

File No. 180013

Committee Item No. \_\_\_\_\_

Board Item No. 24

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: February 13, 2018

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER (Click text of checked items for a direct link to the document)

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - December 26, 2017</u>                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Appeal Response Memorandum - February 5, 2018</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Brief - February 2, 2018</u>               |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u>                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |

Prepared by: Brent Jalipa

Date: February 8, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 DEC 26 PM 4:02

December 23, 2017

**Letter of Appeal Regarding the CEQA Exemption Determination for Saba Live Poultry Conditional Use Permit (2017-010819CUA)**

Dear Supervisors,

Animal Legal Defense Fund (ALDF) hereby appeals the San Francisco Planning Department's determination that a conditional use permit for an animal confinement and slaughter facility in Bayview-Hunters Point is exempt from the California Environmental Quality Act (CEQA). As explained below and in the comments submitted to the Commission, this project and the Planning Commission's CEQA determination do not conform to the exemption requirements set forth in CEQA. ALDF therefore urges the Board of Supervisors to vacate the Planning Commission's CEQA exemption determination and require an initial study before permitting this project.

A 2100-square-foot, indoor facility that proposes to house 500 animals at a time and to sell or slaughter approximately 400 animals per day (146,000 animals per year)\* in extremely close proximity to private residences and other businesses, and to transport live animals on trucks through the business corridor and residential neighborhoods of Bayview-Hunters Point, will have significant environmental effects. These effects are exacerbated by its proposed siting in an environmentally sensitive community that already suffers disproportionately from air pollution and associated health effects.

These effects and residents' concerns were clearly presented to the Commission—but went entirely unaddressed, for two reasons. First, the Commissioners apparently believed that they could not consider the environment while also fostering cultural inclusivity in San Francisco. Yet CEQA allows for agencies to take action—provided they first adequately consider and mitigate environmental effects. Second, the Commissioners reasoned that the project could be categorically exempt from CEQA so long as it is subject to building, permitting, or other codes down the line. Indeed, complying with such laws in this instance will likely require the facility to be properly ventilated, confirming that it will impact air quality in this neighborhood. But if the Commissioners' reasoning held true, no project would *ever* be subject to CEQA at its outset. This is simply not how CEQA works, and the Commission has failed to comply with it here.

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\* "They anticipate storing about 500 birds on-site on a typical day to support daily sales of about 200 to 400 birds . . . . Of course, there will be some peak times with more birds, but this is just the general day-to-day." Stmt. of Daniel Frattin, Caption Notes (Nov. 30, 2017), available at [http://sanfrancisco.granicus.com/TranscriptViewer.php?view\\_id=20&clip\\_id=29290](http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=20&clip_id=29290). Saba's Oakland facility is open seven days per week, indicating that the San Francisco facility will likely conduct slaughter every day of the year.

## The Commission's Legal Duties Under CEQA

The Commission was required under CEQA to review the conditional use application<sup>1</sup> and determine whether the proposed *use* of the facility—not simply changes to its physical construction—qualified for a categorical exemption.<sup>2</sup> By law, the “key consideration” for the Commission was whether converting the existing space into an animal confinement and slaughter facility would involve “negligible or no expansion of an existing *use*”<sup>3</sup> of 1526 Wallace Ave, which previously housed a towing service.

A categorical exclusion is never appropriate “for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment . . . .”<sup>4</sup> In assessing whether this project should be exempt from CEQA, it was the Commission’s duty to determine whether there was substantial evidence that the project may have particular environmental impacts.<sup>5</sup> In doing so, the Commission was required to consider the indirect effects of approving an animal confinement and slaughter facility in the most environmentally burdened neighborhood in San Francisco,<sup>6</sup> with specific regard to any unusual circumstances that may exacerbate the facility’s effects—including the specific environmental, economic, and social impacts that will flow from the facility to the Bayview-Hunters Point community.<sup>7</sup>

## The Commission was Presented With a “Fair Argument” That the Project Will Have Significant Environmental Effects

The CEQA process demands that environmental information be complete and relevant before an agency takes action, and that the decision maker is accountable for its environmental decisions.<sup>8</sup> The central principle under CEQA is that it “be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”<sup>9</sup>

“[T]o determine whether an agency proceeded in a manner required by law, [a reviewing court] will consider whether a ‘fair argument’ may be made that there is a reasonable possibility the proposed project will have a significant effect on the environment.”<sup>10</sup> “If the agency was presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an [Environmental Impact Report], even though it may also be presented with other substantial evidence that the project will not have a significant effect.”<sup>11</sup> The “fair argument” standard is a low threshold.<sup>12</sup> In determining whether a fair argument exists, the courts owe no deference to the lead agency’s determination; review is *de novo*, with a preference for resolving doubts in favor of environmental review.<sup>13</sup> “Substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”<sup>14</sup> Relevant

personal observations by local residents as to the impact a facility will have on them can constitute substantial evidence.<sup>15</sup>

The Commission here was presented with more than a fair argument—it was presented, in advance, with thorough, detailed comments (a copy of which is attached hereto, and which are incorporated here in full by reference) and citations clearly outlining how allowing an indoor animal confinement and slaughter facility in San Francisco’s most environmentally burdened neighborhood, in close proximity to residents who already suffer a disproportionate impact from air pollution in the city, would have a significant effect on the environment. It was also presented with oral testimony from residents of Bayview-Hunters Point as to the negative effects this facility will have on them and their neighborhood, as well as from San Francisco residents who expressed what negative effects this facility will have on them personally and the animals warehoused there. The only relevant statement in the record to address these environmental concerns was made at the public hearing, that the facility plans to comply with applicable waste disposal regulations.<sup>†</sup> If it were true that any project could be exempt from CEQA as long as its builders and operators were subject to other laws down the line, truly *every* project ever permitted in San Francisco would qualify for a CEQA exemption. This is simply not how CEQA works.

The Commission’s faulty reasoning is evident in the CEQA Worksheet prepared for this project, which indicates that the project will not “have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks).” As explained in detail in ALDF’s comments before the Commission, and incorporated here by reference, an indoor animal confinement and slaughter facility that proposes to house 500 animal at a time and sell or slaughter 400 animals per day (146,000 animals per year)<sup>‡</sup> will generate substantial air emissions, including diesel emissions, as well as water emissions and solid waste. This is true regardless of the certification or labeling associated with the end products, and even if the facility is indoors, as explained more below.

Finally, the comments before the Commission made clear that siting this facility in Bayview-Hunters Point creates an unusual circumstance that makes a categorical exclusion particularly inappropriate. As described in detail in our comments, and incorporated here by reference, indoor confinement and live animal transport is detrimental to the health and welfare of the chickens transported to

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<sup>†</sup> See Stmt. of Daniel Frattin, *supra* note \* (explaining the industrial waste permitting regulations applicable to the facility and noting that “[i]t’s obviously not a 100% closed system”).

<sup>‡</sup> “They anticipate storing about 500 birds on-site on a typical day to support daily sales of about 200 to 400 birds . . . . Of course, there will be some peak times with more birds, but this is just the general day-to-day.” *Id.* Saba’s Oakland facility is open seven days per week, indicating that the San Francisco facility will likely conduct slaughter every day of the year.



and housed in this facility, which directly impacts public health. Public health, in turn, is of the utmost importance to the residents of Bayview-Hunters Point, who already suffer disproportionately from air pollution in San Francisco.

The Commission's CEQA exemption determination thus fails to comply with the Commission's legal obligation to consider and study the environmental impacts of this project.

### The Commission is Required to Consider Environmental Effects Even if Other Codes Apply

Under CEQA, it is the lead agency's responsibility to determine whether its action will have significant environmental effects.<sup>16</sup> An agency cannot simply ignore its responsibility to consider the environment because other agencies will regulate a facility once it begins operating.<sup>17</sup>

For example, the Commission apparently cast off concerns about air quality because the facility will be enclosed and will have to follow other laws. But in this case, following other laws means the building will have to be ventilated, which belies the notion that its air, odors, and emissions will be completely contained. All commercial buildings in which customers enter and employees work must be properly ventilated; this means air exhaust must be pumped out of the building.<sup>18</sup> San Francisco's Building Code requires that buildings be ventilated with either natural (i.e. external openings) or mechanical means.<sup>19</sup> As explained in ALDF's comments before the Commission, and incorporated here by reference, air exhaust from indoor confinement facilities has the potential to negatively impact nearby air quality via the transmission of odor, litter dust, pathogens, and particulate matter from the animal waste and bedding.

If this facility is not ventilated for some reason, it presents serious indoor air quality concerns to the animals and the workers. In fact, state inspection reports from Saba's Oakland facility have documented excessive moisture in need of correction at the facility.<sup>20</sup> The negative impacts of indoor air quality on workers and animals also require consideration under CEQA.

While these impacts could potentially be mitigated with proper planning, they still exist, and must be considered—a fact that the Commission glossed over pursuant to an incorrect understanding of California law. Several Commissioners mistakenly stated that because California regulatory agencies probably complied with CEQA when issuing new regulations, the Saba facility will necessarily comply with CEQA as long as it complies with those other agencies' regulations. This is simply incorrect. Again, other agencies' regulatory actions have no bearing on whether the project requires CEQA analysis at its outset by the Planning Commission.

