

BOS-11
Leg Clerk
Leg Dep City Atty
COB Dep City Atty
Page File No.
171053

SAVE NORTH BEACH

*Seniors
Nowhere to Call Home
* Mothers & Children
Fleeing Violence
*Homeless
Isolated and Exposed

BY US MAIL and PERSONAL DELIVERY

Marc Bruno
15 Nobles Alley
San Francisco CA 94133

marcabruno@yahoo.com
415-434-1528

December 12, 2017

TO:
Angela Calvillo, Clerk of the Board of Supervisors of the
City and County of San Francisco 1 Dr. Carlton B. Goodlett Place City Hall, Room 244
San Francisco, CA 94102-4689

Acting Mayor London Breed
City and County of San Francisco City Hall, Room 200
1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

City and County Clerk
Office of the County Clerk
City and County of San Francisco City Hall, Room 168
1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4678

Angela Calvillo, Clerk of the Board of Supervisors of the
City and County of San Francisco 1 Dr. Carlton B. Goodlett Place City Hall, Room 244
San Francisco, CA 94102-4689

John Rahaim, Director of Planning
San Francisco Planning Department City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Cynthia G. Goldstein, Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103-2479

Eustache and Dudley de St. Phalle
20 Nobles Alley
San Francisco, CA 94133

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 DEC 14 PM 2:48

To: Acting Mayor London Breed, Clerk Calvillo, Director Rahaim, and President Wu, City and County of San Francisco et al.

Notice of Intent to File Suit Under the California Environmental Quality Act Regarding Board of Supervisors Motion M17-175 upholding a Categorical Exemption issued by the San Francisco Planning Department regarding Permit Application 201608094528 and 20 Nobles Alley, San Francisco.

Dear Mayor Lee, Chairman Nolan, Clerk Calvillo, Director Rahaim, and President Wu:

I am writing on behalf of myself and "Save North Beach" regarding the San Francisco Planning Department's decision to approve a new garage at 20 Nobles Alley (hereinafter, the "Project"). This decision conflicts with Planning Code 249.49 ("garages in the Telegraph Hill-North Beach Special Use District") and is contrary to many of the Department's own findings in this matter.

Please take notice that pursuant to Public Resources Code ("PRC") § 21167.5, Petitioner-Plaintiffs intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), PRC § 21000 et seq., against Respondents and Defendants the City and County of San Francisco, the Board of Supervisors of the City and County of San Francisco, the Board of Appeals of the City and County of San Francisco, the San Francisco Planning Department, Acting Mayor London Breed and the Real Parties in Interest, Eustache and Dudley St. Phalle (collectively, "Respondents") in the Superior Court for the County of San Francisco, challenging the November 14, 2017 decision of Respondent Board of Supervisors of the City and County of San Francisco's approval of the Project and issuance of a Notice of Exemption for the Project on the grounds that the Project is categorically exempt from CEQA.

The petition being filed will seek the following relief:

1. For a peremptory writ of mandate directing Respondents and Real Parties in Interest to set aside the Notice of Exemption for the Project at 20 Nobles Alley;
2. To vacate and set aside the approvals and resolutions adopting the Categorical Exemption for the Project and approving the Project;
3. To set aside any and all other actions approving or granting any permits, entitlements, or other approvals referring or related to the Project unless and until Respondents have prepared, circulated, and considered a legally adequate CEQA document prior to any subsequent action taken to approve the Project;
4. For a preliminary and permanent injunction staying the effect of Respondents' actions issuing a Notice of Exemption for the Project, approving any permits or other entitlements for the Project, pending the outcome of this proceeding;

To: Acting Mayor London Breed, Clerk Calvillo, Director Rahaim, and President Wu, City and County of San Francisco et al.

Notice of Intent to File Suit Under the California Environmental Quality Act Regarding Board of Supervisors Motion M17-175 upholding a Categorical Exemption issued by the San Francisco Planning Department regarding Permit Application 201608094528 and 20 Nobles Alley, San Francisco.

