goats and sheep annually as well. On May 4, 2015 the Zoning Manager issued a Determination letter that adding goats and sheep to slaughter capacity would be inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570. On May 6, 2015 the owner appealed to the Commission; the appeal is attached Exhibit D.

The appeal fails to correctly cite any error or abuse of discretion by the Zoning Manager, or wherein the decision is not supported by appropriate evidence in the record, and therefore, staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Manager’s Determination.

BACKGROUND

On May 25, 2012, the Zoning Manager issued Zoning Determination DET12-031 (“2012 Determination”) related to poultry slaughter within a 5,000 square foot lease space in an industrial park located at 845-849 Kennedy Street, near the Estuary and Coast Guard Island. The 2012 Determination concluded that slaughter of 20,000 birds per year at this site was (1) consistent with the then-current M-40 Industrial zoning and (2) a permitted General Manufacturing Activity in the Estuary Plan designation, but limited slaughter to 20,000 birds annually. The Commission changed the limit to 50,000 birds per year. The activity is custom (one by one) slaughtering for Islamic religious practices known as halal, which includes customer selection of each bird to be slaughtered and humane treatment of birds. This is different than the large industrial slaughterhouses in the San Joaquin Valley and elsewhere.

CITY OF OAKLAND PLANNING COMMISSION



Case File: DET15026-A01
Applicant: Abdulsalam Mused
Address: 845-849 Kennedy Street
Zone: DCE-5

Since the original Determination, the site and area have been rezoned to D-CE-5, in which General Industry is permitted but Heavy Industry is prohibited. General Industry is compatible with the adopted Central Estuary Plan as well as the Estuary Plan.

The Appellant states that being limited to slaughtering 50,000 birds per year causes an economic hardship for the business and requested a new Zoning Determination to increase the slaughter operation to allow up to 2,500 goats and sheep per year. The Appellant's statement is attached. In response to Appellant's request, the Zoning Manager issued the 2015 Determination denying addition of goats and sheep to slaughtering at this site. Both the 2014 Determination and the 2015 Determination are attached and contain more details and analysis.

PROPERTY DESCRIPTION AND NEARBY LAND USES

The flat corner site contains a one-level concrete industrial building. Nearby activities include commercial (Buttercup Restaurant), industrial and institutional (Coast Guard Island). Office parks and yacht harbors are nearby. Few residential activities are nearby. The site fronts on the main southbound Highway 880 off-ramp leading to Downtown Alameda via Park Street.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. CEQA Guidelines section 15301 provides that CEQA does not apply to projects in existing buildings of a scale like the Appellant's request to increase slaughter to 2,500 goats and sheep per year falls under this exemption.

APPEAL DESCRIPTION

On May 6, 2015, the Appellant filed a timely appeal to the 2015 Determination (Attachment B). This action constitutes an administrative appeal of a determination made by the Zoning Manager, pursuant to the Planning Code's Administrative Appeal Procedures (Planning Code, Chapter 17.132). The Appellant's reason for appeal is that the business needs to augment slaughter of 50,000 birds per year with slaughter of up to 2,500 goats and sheep per year in order to be financially viable and to meet market demand.

STAFF'S RESPONSE TO APPEAL

The Planning Code's Administrative Appeal Procedures describe the procedure for appeal of a Determination of the Zoning Manager: "the appeal shall state specifically wherein it is claimed there was an *error or abuse of discretion* [by the Zoning Manager] or wherein his or her decision is not supported by the evidence in the record." Planning Code section 17.132.020. The Planning Commission considers the appeal in light of the intent of the applicable Zoning Ordinance, and the Planning Commission's decision is final (non-appealable).

The following are staff's responses to the Appellant's basis for appeal:

- Animal slaughtering was not allowed on the site when it was zoned "T" industrial in 1948, or in subsequent years; and
- Although animal slaughtering was not allowed at the Heavy Industrial scale when the 2012 Determination was issued, the slaughter of up to 50,000 birds per year (over 150 per workday) was allowed as a General Industrial activity. Allowing animal slaughtering in addition changes the scale and nature of the work.

The United States Department of Agriculture (“USDA”) sets a threshold of 20,000 birds annually in its definition of a “Producer Grower/PPIA Exemption” which allows smaller-scaled slaughtering to avoid certain Federal inspections. It is this threshold, in part, that informed the 2012 Determination that slaughter of goats and sheep in addition to already approved bird slaughtering annually would put the operation in a higher (more intense) activity classification (i.e. Heavy Industrial).