Alternatively, the Commission Lacked Information Necessary to Make a CEQA Determination

Even construing the Commission’s decision in the most favorable light, the Commission lacked the necessary information to determine that the Saba facility will not have the effects described in ALDF’s comments. “In determining whether substantial evidence supports an agency’s exemption determination, [a reviewing court] will generally look only to the evidence in the administrative record at the time the agency made the exemption determination.”<sup>21</sup> Where the record lacks information necessary for the agency to conclude that a project will not have significant effects, a court will overturn the agency’s determination.<sup>22</sup> Such is the case here.

The argument before the Commissioners related solely to the environmental effects of the facility with regard to air quality, water quality, solid waste, animal health, and public health. Yet rather than utilize their statutory authority to request relevant information from the project sponsors on which they could base their CEQA determination—as ALDF repeatedly requested—the Commissioners relied on their own incorrect assumptions about halal foods to dismiss the legitimate environmental concerns presented to them.<sup>§</sup> Before voting to approve the facility, one Commissioner stated that the “halal method is different in the sense you’re not just dumping blood in sewers.”<sup>23</sup> In fact, halal requirements relate only to the method by which permissible animals are killed; they do not govern treatment of animals during their lifetimes, disposal of bodily remains, or the environmental effects of a halal slaughter facility.<sup>24</sup> Cultural inclusivity and environmental protection are not mutually exclusive, but because “community values’ do not . . . necessarily measure environmental impacts,”<sup>25</sup> CEQA requires the Commission to examine whether a project will significantly affect the environment—regardless of its ultimate position on the project.

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<sup>§</sup> All but one of the Commissioners noted the importance of supporting infrastructure to bring halal products to San Franciscans. In fact, the Bay Area already hosts California’s largest number of restaurants and markets serving halal products. See Zabihah, *The Original & World’s Largest Guide to Halal Restaurants & Markets, California*, available at <https://www.zabihah.com/reg/United-States/California/C3Jynwv1mE>. San Francisco, specifically, is already home to 104 restaurants and 21 markets throughout the city that serve halal meats, ranging from boutique halal markets and farm stores to Whole Foods and Safeway. See *id.*, San Francisco, available at <https://www.zabihah.com/sub/United-States/California/SF-Bay-Area/San-Francisco/OB9InUnes0>. Witnessing the slaughter process may serve a niche market, but it is based on consumer preference and does not have any bearing on the halal status of the final product. Letter from Kristen Stilt, J.D., Ph.D., Director of Islamic Legal Studies, Harvard Law School, to Cristina Stella (Dec. 21, 2017) (on file with author). Accessibility, in this case, is not a concern—and therefore not a viable excuse for failing to consider environmental impacts.

## Conclusion

The transport of live animals on trucks through residential neighborhoods and a developing business corridor, indoor confinement of 500 animals in a 2100-square-foot facility in close proximity to residences, and the slaughter of approximately 140,000 animals per year will have significant environmental effects. The Commission is required to consider these effects even if it ultimately supports the facility, and even if other laws will apply to the facility in the future. ALDF presented a “fair argument” about the effects this facility will have, and the record is devoid of evidence to address the numerous impacts identified in ALDF’s comments. This renders the Commission’s CEQA determination legally deficient. If allowed to stand, the Commission’s decision to approve this project in light of the record before it would be a violation of CEQA and an abuse of discretion. ALDF therefore urges the Board of Supervisors to comply with CEQA and consider the environmental impacts of this facility before taking further action.

Respectfully Submitted,

*Cristina Stella*

Cristina Stella  
Staff Attorney, Animal Legal Defense Fund

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<sup>1</sup> Cal. Pub. Res. Code § 21080(a).

<sup>2</sup> Cal. Code Regs. tit. 14, § 15061(a).

<sup>3</sup> *Id.* § 15301.

<sup>4</sup> *Id.* § 15300.2.

<sup>5</sup> *Id.* § 15060.

<sup>6</sup> *Id.* § 15064(d).

<sup>7</sup> *Id.* § 15064(e).

<sup>8</sup> *Oro Fino Gold Mining Corp. v. Cty. of El Dorado*, 225 Cal. App. 3d 872, 885 (Cal. Ct. App. 1990).

<sup>9</sup> *Pocket Protectors v. City Of Sacramento*, 124 Cal. App. 4th 903, 926 (Cal. Ct. App. 2004).

<sup>10</sup> *Protect Telegraph Hill v. City & Cty. Of San Francisco*, 16 Cal. App. 5th 261 (Cal. Ct. App. 2017).

<sup>11</sup> *Id.*

<sup>12</sup> *Parker Shattuck Neighbors v. Berkeley City Council*, 222 Cal. App. 4th 768, 777 (Cal. Ct. App. 2013).

<sup>13</sup> *Pocket Protectors*, 124 Cal. App. 4th at 928.

<sup>14</sup> *Id.* at 927.

<sup>15</sup> *Oro Fino Gold Mining Corp.*, 225 Cal. App. 3d at 882.

<sup>16</sup> 14 C.C.R. § 15060.

<sup>17</sup> *See Buffalo River Watershed Alliance v. USDA*, No. 4:13-cv-450-DPM, 2014 WL 6837005 (E.D. Ark. Dec. 2, 2014).

<sup>18</sup> *See, e.g.*, Building Energy Codes Resource Ctr., Updated American National Standards Institute/American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard for Commercial Ventilation Rate Procedure – Code Notes, available at

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[https://www.energycodes.gov/sites/default/files/documents/cn\\_updated\\_ansi\\_ashrae\\_standard\\_for\\_commercial\\_ventilation\\_rate\\_procedure.pdf](https://www.energycodes.gov/sites/default/files/documents/cn_updated_ansi_ashrae_standard_for_commercial_ventilation_rate_procedure.pdf).

<sup>19</sup> S.F. Bldg. Code § 1203 (2016).

<sup>20</sup> See Cal. Dept. Food & Agric., MPI Inspection Details (2014) (on file with author).

<sup>21</sup> *Save Our Schools v. Barstow Unified School District Bd. Of Education*, 240 Cal. App. 4th 128 (Cal. Ct. App. 2015).

<sup>22</sup> *Id.*

<sup>23</sup> See Stmt. of Comm'r Johnson, Caption Notes (Nov. 30, 2017), available at [http://sanfrancisco.granicus.com/TranscriptViewer.php?view\\_id=20&clip\\_id=29290](http://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=20&clip_id=29290).

<sup>24</sup> Letter from Kristen Stilt, J.D., Ph.D., Director of Islamic Legal Studies, Harvard Law School, to Cristina Stella (Dec. 21, 2017) (on file with author).

<sup>25</sup> *East Sacramento Partnership for a Livable City v. City of Sacramento*, 5 Cal. App. 5th 281 (Cal. Ct. App. 2016).



# SAN FRANCISCO PLANNING DEPARTMENT

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2017 DEC 26 PM 4:02

## CEQA Categorical Exemption Determination *BJ*

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1526 Wallace		4829/004	
Case No.	Permit No.	Plans Dated	
2017010819CUA		8-9-17	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
Request for a Conditional Use Authorization to process and sell livestock (Livestock Processing I)			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>*Note: If neither class applies, an Environmental Evaluation Application is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class ____

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an Environmental Evaluation Application is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>
<b>If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u></b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
Comments and Planner Signature (optional):	

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

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

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

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

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p style="padding-left: 40px;"><input type="checkbox"/> Reclassify to Category A      <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>:</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b></p>	
<p><b>Preservation Planner Signature:</b></p>	

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

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>	
<input type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p>	
	<p><b>Planner Name: Mathew Chandler</b></p> <hr/> <p><b>Project Approval Action:</b></p> <p>Planning Commission Hearing</p> <p><small>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p><b>Signature:</b></p> <p><b>Mathew Chandler</b> Digitally signed by Mathew Chandler  Date: 2017.11.29 12:58:07 -08'00'</p>
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		



**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT  
TO BE COMPLETED BY PROJECT PLANNER**

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

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

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

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
<b>Planner Name:</b>	<b>Signature or Stamp:</b>



Winning the case against cruelty.

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November 21, 2017

**RE: Saba Live Poultry Conditional Use Permit Application (2017-010819CUA)**

Dear San Francisco Planning Department,

Animal Legal Defense Fund (ALDF) hereby submits these comments to the San Francisco Planning Department (Department) for consideration in regard to the conditional use permit application currently pending for 1526 Wallace Avenue.

ALDF is a California-based national nonprofit organization whose mission is to protect the lives and advance the interests of animals through the legal system. ALDF has more than 250,000 members and supporters nationwide, including nearly 2000 in San Francisco County. ALDF achieves its mission in part by encouraging stricter enforcement of laws that protect and require consideration of animals, including the California Environmental Quality Act (CEQA).