5. For a writ of mandate directing Respondents to suspend any and all activity in furtherance of the Project unless and until Respondents take all necessary steps to bring their actions into compliance with CEQA;
6. For a preliminary and permanent injunction directing Respondents and Real Parties in Interest, DOES 1 through 10, inclusive, and ROES 1 through 100, inclusive, to cease and refrain from engaging in any and all activities in furtherance of the Project unless and until Respondents take all necessary steps to bring their actions into compliance with CEQA;
7. For a preliminary and permanent injunction directing Respondents and Real Parties in Interest, DOES I through XX, inclusive, and ROES I through XX, inclusive, to cease and refrain from violating, aiding and abetting the violation of, or failing to enforce San Francisco Planning Code 249.49, which, among other prohibitions and purposes, specifically prohibits the building, installation or creation of a new garage in throughways under 41 feet in the Telegraph Hill-North Beach Historic District, which is where 20 Nobles Alley-- an 11 foot throughway-- is located;
8. For a writ of mandate and a declaratory judgment declaring Respondents' approval of the Board of Appeals decision to overturn the Disapproval of the Project by the Planning Department on May 8, 2017 to be null and void and contrary to the San Francisco Business Tax and Regulations Code, Article I, Sections 8 and 10, "Record Forwarded to Board of Appeals;"
9. For a writ of mandate and a declaratory judgment declaring Respondents' approval of the Board of Appeals decision to overturn the Disapproval of the Project by the Planning Department on May 8, 2017 to be null and void and contrary to law in violation of the San Francisco Ethics Code and the State Ethics Code (the Political Reform Act of 1974) because a member of the Board of Appeals, Mr. Richard Swig, failed to disclose that he has a significant business relationship with Project Sponsor;
10. For a writ of mandate and a declaratory judgment declaring Respondents' approval of the Board of Appeals decision to overturn the Disapproval of the Project by the Planning Department on May 8, 2017 to be null and void and contrary to law in violation of the San Francisco Ethics Code and the State Ethics Code (the Political Reform Act of 1974) because the Expediter for this Project, a City Officer and

To: Acting Mayor London Breed, Clerk Calvillo, Director Rahaim, and President Wu,
City and County of San Francisco et al.

**Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding Board of Supervisors Motion M17-175 upholding a Categorical
Exemption issued by the San Francisco Planning Department regarding
Permit Application 201608094528 and 20 Nobles Alley, San Francisco.**

Member of the Board of Examiners, failed to disclose that he has a significant
business relationship with a Member of the Board of Appeals, Mr. Richard Swig;

11. For the costs of the suit;
12. An award of attorneys fees pursuant to Code of Civil Procedure 1021.5 and any
other applicable provisions of law;
13. For any other legal and equitable relief this court deems just and proper.

Petitioner-Plaintiff urges the City and County of San Francisco to rescind its Notice
and Approval of a Categorical Exemption for the Project, and also urges the City and
County to instead conduct an appropriate CEQA review, as required by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bruno", with a long horizontal flourish extending to the right.

Marc Bruno
15 Nobles Alley
San Francisco, CA 94133

From: [Jalipa, Brent \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: FW: 20 Nobles Alley
Date: Tuesday, November 14, 2017 11:37:32 AM
Attachments: [20 Nobles Alley.docx](#)

-----Original Message-----

From: Fady Zoubi [<mailto:ffzoubinbba@gmail.com>]

Sent: Tuesday, November 14, 2017 11:37 AM

To: Breed, London (BOS) <london.breed@sfgov.org>; BreedStaffAB (BOS) <breedstaffab@sfgov.org>

Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>

Subject: 20 Nobles Alley

Dear Supervisors,

Please attached letter approved by the board of the North Beach Business Association.

Regards,

Fady Zoubi
President - NBBA



November 13th, 2017

Dear President Breed,

The NBBA would like to add their support of the appeal of a categorical exemption of a new garage at [20 Nobles Alley](#) until there is further review of the project by the Planning Department.

We would like to point that there are safety and transportation issues - all of them impacted by the addition of a garage in such a narrow alley. Over the years, our merchants have observed the constant congestion on the 1500 block of Grant Avenue where it intersects Nobles Alley. As the location where vehicles regularly double-park, forcing pedestrians out onto the roadway, the idea of adding yet more congestion and use to this tiny alley is unacceptable and dangerous.

For these reasons, we believe that 20 Nobles deserves further scrutiny and that the appeal should be granted.

Warmest Regards,

Signed electronically by Fady Zoubi

Fady Zoubi

President

North Beach Business Association.

President

North Beach Business Association.