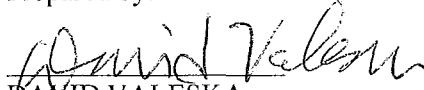
The 2014 Determination is based on the existing zoning at the site, D-CE-5, in which General Industrial activity is allowed and Heavy Industry is prohibited. The Appellant requests to increase the slaughtering volume to include up to 2,500 goats and sheep per year is considered a Heavy Industrial Activity, which is not in conformity with the D-CE-5 zoning, plans or neighborhood specifications. Additional staff comments are contained in the Zoning Determination letters, which outline other concerns about effects on nearby activities.

The Appellant has not demonstrated that there was either an error or abuse of discretion by the Zoning Manager or wherein his decision is not supported by the evidence in the record. As a result, staff makes the following recommendations.

RECOMMENDATIONS:

1. Affirm staff’s environmental determination
2. Deny the Appeal, thereby upholding the Zoning Manager’s Determination, and confirming that the applicant must limit poultry slaughtering to 50,000 birds per year with no goat or sheep slaughtering at the subject location.

Prepared by:


DAVID VALESKA
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Zoning Manager's Determination letter DET12-031 dated May 25, 2012
- B. Zoning Manager's Determination letter DET13-079 dated March 5, 2014
- C. Zoning Manager's Determination letter DET 15-026 dated May 4, 2015
- D. Appeal letter dated May 6, 2015 with Exhibits

LEGAL NOTICE: This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.

Exhibit I

Oakland Planning Department Staff Report (Jul. 15, 2015)

Location:	845-849 Kennedy Street (APN019-0066-001-00)
Proposal:	Increase slaughterhouse capacity to include goats, sheep, and rabbits
Contact Person/Phone Number:	Abdulsalem Mused (347) 408 5850
Owner:	Wayne Lazarus Trust
Case File Number:	DET15-026-A01
Planning Permits Required:	Appeal of a Zoning Manager’s determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats, sheep, and rabbits annually is inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570
General Plan:	Planned Waterfront Development 2, Estuary Plan
Zoning:	DCE-5 Central Estuary District Industrial Zone
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities)
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	4
City Council District:	5
Action to Be Taken:	Approve Staff Recommendation
Finality of Action:	Planning Commission Action is Final (Not Administratively Appealable)
For Further Information:	David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

SUMMARY

On July 1, 2015 the Planning Commission heard an appeal of staff’s determination that an increase of the slaughter and sales operation for up to 2,500 goats, sheep and rabbits annually is considered a Heavy Industrial activity, and therefore not an activity that is allowed in the DCE-5 zoning designation at 845-849 Kennedy Street. The appellant reported that there have been no complaints to date, and explained the scale, methods and type of business that would be conducted. The Commission took a straw vote to consider the appellant’s request, subject to issuance of findings at a later meeting. The straw vote was in support of the Appeal. Staff presents draft findings in the spirit of Commission discussion.

FINDINGS

The Planning Commission finds that the appellant’s request to slaughter up to 2,500 goats, sheep and rabbits annually in a DCE-5 Central Estuary District Industrial Zone is of an ancillary scale compared to full-size animal slaughtering operations. Saba Live Poultry maintains a safe and clean environment and slaughters meat and poultry strictly in accordance with the slaughtering rules for *Halal*. Saba Live Poultry also complies with USDA rules and regulations, State Department of Food and Agriculture standards, and Alameda County Department of Environmental Health standards. The appellant’s sale and processing (slaughter, skin, clean and cut) of goats, lambs, and rabbits is similar to that of chickens, and is a slaughter-to-order facility; it is not comparable to the assembly-line slaughtering operations which truly constitute the prohibited Heavy Industrial uses described in the City’s zoning standards.

The Commission also finds that the primary business on the site, already approved, is slaughter of up to 50,000 birds per year. Slaughter of a relatively small number of goats, sheep and rabbits would be an accessory activity which would create no visible effects on nearby areas (no added traffic, aroma, noise, waste, or other such effects).

The Commission finds that the area historically has contained food-processing businesses, so slaughter of goats, sheep and rabbits would not be out of character with the area, which is primarily non-residential.

The Commission finds that the facility was designed with the capacity to slaughter goats, sheep and rabbits, if allowed. That capacity has been held in reserve until now. However, no major modifications would be needed for the small facility in order to add these animals to already-approved chicken slaughter.


The Commission finds that there have been no complaints in recent years from the operation of this business. The applicant's business has set a standard for maintenance and operation which supports the request.

In conclusion, the Planning Commission finds that the Zoning Manager erred in his interpretation of the Planning Code, and that the appellant's request to increase animal slaughter to include up to 2,500 goats, sheep and rabbits annually is permitted in the DCE-5 zoning designation and falls within the definition of General Industrial in OPC Section 17.10.570. Saba Live Poultry is therefore permitted to slaughter up to 50,000 chickens and up to 2,500 goats, sheep and rabbits annually at 845-849 Kennedy Street.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Grant the Appeal, thereby overturning the Zoning Manager's Determination, and confirming that the applicant may add slaughter of up to 2,500 goats, sheep and rabbits (combined) plus already-allowed poultry slaughtering up to 50,000 birds per year, subject to the findings contained herein, at the subject location.