As it stands, the Department lacks an adequate legal basis for approving the conditional use of 1526 Wallace Avenue as a livestock processing facility. The conversion of this building into a livestock sale and processing facility has significant environmental effects that demand analysis and mitigation under CEQA, rendering a categorical exemption inappropriate. Moreover, approving the transport, housing, slaughter, and processing at this location will detract from future economic development of Bayview-Hunters Point, and will unduly burden a community that already suffers from disproportionate environmental impacts. This facility should not be approved—but at the very least, its effects should be identified, analyzed, and mitigated.

**Background: Saba Live Poultry**

Saba Live Poultry is a New York-based company with 10 outlets nationwide.<sup>1</sup> Saba specializes in the sale and slaughter of live animals: chicken, ducks, quail, roosters, guinea hens, other types of fowl, rabbits, lamb, veal calves, goats, and sheep.<sup>2</sup> Animals at its facilities are individually selected by customers and can be slaughtered and prepared according to their specifications.<sup>3</sup>

Saba has an existing Bay Area location at 849 Kennedy Street in Oakland. Saba initially applied for a conditional use permit from the City of Oakland in 2012 to slaughter 20,000 birds per year (up to 100 per day) at this facility. In 2015 Saba sought to increase the number of birds slaughtered at this location each year from 20,000 to 50,000 (up to 150 per day), and to diversify its operation by slaughtering 2500 sheep and goats per year (25-50 per week).<sup>4</sup> Saba's application to the S.F. Planning Department does not specify what types or how many animals it plans to process at its Bayview facility; the application merely states the proposed use is "livestock processing." To ALDF's knowledge, the Department has not made any further inquiry into the scale or nature of the proposed operation.

Saba's birds are raised in Lancaster, Pennsylvania and transported, live, nationwide.<sup>5</sup> Birds are trucked in to the Oakland facility alive each day.<sup>6</sup> They are housed in cages, three or four to a cage, for up to five days, before individual birds are purchased by customers and slaughtered to their specifications.<sup>7</sup> Birds housed longer than 48 hours are offered to customers either at a reduced price or for free with the sale of fresh live birds.<sup>8</sup> Goats and sheep are separately trucked in multiple times each week and housed on site for roughly two to three days.<sup>9</sup> None of this information is included on Saba's permit application, and to ALDF's knowledge, the Department has not made any further inquiry into the scale or nature of the proposed operation.

When a customer purchases an animal at the Saba facility, it is slaughtered in accordance with Halal standards—standards that govern the specific manner in which an animal is slaughtered, but not necessarily how an animal is raised or handled before arriving at the Saba facility. Under Halal standards, an animal's throat is cut by a sharp knife that severs the carotid artery, jugular vein, and windpipe in a single swipe. Animals are not stunned or rendered unconscious before being killed, as they would be in a non-Halal slaughterhouse. Once the blood drains from the carcass, the feathers are plucked out, the skin is removed, and all internal organs are cleaned out and disposed of<sup>10</sup>; how exactly the animal's feathers, skin, and organs are removed at Saba's facilities is unclear, as is the method of disposal for the animal's feathers, skin, head, feet, organs, innards, and blood. The meat is then cut to the customer's specifications, packaged into several bags, and delivered to the customer on site.<sup>11</sup> Again, none of this information is included on Saba's permit application, and to ALDF's knowledge, the Department has not inquired about any of these facts.

## **The Saba Facility is Not Compatible with Long-Term Economic Development in Bayview-Hunters Point**

To be clear, the Saba facility is not a quaint butcher shop that will bring a bit of the Bayview's history back to the area,<sup>†</sup> nor is it akin to the many food-based small businesses that are currently thriving there today. As explained below, a facility that houses and slaughters tens of thousands of animals each year in extremely close proximity to other businesses, customers, and residents presents concerns that are distinct from and far more significant than those implicated by a traditional butcher shop or deli, which would simply cut or prepare raw meat products to customer specifications.

ALDF recognizes the importance of the successful economic development of the Bayview in accordance with the desires of local residents. For this very reason, prior to submitting these comments, ALDF has engaged with Greenaction for Health and Environmental Justice, the Bayview-Hunters Point Environmental Justice Task Force, and Bayview-Hunters Point Community Advocates, as well as individual business owners and members of Economic Development on Third (EDOT) and the Merchants of Butchertown—several of whom support ALDF's comments or are submitting comments separately to raise their concerns about this facility. Still, the nature and reality of animal slaughter and processing result in serious and significant environmental, social, and economic effects that the Department must thoroughly assess under CEQA *before* allowing this type of industry to be established in a sensitive and overly-burdened community. The designation of Bayview-Hunters Point as an industrial zone should not and does not provide the Department with *carte blanche* to site facilities that will further reduce the quality of life of its residents.

### **The Department Must Comply with CEQA**

Upon receipt of an application for a conditional use permit,<sup>12</sup> CEQA requires the Planning Department to review the application and determine whether the proposed use qualifies for a categorical exemption.<sup>13</sup> A project is exempt from CEQA *only if* the exemption is not barred by an exception to the exemption.<sup>14</sup> The Department has the authority to request additional information from the applicant to inform its CEQA analysis.<sup>15</sup>

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<sup>†</sup> In fact, such a shop exists just 400 feet from the proposed Saba facility, which further demonstrates that the facility is not necessary to serve a need within the community. Just around the corner of Wallace Ave & Jennings Street is a family-owned business that has operated in the Bayview since 1917, which provides fresh eggs as well as fresh and frozen poultry, small game, and seafood, some of which are certified organic. Thus, the expansion of this chain is not necessary to bring the service it provides to the Bayview, nor to the Bay Area.

An exemption to CEQA applies to the permitting of existing private facilities involving negligible or no expansion of use beyond that existing at the time the Planning Department makes its CEQA determination.<sup>16</sup> This is not a categorical, statutory exemption to CEQA, but a regulatory guideline; it can only be applied in the absence of certain factors.<sup>17</sup> In assessing whether this exception applies, it is the Department's duty to determine whether there is substantial evidence that the project may have the particular environmental impacts described in the exception.<sup>18</sup> "The key consideration is whether the project involves negligible or no expansion of an existing *use*" of a facility.<sup>19</sup> That is, the Department must consider how the facility will be used, not simply the extent to which its physical structure will be altered. Moreover, CEQA requires the Department to consider the indirect effects of its actions,<sup>20</sup> including economic and social impacts that flow from the physical use of a facility.<sup>21</sup>

To determine whether an exemption can properly apply to a new project, the Department completes a CEQA Categorical Exemption Determination (CEQA Worksheet). This Worksheet contains several questions that purport to assess the potential impacts of a proposed action. Among these questions are whether the project has "the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)," or "the potential to adversely affect transit . . . ." In any event, a categorical exclusion is never appropriate "for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."<sup>22</sup>

The fact that other agencies will regulate the after-effects of an approved action does not absolve the Department of its duty to assess the environmental effects of a proposed action in the first instance.<sup>23</sup>

"[I]f a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an [Environmental Impact Report] even though it may also be presented with other substantial evidence that the project will not have a significant effect." After preparing an Environmental Impact Report, the Department may only issue a "negative determination" if there is no substantial evidence, in light of whole record, that the project may have a significant effect.<sup>24</sup>

## **The Saba Facility Will Have Significant Environmental Effects**

Environmental issues associated with poultry and livestock processing include air emissions, wastewater and water emissions, solid waste management, socioeconomic and environmental justice, and animal health and welfare. The Department can and must consider all of these issues prior to granting a conditional use permit.

### **1. Air emissions**

The CEQA Worksheet prepared for this facility indicates that it will not emit substantial pollutant concentrations from diesel trucks, nor adversely affect transit. This is incorrect. CEQA requires the Department to consider not just emissions and effects from the facility itself, but from the project as a whole—including the trucks and transport that are essential to its operation. If operations at Saba's Oakland facility are any indication, trucks will travel both to and from the Bayview facility each day to deliver birds, to and from the facility several times per week to deliver larger animals, and an unknown amount of times at unknown intervals to carry waste from the facility. Each of these trips is essential to Saba's operation, and also a direct contributor to air emissions and climate change. In fact, the federal Farm Service Agency recognizes that trucks are a primary source of greenhouse gases produced by the poultry industry.<sup>25</sup>

As of 2009, diesel particulate matter emission from trucks and buses made up 23 percent of all air emissions within Bayview-Hunters Point.<sup>26</sup> Over half of these emissions result from activity on the freeways that cut through the neighborhood and disproportionately burden the community with air quality impacts.<sup>27</sup> However, diesel trucks also account for over 1.6 million vehicle miles traveled through arterial streets and over 120,000 vehicle miles traveled on local roads in Bayview-Hunters Point, not including idling time.<sup>28</sup> Traffic densities in the western portion of the neighborhood exceed the traffic densities of more than 85 percent of the remaining tracts in San Francisco, and this is only expected to increase through 2040.<sup>29</sup> Increasing truck traffic on arterial and local streets will continue to decrease local air quality and public health, further burdening this community.