From: [Marc Bruno](#)
To: [Jalipa, Brent \(BOS\)](#)
Cc: [Marc Bruno](#)
Subject: BOS File 171-053: Letter on Favor of Appeal
Date: Monday, November 13, 2017 9:33:16 PM
Attachments: [20NoblesAlley_CTA_letter-2.pdf](#)
[Wm Terheyden Signed Farrell copy.pdf](#)

Brent Jalipa, Legislative Clerk
Board of Supervisors
(415) 554-5184 <brent.jalipa@sfgov.org>

Please forward this email, in addition to the one sent only to Supervisor Farrell, to *ALL* Board Members. Thank you.

Marc Bruno
415-434-1528



November 13, 2017

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

Re: 20 Nobles Alley

Dear Supervisors:

On behalf of the Community Tenants Association, I urge you to overturn the Categorical Exemption granted to 20 Nobles Alley by supporting the appeal and voting for a continuance so that the Board of Appeals can revisit this matter.

In support of San Francisco tenants' rights which we have been doing for 30 years, we want to call out real estate speculators who behave badly to increase the value of their units. The project sponsor at 20 Nobles Alley is trying to violate the spirit of Planning Code section 249.49. This code was enacted in 2010 to prohibit any property owner in the North Beach/Russian Hill/Polk Gulch area who has filed an Ellis Act from adding a garage. We have witnessed a pattern in the area where Ellis Acts in the District were followed by garage additions.

Adding private garages detracts from the urban fabric and compromises pedestrian safety in the dense neighborhoods that many seniors and families live. From our understanding, the owner installed the garages in question illegally with no permits issued at the time. The owner should not be rewarded for doing this. Please grant the appeal and deny the Categorical Exemption. This will allow the Board of Appeals to reconsider their decision rather than legalizing these garages. Real estate speculators who act irresponsibly for personal profit at the expense of the City and San Francisco tenants should not be rewarded.

Sincerely,
Mr. Leung
President
Community Tenants Association

A handwritten signature in black ink that reads "Wing Hoo Leung". The signature is written in a cursive, flowing style.

1525 Grant Avenue
San Francisco, CA 94133-3323
Phone: (415) 984-1460
Fax: (415) 984-2724

Supervisor Mark Farrell, District 2
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689
(415) 554-7752 / -554-7843 - fax
<Mark.Farrell@sfgov.org>
Cc: <Kanishka.Karunaratne@sfgov.org>
Cc: <Board.of.Supervisors@sfgov.org>

November 11, 2017

Dear Supervisor Farrell -

I am a 60-year resident of your district, a homeowner, a San Francisco native and recently retired attorney. In these capacities, my wife and I have had the opportunity to observe the City change for good and not-so-good at a pace few of us expected. Although much of this change is for the better-- the advent of a younger generation falling in love with San Francisco is genuinely uplifting-- other changes seem contrary to what makes the Bay Area a desirable place to live.

One such detrimental change is being considered by you and your fellow Supervisors on Tuesday, November 14. Specifically, this issue, Special Order 171-053 (20 Nobles Alley) is an appeal of a Categorical Exemption. In my opinion, this appeal should be endorsed by you and the Board.

The project sponsors at 20 Nobles Alley have been cited by the City for illegally using their newly purchased property for short-term rentals. I do not believe they should be given a Categorical Exemption for this reason alone-- because they have violated a prohibition widely promulgated and engaged in an action so harmful to our neighborhoods. To give them a special exemption of any sort--truly, a gift from the Planning Department-- sets a precedent that I would find disheartening and foreboding.

Many people are breaking these short-term rental ordinances. The last thing the City should do when we can verify that someone is actually breaking one is send the message that it doesn't matter. Traditionally, when a property is cited by Planning for a serious violation (as this one has been), it is subject to more scrutiny, not less. For this reason, the Categorical Exemption should be overturned by the Board.

William Terheyden to Supervisor Mark Farrell
Page 2 of 2 : November 11, 2017

As the Categorical Exemption gives the project sponsors a "pass" with regard to historical review, I would like to address that issue as well. 20 Nobles Alley is in the heart of the Telegraph Hill - North Beach Historic District, an area of the City with which I am very familiar and fond. A garage on that narrow alley would be a severe blow to the contributory significance of the property. It also would set a precedent for placing new garages in other small alleys throughout the City.

I am opposed to this exemption on a practical basis as well, because I am a walker and believe that CEQA does and should take into account the effect of proposed structures on the pedestrian right-of-way. North Beach seems to be constantly under stress from too many cars in too many small spaces, and Grant Avenue, the tributary to Nobles, is one of the worst offenders. It seems to me that a CEQA review, even if only a conditional one, is warranted.

