

# **Categorical Exemption Appeal 84 Page Street**

**File #181140 Application # 2017-1120-4422**

**January 7, 2019**

**To: San Francisco Board of Supervisors**

**From: David Collins/ Appellant**

**Memo:**

**RE: Response to the Project sponsored Attorney Jim Abrams and  
Response of January 4, 2019 and the Aaron Levine Response, dated  
January 7, 2019.**

**Dear President Cohen and the Clerk of the Board,**

**The CEQA guidelines attached has a specific section**

**(section 15314) that refers specifically to schools:**

**Please see below – which clearly states...**

**15314. 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.**

**Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.**

**ATTY. Abrams, “A small-scale change of use is exactly what categorical exemptions are intended to address...”**

**If this were true – then the clause (15314) which addresses, “Minor Additions to Schools,” would come into play.**

**The section of CEQA legislation which specifically refers to schools should not be ignored by the Board of Supervisors.**

**The Schoolyard project avoids any mention of the “Minor Additions to Schools,” section of CEQA legislation in their attempt to avoid a fair and objective environmental review.**

**I believe the project sponsor and their attorney further attempt to circumnavigate CEQA legislation and environmental review by citing classes of exemptions that are not consistent with the proposed project or CEQA Guidelines.**

**Class 1 exemption is not applicable because there is “far more” than a negligible expansion of an existing use,” there is a complete change of use that should have triggered environmental review in the first place.**

**Secondly, the Class 3 structures section of CEQA, primarily addresses “...the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure.”**

**Lastly, CEQA Section 15061, which clearly states, “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”**

**There will most definitely be a significant impact on the environment.**

**Please see CEQA Legislative Intent, Section 21001(B) which requires all Government Agencies, “Take all action necessary to provide the people of the state with clean air and water, enjoyment of aesthetic, natural, scenic, and historical environmental qualities and freedom from excessive noise.**

**Lastly, the appellant correctly contends that these categorical exemptions should not have been employed for the additional reason that (A) Categorical Exemption shall not be used to for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to an unusual circumstance.**

***Please see: Loren McQueen v Board of Directors of the Mid-Peninsula Regional Open Space District***

***Court of Appeals of California, Sixth Appellate District  
7/18/88***

**In McQueen v Mid-Peninsula Open Space “the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including Future Activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.**

**The unusual circumstances that I am citing are the 180+ housing units that surround the project on all four sides. There is no question that a school yard will have an environmental impact on these homes.**