In addition to the diesel emissions caused by these trucks, trucks carrying animals to the facility have the potential to spread pathogens and other matter from the animals, themselves. The nature of live animal transport requires open-sided trucks or ventilatory openings.<sup>30</sup> The Food and Agriculture Organization (FAO) of the United Nations describes live animal transport as "ideally suited for spreading disease," given that animals are "confined together for long periods in a poorly

ventilated stressful environment.”<sup>31</sup> The immunosuppressive stress of prolonged transport may not only increase a healthy animal’s susceptibility to infection, but it may trigger the emergence of a variety of diarrheal and respiratory diseases caused by endogenous microorganisms that might not normally lead to disease.<sup>32</sup> Because no federal laws regulate the long-distance transport of chickens, specifically, it is even more difficult to ensure that flocks do not present disease risk to the communities of residents through which they are transported.<sup>33</sup>

Air emissions from animal confinement, slaughter, and processing that will take place at the facility also present significant environmental concerns. Animal holding areas, processing operations, sanitizing operations, wastewater systems, and heat sources are recognized by the U.S. Environmental Protection Agency as sources of volatile organic compounds, hazardous air pollutants, and other criteria pollutants. In addition to volatile organic compounds, confinement facilities can emit other air pollutants of concern, such as hydrogen sulfide, ammonia, and toxins less than 10 microns in diameter (“PM<sub>10</sub>”), including endotoxins, bacteria, yeasts, and molds.<sup>34</sup> They also cause odors from animal housing and waste management, and dust from feed storage, loading and unloading, and waste management activities.<sup>35</sup> Long-distance live animal transport also may increase the fecal shedding of disease agents: studies have shown that long-distance transport increases the prevalence of Salmonella within animal feces, and the number of contaminated animals.<sup>36</sup> Long-distance live animal transport may also facilitate the spread of animal pathogens with the potential to cause human disease, such as Avian influenza.<sup>37</sup>

Facilities that confine animals emit air pollutants through the management and disposal of animal manure, the movement of animals and their bedding, and the animals themselves. Ammonia gas and other sources of odor are generated primarily during denitrification of manure and can be released directly into the atmosphere at any stage of the manure handling process, including through ventilation of buildings and manure storage areas.<sup>38</sup> Ammonia gas levels also may be affected by the ambient temperature, ventilation rate, humidity, stocking rate, litter quality, and feed composition (crude protein). Ammonia gas (NH<sub>3</sub>) has a sharp and pungent odor and can act as an irritant when present in elevated concentrations. When deposited into surface waters it may contribute to eutrophication, which depletes water of oxygen and harms aquatic and other water-dependent species.

Airborne dust is another factor. In poultry production and processing operations, dust results from the handling and storage of feed ingredients that may include biological agents (pathogens, bacteria, fungi, mites, and viruses) and particles from grain, mites, fungi, and bacteria, as well as inorganic material such as limestone.<sup>39</sup>

Other sources of dust include bird manure and associated bioaerosols.<sup>40</sup> Dust can cause respiratory problems and facilitate transport of odors and diseases. Some dusts may contain antigens that can cause severe irritation to the respiratory tract.<sup>41</sup> Acute toxic alveolitis, otherwise known as organic dust toxic syndrome, can accompany even brief, occasional exposures to heavy concentrations of organic dust and moldy feed materials in agricultural environments.<sup>42</sup> Inadequately ventilated buildings can exacerbate these concerns for workers in the facility, while improper ventilation systems can disperse the risks to nearby businesses and their customers, as well as local residents.

Children, the elderly, and other sensitive populations are particularly susceptible to air emissions, including particulate matter and suspended dust that are linked to asthma and bronchitis. Smaller particles can actually be absorbed by the body and can have systemic effects, including cardiac arrest. Long-term exposure can lead to decreased lung function.<sup>43</sup> Ammonia emissions are rapidly absorbed by the upper airways in the body, causing severe coughing and mucous build-up—and if severe enough, scarring of the airways. Particulate matter may lead to more severe health consequences for workers who are exposed by their occupation.<sup>44</sup>

This is especially relevant in Bayview-Hunters Point. Compared to San Francisco as a whole, all of Bayview-Hunters Point is in the top 25 percent of tracts with highest “PM2.5”<sup>45</sup> concentrations; however, the average concentration in Bayview-Hunters Point is about 2 percent higher than the average for all of San Francisco. In 2010, 4.4 percent of Bayview-Hunters Point population lived in an area with a PM2.5 concentration at or above 10 µg/m<sup>3</sup>, compared to 1.2 percent of citywide populations living in such an area.<sup>46</sup> Likewise, 5.5 percent of Bayview-Hunters Point residents live in an area with total cancer risk greater than 100 cases per 1 million people, compared to 3.3 percent of residents citywide—a disproportionately greater percentage than the surrounding community.<sup>47</sup>

Degraded air quality can negatively affect the mental health and quality of life of nearby residents. Odors can cause lifestyle changes for individuals in the surrounding communities and can alter many daily activities. If odors are severe, people may choose to keep their windows closed, even in high temperatures when there is no air conditioning; parents may choose to not let their children play outside nearby. Odors can cause negative mood states, such as tension, depression, or anger, and possibly neurophysiologic abnormalities, such as impaired balance or memory.<sup>48</sup>

These effects warrant consideration with regard to the Saba facility, especially, because nuisance odors, traffic density, and asthma hospitalization rates are already environmental justice indicators for Bayview-Hunters Point—meaning this



neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.<sup>49</sup> The effect of nuisance odors is already familiar to residents of Bayview-Hunters Point: since publication of the Southeast Plant Odor Control Master Plan in 1998, the San Francisco Public Utility Commission has recognized that nuisance odors are an issue due to the siting of the treatment plant that processes 80 percent of San Francisco's wastewater.<sup>50</sup> Plus, the Saba facility will be located less than a half-mile from Drew and Carver Elementary Schools (.4), a half-mile from the Burnett Child Development Center, and under a mile from both Hart Elementary and the Malcolm X Academy (.7). As the members of this community who are most sensitive to airborne emissions, the health of students at these schools must be protected.

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to air emissions, which the Department can and must consider prior to granting a conditional use permit.

## **2. Wastewater and water emissions**

Wastewater is one of the biggest concerns associated with slaughterhouses nationwide. Poultry operations, specifically, may generate effluents from various sources, including poultry housing, feeding, and watering, as well as from waste storage and management. The siting of the Southeast Plant mentioned above indicates that the Bayview-Hunters Point community already bears a disproportionate burden from the indirect impacts of wastewater.<sup>51</sup>

Effluents from poultry operations typically have a high content of organic material—and consequently a high biochemical oxygen demand and chemical oxygen demand—as well as nutrients and suspended solids such as fat, grease, and manure.<sup>52</sup> The greenhouse gases methane and carbon dioxide are created both in the process of slaughter and by the degradation of wastewater. Wastewater contains a number of organic materials, all of which release methane and carbon dioxide when they decompose. It may also contain residual amounts of growth enhancers and antibiotics, hazardous materials such as disinfecting agents, and pesticides and rodenticides that may be used to control pests within the facility.<sup>53</sup>

Wastewater from slaughterhouses is also one of the largest sources of nitrate pollution in drinking water nationwide.<sup>54</sup> High nitrate levels can cause blue baby syndrome, a fatal condition that impacts babies under six months of age. Nitrogen pollution in waterways can also kill aquatic life, and make it much more difficult for fish, insects, and other water-dependent species to survive.

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to water emissions, which the Department can and must consider prior to granting a conditional use permit.

### **3. Solid waste management and disposal**

Solid waste generated during poultry production includes waste feed, animal waste, carcasses, wastewater, contaminated ventilation filters, and used cleaning materials.

With regard to feed, common poultry feed primarily consists of corn and soy, although other grains, materials, and substances of animal origin (e.g. fish meal, meat and bone meal, and milk products) may also be added.<sup>55</sup> Feed is typically supplemented with amino acids, enzymes, vitamins, mineral supplements, and may contain hormones, antibiotics, and heavy metals.<sup>56</sup> Feed can become unusable waste material if spilled during storage, loading, and unloading or during animal feeding.<sup>57</sup>

With regard to animal waste, poultry production operations can generate significant quantities. Animal waste management requires collection, transport, storage, treatment, and either use or disposal. Manure is generally stored on-site at poultry processing facilities until it can be transported elsewhere. Poultry manure contains nitrogen, phosphorus, and potentially hormones, antibiotics, and heavy metals that are part of the animals' feed.<sup>58</sup> In fact, the U.S. Department of Agriculture has found that poultry manure generally contains two to four times more nutrients than is contained in the manure of other livestock.<sup>59</sup> These substances may result in air emissions of ammonia and other gases and may pose a potential risk of contamination to surface or groundwater resources if not properly stored, treated, and disposed of. Manure also contains bacteria and pathogens that may potentially affect soil, water, and food resources.<sup>60</sup> Animal carcasses are also a significant source of disease and odors, and can attract disease vectors.<sup>61</sup>

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's effects with regard to solid waste, which the Department can and must consider prior to granting a conditional use permit.