If a garage is built, added or "made legal" at Nobles, an 11' wide alley, what's next? At the very least, the narrowness of the locale, and the significance of the historic district, deserve a more careful review by the City.

I would be willing to answer any questions you may have about this letter. Although 20 Nobles is an adjoining district, the actions taken by the Board of Supervisors in this small alley will have a ripple effect on the rest of the City. Appellants are correct when they say we should further scrutinize the project.

Yours sincerely,

A handwritten signature in cursive script that reads "William Terheyden". The signature is written in black ink and is positioned above the typed name and address.

William Terheyden
61 Toledo Way
San Francisco, CA
<wferdsf@comcast.net>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS Legislation, \(BOS\)](#)
Subject: FW: Oppose garage in 20 Nobles - Parking lots didn't vote you in.
Date: Monday, November 13, 2017 4:28:36 PM

From: Roger W [mailto:roger1003@yahoo.com]
Sent: Monday, November 13, 2017 3:35 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Oppose garage in 20 Nobles - Parking lots didn't vote you in.

Dear Supervisors,

Please save our rentals in NB. I have lived here for 25 years and have seen so many locals displaced.

The more the merrier and our cafes need employees nearby. Many now pay to commute to the east bay which makes life harder for them. There are artists that have evaporated as well.

Please help renters and not cars. NB renters are Democrats, parking garages are storage for carbon emitting objects.

Parking lots didn't vote you in.

Thank you,

Roger Weinman
(415) 378 - 6637

[One Brick – Board Member, Event Coordinator & Communications Lead](#)
[Top of Broadway Community Benefit District - Co-founder & Marketing Committee](#)
[SoTel - Southern Telegraph Hill Neighbors Association - Co-founder & Board Member](#)
[Urban Services YMCA - Board Member](#)
[Red Cross - Community Disaster Education Trainer](#)
[S.F.F.D. Neighborhood Emergency Response Team - District Coordinator for Telegraph Hill](#)
[Upwardly Global - Mentor](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; BOS Legislation, \(BOS\)](#)
Subject: FW: Oppose garage at 20 Nobles Alley
Date: Monday, November 13, 2017 12:08:43 PM

-----Original Message-----

From: Michael [<mailto:mpb123@sbcglobal.net>]
Sent: Monday, November 13, 2017 11:43 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Oppose garage at 20 Nobles Alley

Dear Board of Supervisors,
Vote NO on Nobles garage.....enough!
Michael Barrett
50 Year Resident of San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; BOS Legislation, \(BOS\)](#)
Subject: FW: Oppose garage at 20 Nobles Alley
Date: Monday, November 13, 2017 11:27:23 AM

From: Lance Carnes [mailto:lacarnes@gmail.com]
Sent: Monday, November 13, 2017 11:22 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Oppose garage at 20 Nobles Alley

November 13, 2017

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear Supervisors :

We urge you to vote to overturn the Categorical Exemption granted to the 20 Noble garage application. In the alternative, we urge you to vote for a continuance until the Board of Appeals can re-hear this matter. As you know, there is a concern that at least one member of the Board of Appeals has a business relationship with the property owner. That member should not have voted.

In 2010, our neighborhood worked with Supervisor David Chiu to pass Planning Code section 249.4. This prohibits any property owner in the North Beach/Russian Hill/Polk Gulch on a street that is as small as Nobles Alley from adding a garage. The idea was to disincentivize real estate speculators by taking away another tool to increase the privilege of adding a garage. It also sent a message that bad actors should NOT be rewarded.

The project sponsors at 20 Nobles Alley are now trying to violate the spirit of the planning code. They violated the City's short term rental rules, and would be doing so even today had they not been caught.

If the Categorical Exemption before you is granted, the project sponsor will be able to move forward with a reconstruction of the building and install a garage there. If you deny the CE or grant a continuance, this will allow the City the time to give this matter the attention it deserves. For the sake of the environment, the preservation of our neighborhood's historic character and to preserve the rental stock for those who truly live here, please vote in favor of the appeal of the Categorical Exemption.