Prepared by:



DAVID VALESKA
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Bureau of Planning

LEGAL NOTICE: This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.

Exhibit J

Oakland Zoning Email and Records Summary (Feb. 1, 2018)

From: [Lenoir, Brittany](#)
To: [Antonia E. Toomey](#)
Subject: Zoning Hotline
Date: Thursday, February 01, 2018 9:47:10 AM
Attachments: [RECORDS.xlsx](#)

Good Morning,

Per our conversation on the Zoning Hotline, attached is a copy of the records on file for 845 Kennedy, the highlighted rows indicate previous complaints. The complaint that was filed in 2012 (#1201779) was deemed abated. The complaint filed in 2006 (#0602243) shows a status of open, but I believe that may never have been updated when it was transferred to our newer Records system. The complaint was for chemical containers illegally stored on sidewalk.

If you would like to discuss with Code Enforcement about either of these two cases, you are welcome to call (510) 238-3381.

Have a nice day,

Brittany Lenoir, Planner I | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612](#) | Fax: [\(510\) 238-4730](#) | Email: blenoir@oaklandnet.com | Website: www.oaklandnet.com/planning

Street # Street Name	Parcel #	Record #	Record Type	Status	Filed Date	Status Date	Balance	Created By
845 KENNEDY	019 006600100	X1600873	OPW - Excavation	Expired	5/5/2016	9/17/2016	0	CBACINA
845 KENNEDY	019 006600100	DET150026-A01	Appeal	Filed	5/6/2015	5/6/2015	0	DVALESKA
845 KENNEDY	019 006600100	DET150026	Letter of Determination	Appealed	3/24/2015	5/5/2015	0	DVALESKA
845 KENNEDY	019 006600100	DET13079-A01	Appeal	Approved	3/13/2014	7/8/2014	0	DVALESKA
845 KENNEDY	019 006600100	ZC140180	Zoning Clearance	Approved	1/21/2014	1/21/2014	0	DVALESKA
845 KENNEDY	019 006600100	DET13079	Letter of Determination	Project Appealed	12/9/2013	3/13/2014	0	
845 KENNEDY	019 006600100	X1300995	OPW - Excavation	Permit Issued	4/22/2013	4/22/2013	0	
845 KENNEDY	019 006600100	M1300461	Non-Residential Mechanical -Alteration	Final	3/12/2013	3/12/2013	0	
845 KENNEDY	019 006600100	B1203373	Non-Residential Building - Alteration	Final	10/2/2012	5/28/2013	0	
845 KENNEDY	019 006600100	E1202767	Non-Residential Electrical - Alteration	Final	10/2/2012	3/22/2013	0	
845 KENNEDY	019 006600100	P1202102	Non-Residential Plumbing - Alteration	Final	10/2/2012	3/12/2013	0	
845 KENNEDY	019 006600100	B1202270	Non-Residential Building - Alteration	Expired	7/9/2012	2/28/2013	0	
845 KENNEDY	019 006600100	DET12031	Letter of Determination	Letter Complete	5/3/2012	5/3/2012	0	
845 KENNEDY	019 006600100	1201779	Housing Habitability Complaint	Abated	4/23/2012	4/23/2012	0	
845 KENNEDY	019 006600100	ZC120265	Zoning Clearance	Approved	2/2/2012	2/2/2012	0	
845 KENNEDY	019 006600100	X1100878	OPW - Excavation	Permit Issued	8/24/2011	9/8/2011	0	
845 KENNEDY	019 006600100	E0601648	Non-Residential Electrical - Alteration	Expired	5/22/2006	1/23/2007	0	
845 KENNEDY	019 006600100	S0600098	Non-Residential Sign - Alteration	Expired	5/22/2006	1/23/2007	0	
845 KENNEDY	019 006600100	DS060049	Small Project DR	TBD	5/8/2006		0	
845 KENNEDY	019 006600100	602243	Housing Habitability Complaint	Open	4/11/2006		0	
845 KENNEDY	019 006600100	X0401745	OPW - Excavation	Expired	4/15/2004	12/31/2012	112.86	
845 KENNEDY	019 006600100	OB020329	Obstruction	Permit Issued	5/23/2002	5/24/2002	0	
845 KENNEDY	019 006600100	P0000154	Non-Residential Plumbing - Repair	Final	1/19/2000	2/24/2000	0	