#### 4. Socioeconomic and Environmental Justice impacts

CEQA requires the Department to analyze the effects of the Saba facility on the particular community in which it will operate; even if the facility could generally be permitted, it may not be appropriate for the Bayview, specifically. To guide an environmental justice analysis, “indicators” are used to determine what adverse socioeconomic, environmental, health, community, and other circumstances residents of Bayview-Hunters Point experience disproportionately compared to San Francisco as a whole or to other neighborhoods in San Francisco. The U.S. Environmental Protection Agency defines environmental justice indicators as data that “provide information that can be used in an environmental justice assessment to supplement, as appropriate, information more specific to the environmental decision being evaluated (e.g., impacts from a facility being sited or permitted, or potential impacts from a proposed rule) and data required by the statutes and regulations that apply to the particular situation.”<sup>62</sup>

In June 2017, the San Francisco Public Utility Commission (SFPUC) published an Environmental Justice Analysis for Bayview-Hunters Point as part of its Biosolids Digester Facilities Project. This analysis builds upon previous or concurrent studies that are also relevant to the Department’s environmental justice analysis of the Saba facility.<sup>63</sup> The recent SFPUC analysis shows that nuisance odors, traffic density, population of children, resiliency to climate change, and asthma hospitalization rates are considered environmental justice indicators for Bayview-Hunters Point—meaning this neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.<sup>64</sup> These indicators are particularly relevant to the permitting of the Saba facility in light of its potential environmental effects explained above.

Over half of San Francisco’s industrial zoning is located in Bayview-Hunters Point.<sup>65</sup> Ninety-one to 100 percent of residents in the immediate neighborhood around the proposed 1526 Wallace Ave are considered “minority” or non-White.<sup>66</sup> In the neighborhood as a whole, 19 percent of families and 21 percent of individuals live below the federal poverty thresholds.<sup>67</sup> This community’s designation as an industrial zone should not and does not provide the Department with *carte blanche* to site facilities that will further reduce the quality of life of its residents.

To ALDF’s knowledge, the Department lacks *any* information about the Saba facility’s effects with regard to environmental justice, which the Department can and must consider prior to granting a conditional use permit.

## 5. Animal Health and Welfare

Confining large numbers of animals indoors results in direct and detrimental impacts to the animals, which should be considered under CEQA.

The cross-country journey from Pennsylvania undoubtedly causes physical and psychological trauma to the animals before they even arrive at the Saba facility. No federal law protects live chickens, specifically, during transport, nor guarantees them access to food, water, and shelter. The nature of live animal transport requires open-sided trucks or ventilatory openings; crates are often improperly covered, and birds can be exposed to high winds and cold temperatures. The unfeathered parts of their bodies become red and swollen, and sometimes even gangrened. During the trip, many chickens can die from hypothermia or heart failure associated with stress.<sup>68</sup>

Once at the Saba facility, birds are housed in cages indoors. Indoor cage confinement causes hens more psychological stress, which is generally thought to render birds more susceptible to infectious disease.<sup>69</sup> Stress hormones can also increase bacteria colonization and systemic spread in chickens,<sup>70</sup> and stress-related corticosteroids can impair the immune system.<sup>71</sup>

The birds' environment also leads to social issues that affect their health. Feather pecking occurs when one bird pecks or pulls at the feathers of another; it can damage plumage and injure a bird's skin, and sometimes lead to cannibalism. Cannibalism refers to the pecking, tearing, and consuming of skin, tissue, or organs of flock mates. Pecking and cannibalism are easier to prevent than to stop once they start; because birds are attracted to blood and have a tendency to imitate each other, they mimic the aggressive pecking or cannibalistic behavior they see in other members of the flock. Overcrowding, overheating, inadequate nutrition, excessive lighting, incorrect flock sizes, flocks of different ages and colors, and abrupt changes in management and environment can all precipitate feather pecking and cannibalism among flocks in facilities of any size.<sup>72</sup>

Chickens, ducks, and turkeys are more sensitive to lights than humans—because chickens have greater sensitivity to multiple regions of visible light, they perceive light as brighter and more intense than humans.<sup>73</sup> As such, the number of hours of light provided to a flock and the intensity of the light can influence cannibalistic behavior; extremely bright lights or excessively long periods of light will cause birds to become hostile toward each other. High-energy and low-fiber diets, feed lacking in protein and other nutrients, and diets with inadequate salt content can also lead to pecking behavior. Underweight birds are particularly prone to be victims of this behavior.

Caged facilities are particularly problematic because they prevent chickens from engaging in natural behaviors that keep them mentally and physically healthy. A chicken's natural behavior includes spending a considerable portion of the day searching for food. Accordingly, when a bird's environment is not suitable for the expression of normal foraging behavior, pecking can be redirected toward flock mates and lead to cannibalism. Combining birds of different ages, breeds, colors, or sizes that have not been reared together often upsets the social order of a flock and increases the chances of cannibalism. Birds caged without access to a perch cannot escape it if it occurs within their cage. Because indoor, confined conditions exacerbate many of the social and environmental factors that contribute to pecking and cannibalism, they are particularly harmful.

Animal disease-causing agents can also spread rapidly among confined flocks. Animal diseases can enter a facility with new animals, on equipment, and on people. Some diseases can weaken or kill large numbers of animals at an infected facility. Both poultry manure and carcasses contain pathogenic organisms which can infect humans, for example viruses such as Avian Influenza (strain HN51), and parasites such as parasitical worms. In some cases, the only remedy available to an operation is to euthanize an entire group of animals to prevent the spread of the disease.

Good ventilation, air movement, proper temperature, dry conditions, freedom to express natural behaviors, and sunlight are also essential for other animals who may be housed at the Saba facility. ALDF is deeply concerned about the conditions in which these animals will be kept. However, due to Saba and the Department's lack of notice about the specific types of animals who will be housed and slaughtered at the Saba facility, ALDF is unable to provide meaningful comments about the health and welfare of these additional species.<sup>74</sup>

To ALDF's knowledge, the Department lacks *any* information about the Saba facility's practices or effects with regard to animal health and welfare, which the Department can and must consider prior to granting a conditional use permit.

## **Conclusion**

Animal confinement facilities, slaughterhouses, and processing plants of any scale may have significant environmental effects. The Department simply does not possess enough information about the proposed Saba Live Poultry facility and its effects to make the requisite determination that a categorical exemption under CEQA is appropriate. The Department's approval of this facility without proper analysis of the effects documented herein would violate CEQA.

The detrimental impact that live animal confinement, slaughter, and processing will have on the Bayview-Hunters Point community, environment, and animals counsel toward denying this facility a conditional use permit. At the very least, the Department must conduct a proper CEQA analysis before making a decision on the application. ALDF therefore urges the Department to deny the conditional use permit for this facility unless and until its effects on animals, the environment, and the local community are studied and mitigated.

Respectfully Submitted,

*Cristina Stella*

Cristina Stella  
Staff Attorney, Animal Legal Defense Fund

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<sup>1</sup> See Saba Fresh Meat, “About Our History Here at Saba Halal,” <http://www.sabahalal.com/about-us.html> (last visited Nov. 20, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Oakland City Planning Comm’n, Case File No. DET15-026-A01, Staff Report (July 1, 2015), available at <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak053781.pdf> (hereinafter “Oakland Staff Report”).

<sup>5</sup> Saba Fresh Meat, *supra* note 1.

<sup>6</sup> Oakland Staff Report, *supra* note 4.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Cal. Pub. Res. Code § 21080(a).

<sup>13</sup> Cal. Code Regs. tit. 14, § 15061(a).

<sup>14</sup> *Id.* § 15061(b)(2).

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<sup>15</sup> *Id.* § 15060.5.

<sup>16</sup> *Id.* § 15301.

<sup>17</sup> See *Save Our Schs. v. Barstow Unified Sch. Dist.*, 240 Cal. App. 4th 128, 140-41 (Cal. Ct. App. 2015).

<sup>18</sup> *Id.* at 139.

<sup>19</sup> Cal. Code Regs. tit. 14, § 15301.

<sup>20</sup> *Id.* § 15064(d).

<sup>21</sup> *Id.* § 15064(e).

<sup>22</sup> *Id.* § 15300.2.

<sup>23</sup> See *Buffalo River Watershed Alliance v. USDA*, No. 4:13-cv-450-DPM, 2014 WL 6837005 (E.D. Ark. Dec. 2, 2014).

<sup>24</sup> Cal. Code Regs. tit. 14, § 15070.

<sup>25</sup> United States Dept. of Agric. Farm Serv. Agency, Draft Environmental Assessment (Oct. 2017), at 3-10, available at [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/State-Offices/Arkansas/env-docs/draft\\_ea\\_tracypoultry\\_20171025.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/State-Offices/Arkansas/env-docs/draft_ea_tracypoultry_20171025.pdf); see generally Humane Soc’y of the United States (HSUS), Green Gas Emissions from Animal Agriculture, available at <http://www.humanesociety.org/assets/pdfs/farm/hsus-fact-sheet-greenhouse-gas-emissions-from-animal-agriculture.pdf>.

<sup>26</sup> San Francisco Dept. of the Env’t, Bayview Hunters Point Community Diesel Pollution Reduction Project at 10 (Feb. 2009), available at [https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_ej\\_bvhp\\_diesel\\_pollution\\_reduction\\_project\\_report.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_ej_bvhp_diesel_pollution_reduction_project_report.pdf) (hereinafter “Diesel Pollution Report”).

<sup>27</sup> *Id.* at 12, 17.

<sup>28</sup> *Id.* at 14.