Respectfully submitted,

Lance Carnes

722 Lombard St, SF 94133

From: [Jamie](#)
To: [Breed, London \(BOS\)](#); [BreedStaffAB \(BOS\)](#)
Cc: [Jalipa, Brent \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Jeff Cheney](#)
Subject: Re: Item 29 on November 14, 2017 Agenda - File 171-053 – 20 Nobles Alley
Date: Monday, November 13, 2017 8:37:30 AM
Attachments: [RHCA BOS 171-053 - 12 Nobles Alley.pdf](#)

Dear President Breed and Members of the Board,

Attached as a PDF file, is the Russian Hill Community Association Letter asking for your support of the Appeal of the Categorical Exemption for 20 Nobles Alley, scheduled to be heard tomorrow 11/14.

Thank you for your consideration,

Jamie Cherry
RHCA Board Member

Russian Hill Community Association

1166 Green St. San Francisco, CA 94109 510-928-8243 rhcasf.com

November 13, 2017

President London Breed and Members of the
Board of Supervisors of the City and County
of San Francisco
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Item 29 on November 14, 2017 Agenda - File 171-053 – 20 Nobles Alley

Dear President Breed and Members of the Board of Supervisors:

The Russian Hill Community Association strongly urges you to support the appeal of the Categorical Exemption for 20 Nobles Alley.

The citizens of San Francisco are mis-served by the Planning process when the circumstances unfold as they have in this case. Despite the fact that the project sponsors are cited by the City for illegal use of their property for short term rentals and the words “unpermitted”, “illegal” and “no record of permit” appear in the serial permits on file ... the project sponsor is still “rewarded” with a Categorical Exemption.

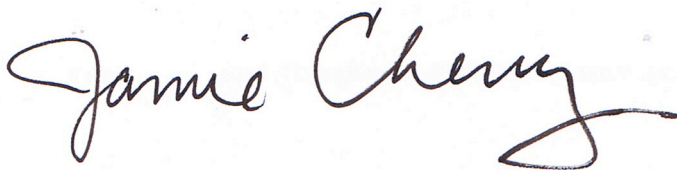
The Planning process is failing the citizens of San Francisco when reference is made to the prior history of garages on site, without noting the Enforcement Planner ‘s statements. As Chaska Berger states in her notes regarding 2016-010100ENF, opened on August 3, 2016, “...two garages [were] built in late 1990’s w/o permits...owner now attempts under P.A. #201607253205 to remedy unpermitted garage, **this Alley is 11’wide and cannot accommodate a garage.**” [emphasis provided].

The process of legalizing work done without a permit or beyond the scope of work permitted is becoming endemic in the City. Paying a penalty is a small price for many project sponsors to pay when the illegal action can be easily legalized resulting in increased profits.

This case epitomizes many of the flaws in the Planning process that citizens and their neighborhood organizations are identifying. The fact that the Board of Appeals overturned the original Planning Department denial of this Categorical Exemption is a reality. But that does not make that decision correct and cries out for the Board of Supervisors to provide a remedy.

We urge you to overturn the Categorical Exemption and support the appeal for 20 Nobles Alley.

Thank you for your consideration.



Jamie Cherry
RHCA Board Member
jcherry@rhcasf.com

cc: Jeff Cheney RHCA,

From: [david oliverio](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Jalipa, Brent \(BOS\)](#)
Subject: 20 Nobles Alley
Date: Sunday, November 12, 2017 9:29:45 PM

Dear Supervisors :

As a resident of the Richmond district for over 30 years I urge you to vote to overturn the Categorical Exemption granted to the 20 Nobles Alley garage application. For many years before retirement, I thoroughly enjoyed North Beach as my “second neighborhood” and visited often while a member of the San Francisco Italian Athletic Club. I continue to visit the area to enjoy its culture and unique charm.

I hope that you vote for a continuance on this issue until the Board of Appeals can re-hear the matter. One troubling aspect of this process is that at least one member of the Board of Appeals has a business relationship with the property owner. At the minimum, this is a suspicious conflict of interest. That member should never have been allowed to vote.

In 2010, the neighborhood passed Planning Code section 249.4—prohibiting any property owner in North Beach/Russian Hill— on a street as small as Nobles Alley from adding a garage. The idea was to discourage real estate speculators by not allowing garage additions. Today, these speculators should not be able to violate the spirit of the code. They also violate the City’s short-term rental rules. You must not allow this to go forward.

For the sake of the environment, the preservation of North Beach’s unique charm and most importantly to retain the rental stock for those current residents, please vote in favor of the appeal of the Categorical Exemption.

Yours truly,

David Oliverio
362 24th Ave #1
San Francisco, CA 94121
415-871-3418