<sup>29</sup> San Francisco Pub. Utils. Comm’n, Env’tl. Justice Analysis for Bayview-Hunters Point at 4-30 (June 2017), available at <http://sfwater.org/modules/showdocument.aspx?documentid=10879> (hereinafter “SFPUC Analysis”).

<sup>30</sup> M. Greger, *The Long Haul: Risks Associated With Livestock Transport, Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science* at 305 (2007), available at <http://www.humanesociety.org/assets/pdfs/farm/b-b2007-5-4.pdf>.

<sup>31</sup> *Id.* at 301.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 304.

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<sup>34</sup> Declaration of Professor Steven B. Wing, Ph.D., (Sept. 3, 2015), available at <http://buffaloriveralliance.org/Resources/Documents/Ex.%205%20-%20Wing%20declaration%20FINAL%20w%20Exhibits%20-%20reduced%20size.pdf>.

<sup>35</sup> Int'l Finance Corp., Environmental, Health, and Safety Guidelines for Poultry Production at 6 (Apr. 30, 2007), available at <http://www.ifc.org/wps/wcm/connect/26baaf004886581fb43ef66a6515bb18/final+-+poultry+production.pdf?mod=ajperes> (hereinafter "IFC Guidelines").

<sup>36</sup> Greger, *supra* note 30, at 301.

<sup>37</sup> *Id.* at 302.

<sup>38</sup> IFC Guidelines, *supra* note 35, at 6.

<sup>39</sup> *Id.* at 11.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Carrie Hribar, Nat'l Ass'n of Loc. Boards of Health, *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities* at 6 (Mark Schultz, ed., 2010), available at [http://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>44</sup> *Id.*

<sup>45</sup> PM<sub>2.5</sub>, also called "fine particulates," consists of particles with diameters that are less than or equal to 2.5 microns in size. PM<sub>2.5</sub> is a more serious health concern than PM<sub>10</sub>, since smaller particles can travel more deeply into our lungs and cause more harmful effects. SFPUC Analysis, *supra* note 29, at 4-24.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 4-28, 4-29.

<sup>48</sup> Wing Decl., *supra* note 34, at ¶ 15.

<sup>49</sup> SFPUC Analysis, *supra* note 29, at 4-2.

<sup>50</sup> *Id.* at 4-29.

<sup>51</sup> SFPUC Analysis, *supra* note 29, at 4-29.

<sup>52</sup> IFC Guidelines, *supra* note 35, at 5.

<sup>53</sup> *See id.* at 5, 6-7.

<sup>54</sup> *See* Env'tl. Working Group, Meat Processors/Slaughterhouses (2011), <https://www.ewg.org/meateatersguide/interactive-graphic/meat-processorsslaughterhouses>.

<sup>55</sup> IFC Guidelines, *supra* note 35, at 2.



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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 3.

<sup>59</sup> The PEW Env't. Group, *Big Chicken: Pollution and Industrial Poultry Production in America* at 13 (July 27, 2011), available at <http://www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/pegbigchickenjuly2011pdf.pdf>.

<sup>60</sup> IFC Guidelines, *supra* note 35, at 3.

<sup>61</sup> *Id.* at 4.

<sup>62</sup> SFPUC Analysis, *supra* note 29, at 1-8.

<sup>63</sup> *See id.* at 4-10 – 4-22.

<sup>64</sup> *Id.* at 4-2.

<sup>65</sup> *Id.* at 4-39.

<sup>66</sup> *Id.* at 4-6.

<sup>67</sup> *Id.* at 4-7.

<sup>68</sup> *See generally* Greger, *supra* note 30.

<sup>69</sup> *See* T. Humphrey, *Are Happy Chickens Safer Chickens? Poultry Welfare and Disease Susceptibility*, 47 *British Poultry Sci.* 379, 379-91 (2006); A.M. de Passillé & J. Rushen, *Food Safety and Environmental Issues in Animal Welfare*, 24 *Revue Scientifique et Technique de l'Office International des Epizooties* 757, 757-66 (2005).

<sup>70</sup> U. Methner et al., *Effect of Norepinephrine on Colonisation and Systemic Spread of Salmonella Enterica in Infected Animals: Role of Catechol Siderophore Precursors and Degradation Products*, 298 *Int'l J. of Med. Microbiology* 429, 429-39 (2008).

<sup>71</sup> M.T. Bailey et al., *In Vivo Adaptation of Attenuated Salmonella Typhimurium Results in Increased Growth Upon Exposure to Norepinephrine*, 67 *Physiology & Behavior* 359, 359-64 (1999); S. Shini et al., *Biological Response of Chickens (Gallus gallus domesticus) Induced by Corticosterone and a Bacterial Endotoxin*, 149 *Comparative Biochemistry & Physiology Part B* 324, 324-33 (2008).

<sup>72</sup> Jacquie Jacob, *Feather Pecking and Cannibalism in Small and Backyard Poultry Flocks*, eXtension.org, <http://articles.extension.org/pages/66088/feather-pecking-and-cannibalism-in-small-and-backyard-poultry-flocks> (last visited Nov. 20, 2017).

<sup>73</sup> Bob Alphin, Dept. of Animal and Food Sciences, Univ. of Delaware, *Impact of Light on Poultry*, available at [http://extension.umd.edu/sites/extension.umd.edu/files/\\_images/programs/poultry/Alphin%20Light%20Impact%20on%20Poultry%203-11-14.pdf](http://extension.umd.edu/sites/extension.umd.edu/files/_images/programs/poultry/Alphin%20Light%20Impact%20on%20Poultry%203-11-14.pdf).

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<sup>74</sup> See generally HSUS, *The Welfare of Animals in the Veal Industry* (July 2012), available at <http://www.humanesociety.org/assets/pdfs/farm/hsus-the-welfare-of-animals-in-the-veal-industry-b.pdf> (discussing animal welfare issues associated with veal calves); HSUS, *The Welfare of Animals in the Duck Industry*, available at <http://www.humanesociety.org/assets/pdfs/farm/hsus-the-welfare-of-animals-in-the-duck-industry.pdf> (ducks); HSUS, *The Welfare of Animals in the Turkey Industry*, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Report-on-Turkey-Welfare.pdf> (turkeys); HSUS, *The Welfare of Animals in the Chicken Industry* (Dec. 2013), available at [http://www.humanesociety.org/assets/pdfs/farm/welfare\\_broiler.pdf](http://www.humanesociety.org/assets/pdfs/farm/welfare_broiler.pdf) (broiler chickens).

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MEMO

CEQA Determination Appeal Fee

*James Harting*

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**To:** [cstella@aldf.org](mailto:cstella@aldf.org); [dfrattin@reubenlaw.com](mailto:dfrattin@reubenlaw.com); [atoomey@reubenlaw.com](mailto:atoomey@reubenlaw.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** APPEAL RESPONSE: Appeal of CEQA Exemption Determination - 1526 Wallace Avenue - Appeal Hearing on February 13, 2018  
**Date:** Monday, February 05, 2018 12:19:04 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Please find linked below an appeal response received by the Office of the Clerk of the Board from the Planning Department, regarding the Categorical Exemption Determination Appeal for the proposed project at 1526 Wallace Avenue.

[Planning Appeal Response - February 5, 2018](#)

**The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on February 13, 2018.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180013](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
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**PLANNING DEPARTMENT**

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**MEMO**

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AK

**Categorical Exemption Appeal**  
**1526 Wallace Avenue**

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

Reception:  
 415.558.6378

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 415.558.6377

**DATE:** February 5, 2018  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer – (415) 575-9032  
 Laura Lynch – (415) 575-9045  
**RE:** Planning Case No. 2017-010819APL  
 Appeal of Categorical Exemption for 1526 Wallace Avenue  
**HEARING DATE:** February 13, 2018  
**ATTACHMENTS:** A. Saba Live Field Notes 2017-010819APL, Laura Lynch, January 24, 2018  
 B. Memorandum from Daniel Frattin, Reuben, Junius & Rose LLP to Laura Lynch, San Francisco Planning Department, January 22, 2018 (includes, as attachment, background paper from CalRecycle regarding the safe disposal of animal products and applicable regulations)

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**PROJECT SPONSOR:** Daniel Frattin of Rubin Junius and Rose on behalf of Saba Live Poultry  
**APPELLANT:** Animal Legal Defense Fund

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## INTRODUCTION

This memorandum and attachment are a response to the December 26, 2017, letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's issuance of a categorical exemption under the California Environmental Quality Act ("CEQA determination") for the proposed project at 1526 Wallace Avenue (the "project").

The Planning Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15333), issued a categorical exemption for the project on November 30, 2017, finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption. In addition, the project qualifies for a Class 3 exemption. The Class 1 exemption applies to minor alterations of existing facilities, including additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if 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 the area in which the project is located is not environmentally sensitive (CEQA Guidelines Section 15301). A Class 3 exemption applies to projects that include new construction or changes of use under 10,000 square feet, if such change of use is principally permitted or permitted with a Conditional Use Authorization (CEQA Guidelines Section 15303). The proposed project would require alteration to an existing building including interior tenant improvements

Memo

(Class 1) and also includes a change of use under 10,000 square feet (Class 3). It is noted that the “CatEx checklist”, issued on November 29, 2017, identified the proposed project as qualifying for a Class 1 exemption and did not cite the additional Class 3 exemption for which the project qualified. This does not affect the validity of the exemption determination. If a project meets the criteria for an exemption, it is exempt from further environmental review, regardless of when that determination is made in the process.

The decision before the Board is whether to uphold the Planning Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Planning Department’s decision to issue a categorical exemption and return the project to Planning Department staff for additional environmental review.

### **SITE DESCRIPTION AND EXISTING USE**

The project site (Block 4829, Lot 004) is on the northeast side of Wallace Avenue on the block bounded by Wallace and Van Dyke avenues and Keith and Jennings streets in the Bayview neighborhood. The 7,496-square-foot project site contains a single story, approximately 6,300-square-foot industrial building constructed in 1946, with multiply industrial spaces. The subject industrial space, which is approximately 2,100 square feet in size, is currently vacant. The project site and block are within the PDR-2 (Core Production Distribution, and Repair) Use District and a 40-X Height and Bulk District. The neighborhood contains primarily small-to-large industrial and warehouse buildings, with no residential properties abutting the project site (the closest residential use is approximately 50 feet from the project site, along Van Dyke Avenue). Types of businesses within the immediate vicinity of the property include the San Francisco Municipal Transportation Agency (SFMTA) Paint Shop, food processing facilities, automotive body shops, wood pallet manufacturers, and sheet metal fabrication businesses.

### **PROJECT DESCRIPTION**

The proposed project would involve interior alterations to the existing building at 1526 Wallace Avenue and would not include any expansion of the building envelope. The proposed tenant improvements would accommodate a small-scale (2,100 square feet) halal live poultry slaughterhouse with direct sales to customers on site.<sup>1</sup> All activities would be contained within a completely enclosed building, with no openings, other than fixed windows, exits, and vents, as required by law.

On January 23, 2018, Daniel Frattin (representative for the project sponsor) provided a memorandum to Planning Department staff that detailed the anticipated operations of the proposed business, which would be operated by Saba Live Poultry, and a summary of regulations that the proposed slaughterhouse would be subject to. A background paper by CalRecycle regarding the safe disposal of animal products and applicable regulations was also provided. Additionally, on January 24, 2018, Planning Department

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1 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. According to the project sponsor, while the chickens are being raised, they would be fed on a vegetarian diet, treated humanely, have access to the outdoors, and kept healthy prior to slaughter. A prayer would be said over the bird before it is killed by cutting its throat, then the bird would be drained of blood.

staff conducted a site visit to the Saba Live Poultry's existing Bay Area facility, which is approximately 4,000 square feet and is located in Oakland, CA.

According to the project sponsor, the project anticipates storing approximately 500 live birds on-site at any given time, with no bird anticipated to stay at the facility for longer than 48 hours. All killing and processing of poultry would be done manually, with the only exception being defeathering, which would be done by a machine that is run on electricity. In terms of waste products, while the birds are alive, animal waste would be collected in a tray of shallow water underneath the bird cages. The trays would then be collected and emptied daily into airtight drums. After the birds are killed and processed (immersed in hot water, defeathered, cleaned, and cut into pieces [if requested by customers]), at each station, waste, blood, feathers, and byproducts would be captured and placed into sealed receptacles that would be stored in a cooler room, until they are picked up by an offsite vendor for composting or recycling into other products. Drains in the facility would be equipped with grease traps to capture remaining waste before it enters into the sewage system. Air would be exhausted from the facility with a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney. Air would be discharged from the fan at a velocity of 3,000 feet per minute, sufficient to send it more than 50 feet above ground level before it dissipates into the atmosphere. No diesel generator, incinerator, or other mechanical equipment is proposed for the project.

Poultry for the proposed facility would be sourced from the outer Bay Area and the Central Valley. The anticipated number of poultry deliveries would range from 2 to 4 deliveries per week and the poultry would be transported in typical box trucks. The sponsor anticipates that an additional 3 to 5 truck trips per week would be required to remove animal waste products.<sup>2</sup> The sponsor anticipates having an average of 20 to 30 daily customers (with possible higher numbers during some holidays) and 5 to 10 employees at any given time. A state-certified inspector would be on-site at all times to monitor the condition of animals and the facility (the inspector would be one of the 5 to 10 anticipated employees).

Pursuant to Planning Code Section 102, processing of small livestock falls under the use definition of "Livestock Processing 1." Planning Code Section 210.3 permits Livestock Processing 1 uses within the PDR-2 Zoning District. Accordingly, the project received a Conditional Use Authorization on November 30, 2017. This authorization granted the property permission to change to a Live Processing 1 use. No appeal of the Conditional Use Authorization was filed.

## **BACKGROUND**

On August 09, 2017, Harvey Hacker of Harvey Hacker Architects on behalf of the property owner GBP 5 LP and the proposed tenant, Saba Live Poultry, filed a Conditional Use Authorization application with the Planning Department to establish Livestock Processing 1 use at the project site.

On November 29, 2017, the Planning Department determined that the project was categorically exempt under CEQA.

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<sup>2</sup> At the busiest times of year, two trucks total are expected to serve the facility per day.

On November 30, 2017, the San Francisco Planning Commission approved the Conditional Use Authorization, establishing the Livestock Processing 1 use at the project site. This approval was conducted at a publicly noticed hearing. The action by the Planning Commission is the Approval Action for the project under CEQA.

On December 26 1017, Cristina Stella on behalf of the Animal Legal Defense Fund filed an appeal of the categorical exemption. The Planning Department determined that the CEQA appeal is timely.

## **CEQA GUIDELINES**

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review. In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15301(a), Existing Facilities, or Class 1, provides an exemption from further environmental review for projects that consists of interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. The project would involve interior tenant improvements to accommodate the new use.

Additionally, CEQA State Guidelines Section 15303 (c), New Construction or Conversion of Small Structures, or Class 3, provides an exemption from further environmental review for projects that consist of the conversion of existing small structures from one use to another where only minor exterior changes are made. Specifically, Section 15303(c) exempts from further environmental review a change in use in an urbanized area involving up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use 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. The project includes the change of use of an approximately 2,100-square-foot industrial space from a vacant facility (formerly used for automotive towing and storage) to a facility that would house live poultry livestock and process it for both direct-to-customer and business-to-business sales.

The Planning Department has determined that the proposed project satisfied the criteria of these classes of exemptions and found that there were no unusual circumstances associated with the project site or with the proposed activities that could lead to a significant effect on the environment, and the project was determined to be exempt from environmental review.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial



evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

## **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

The concerns raised within the December 26, 2017, appeal letter are cited below and are followed by the Planning Department’s responses.

### **APPROPRIATE USE OF A CATEGORICAL EXEMPTION**

**Concern 1: The Appellant contends that the project is not exempt from the California Environmental Quality Act because it could have significant environmental impacts.**

**Response 1: The proposed project qualifies for a categorical exemption under Class 1, Existing Facilities, and Class 3, New Construction and Conversion of Small Structures, and no unusual circumstances exist that could result in significant environmental impacts. Therefore, an Initial Study or an Environmental Impact Report (EIR) is not required. The Appellant has not provided any substantial evidence to refute the conclusions of the Department.**

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: 1) Determining whether the project meets the requirements of the categorical exemption; and 2) Determining whether any of the exceptions listed under CEQA Guidelines section 15300.2, such as unusual circumstances, apply to the project.

The project meets the requirements of a categorical exemption under both Class 1, Existing Facilities and Class 3, New Construction and Conversion of Small Structures. The Appellant has not provided any substantial evidence supported by facts that the project does not qualify for a categorical exemption under Class 1 or 3. Class 1 categorical exemption allows for interior alterations of existing properties, while a Class 3 allows for changes of use of 10,000 square feet within urban areas. The proposed project in this case involves the change in use of an existing 2,100 square-foot vacant space, previously used as a towing facility, to a Livestock Processing 1 use, within the dense urban context of San Francisco.

The project is located within the Core Production Distribution and Repair (PDR-2) zoning district. Pursuant to Planning Code Section 210.3, the intent of the PDR-2 district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. Thus, this district prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses. 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. These uses 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. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Local, state, and federal health and safety regulations, as well as Planning Code stipulations, may impose additional use size maximums and minimum distance requirements on certain activities.

Laura Lynch, Planning Department staff, conducted a site visit to the outside of the proposed project at 1526 Wallace Avenue on January 24, 2018. Neighboring businesses observed within the direct vicinity of the project site include other uses consistent with the PDR-2 zoning district, including the San Francisco Municipal Transportation Agency (SFMTA) Traffic Paint Shop, automotive repair and paint shops, food processing facilities, and sheet metal fabrication businesses. The closest residential building to the project site is located at 1447 Van Dyke Avenue, approximately 50 feet away, with no direct access to the project site.

Additionally, CEQA Guidelines Section 15300.2(c) states that a “categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Pursuant to CEQA, a two-part test is established to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, as follows:

- 1) The lead agency first determines whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”
- 2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects. CEQA Guidelines states that whether “a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. 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.”

The Appellant has not provided any evidence that the exemption determination does not qualify for a Class 1 or 3 exemption. A Class 1 exemption allows for improvements to existing facilities (i.e. interior tenant improvements) and Class 3 exemptions allow for changes of use of 10,000 square feet within urban areas. The project involves the change the use of an existing 2,100-square-foot former automotive storage and towing facility to an animal containment and processing facility, within the dense urban environment of San Francisco. The proposed use of the project is permitted within the PDR-2 Zoning District, a district in which the project site is located. Pursuant to Planning Code Section 210.3, a Conditional Use Authorization is required to change the use of a property from one category to another. The surrounding area consists of a varying range of uses including light to heavy industrial (i.e. food processing, paint shops, sheet metal fabrication) to single family residential. A Conditional Use Authorization was granted by the San Francisco Planning Commission on November 30, 2017, approving the site for the proposed animal containment and processing facility. Although the Appellant indicated concern with regards to the type of use and the proposed operations at the subject property, the size, scope and location of the project allow for it to qualify for a Class 1 and 3 categorical exemption.

On the whole, the Planning Department finds that no unusual circumstances exist that would disqualify the proposed project from a categorical exemption under Class 1 or Class 3.

Even if one were to find that an unusual circumstance is present, any potential environmental impacts associated with the proposed use would not rise to a significant level given the nature (manual processing) and small scale (500 birds at any given time) of the proposed operations and given the existing regulations that would apply to the project (regarding waste disposal, for example). Contrary to the Appellant's claim, the Department considered both construction and operations in making its determination, and concluded that the proposed small-scale slaughterhouse could not result in significant impacts related to air quality, noise, solid waste, water quality or any other CEQA topics.

Based on the above, neither the project location nor the scope of the proposed project would present unusual circumstances. For informational purposes, the Planning Department has provided analysis and information with regards to the varying points of concern raised by the Appellant, including air quality, water quality, animal byproduct disposal, and existing local and state regulations. This information can be found within subsequent responses.

Additionally, the proposed project and its location do not involve any unusual circumstances that would require further environmental review, as described below under other responses. The location of the project site within the Bayview neighborhood, in and of itself, does not constitute an unusual circumstance, unless a direct link between the project location and significant impacts on the environment caused by the proposed project can be shown. The Appellant has not provided any substantial evidence to refute the Department's determination that the proposed project qualifies for a Class 1 and 3 categorical exemption; nor has the Appellant demonstrated that the project would result in a significant impact on the environment due to unusual circumstances necessitating the preparation of an Initial Study or EIR.

Procedurally, the CEQA Guidelines do not require a written determination to be provided to confirm that a project is exempt from CEQA review. However, Chapter 31 of the San Francisco Administrative Code establishes local procedures and requirements necessary to implement CEQA analysis for its projects; this includes procedures and requirements for the preparation of categorical exemptions. Per Section 31.08(1)(a) of the Administrative Code, the categorical exemption determination document for a project that is found to be exempt from CEQA must include the following information:

- 1) Project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption;
- 2) Type or class of exemption determination applicable to the project;
- 3) Other information, if any, supporting the exemption determination;
- 4) Approval Action for the project, as defined in Section 31.04(h); and
- 5) Date of the exemption.

In compliance with Section 31.08(1)(a) of the Administrative Code, the proposed project's categorical exemption determination document provides the required information confirming that the project is exempt from CEQA review and eligible for a categorical exemption under Class 1, Existing Facilities, and Class 3, New Construction and Conversion of Small Structures. Specifically, the exemption determination document contains the following:

- 1) Project description for determining that the project is exempt from CEQA;
- 2) Class of categorical exemption (as discussed above in the Introduction, the “CatEx checklist” identified the proposed project as qualifying for a Class 1 exemption and did not cite the additional Class 3 exemption for which the project also qualified);
- 3) Applicable information to support the categorical exemption determination;
- 4) Approval action for the project (i.e., approval of a Conditional Use Authorization by the Planning Commission); and
- 5) Date of the categorical exemption (November 29, 2017).

Based on the discussion above, the 2,100 square foot project was appropriately exempt from CEQA under a Class 1 and Class 3 exemption based on the size and scope of the proposed project. Additionally, the Planning Department finds that no unusual circumstances exist that would disqualify the proposed project from a categorical exemption under Class 1 or Class 3.

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## **PROJECT OPERATIONS**

**Concern 2: The Appellant contends that the Planning Commission made inaccurate assumptions related to the halal method of processing poultry, which led it to underestimate potential environmental impacts.**

**Response 2: The size and scale of the project as well as the fact that no sources of air quality emissions (such as generators, heavy machinery, incinerators, etc.) would be required would ensure that no significant impacts would result from its construction or operation.**

The Appellant states that the proposed halal style slaughtering does not dictate the way that the animals are disposed of. The Department maintains that the proposed project, regardless of the methods used in the slaughtering of the animals (i.e., halal), would nevertheless be subject to local state and federal regulations with regards to water usage and waste disposal and, given the size and scale of the project, would still be categorically exempt from additional CEQA review, based on reasoning provided in Response 1.

Moreover, the halal method of processing chickens would dictate how the project operates and would further constrain the volume of poultry that could be processed in the facility. The halal style of animal processing would require the slaughtering of animals individually, by hand. The only processing machinery that would be present at the site would be a single machine used to remove feathers from the bird, once it has been slaughtered (this machine is electric-powered). However, whether or not the proposed operation is halal was not the main consideration in the Department’s determination that it is categorically exempt from additional CEQA review. Rather, the Department considered the size, scale, and lack of air quality emission sources, among other triggers listed in the CEQA Categorical Exemption Determination checklist under Step 2 (included in the Appellant’s packet), in its review.

In issuing a categorical exemption, the Department inquired about the type of machinery that would be required to operate the proposed project. The use of the project site as a halal slaughterhouse means that no heavy duty machinery would be needed that could otherwise result in possible air quality emissions.

Thus, because the project is limited to 2,100 square feet in size, which is well within the 10,000 square foot limitations for a Class 3 exemption, and as discussed in Response 1, no unusual circumstances exist that would result in significant environmental impacts, it was deemed qualified for a categorical exemption.

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## **WASTEWATER AND SOLID WASTE**

**Concern 3: The Appellant contends that the Department improperly relied on the assumption that the project would comply with applicable local, state, and federal regulations concerning wastewater and solid waste operations, in determining that it qualifies for a CEQA exemption.**

**Response 3: The proposed project, like all businesses in the City and County of San Francisco, would be required to comply with local, state and federal regulations applicable to its proposed construction and operations. These regulations are not considered an unusual circumstance in the context of CEQA review and would be considered an integral part of the project itself. Assuming otherwise (e.g., that the project would not comply with such regulations) would be speculative; speculation is not considered substantial evidence under CEQA (Guidelines §15384).**

The Appellant asserts that wastewater discharge from the proposed project would disqualify the project from an exemption; however, the Appellant does not substantiate this claim with facts. As discussed in Response 1, the project was correctly classified as exempt from CEQA. For informational purposes, Planning Department staff includes the following discussion analyzing the existing local, state and federal regulations related to wastewater discharge from industrial businesses.

With respect to the proposed use, wastewater would be properly filtered and monitored to ensure that high levels of contaminants do not enter the sewer systems. Additionally, as mentioned above, Planning Department staff conducted a site visit to an existing Saba Live location in Oakland on January 24, 2018 (Saba Live Field Notes: 2017-010819APL, attached). Based on this site visit, Planning Department staff confirmed that drains with grease traps were present at Saba's existing facility, capturing runoff within the existing building. Additionally, the solid waste from slaughtered chickens was separated out by feathers and other waste, and stored in closed containers within a locked, refrigerated room. According to the project sponsor, this solid waste is picked up and disposed of at a qualified animal waste disposal and recycling center, as would be done for the proposed facility. The Appellant provides no evidence as to how the proposed project would not qualify as a categorical exemption, or how the proposed operations would trigger any unusual circumstances with regards to wastewater or solid waste.

The project would be required to comply with all local, state and federal regulations applicable to the proposed operations. For informational purposes, below is a non-exhaustive list of local, state and federal regulations that the proposed project could be subject to, based on communication with the project sponsor, Department of Public Health staff and U.S. Department of Agriculture (USDA) staff:

*U.S. Department of Agriculture (USDA).* The USDA Food Safety and Inspection Service (FSIS) is responsible for ensuring the safety and wholesomeness of poultry through the enforcement of the Poultry Products Inspection Act (PPIA). These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food.

*California Department of Food and Agriculture (CDFA).* The 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. The MPES Branch reviews operational plans prior to issuing a license to the plant owner or an employee. The MPES Branch trains, licenses, and evaluates these Poultry Meat Inspectors (PMIs) who are responsible for enforcing sanitation standards, pest control measures, and the humane handling and slaughter of the poultry on site. (See CDFA, MPES Branch Overview, <https://www.cdffa.ca.gov/ahfss/MPES/> (accessed January 23, 2018).)

*California Department of Resources Recycling and Recovery (CalRecycle).* CalRecycle regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease, protect the environment from inappropriate and illegal dumping of discarded animal tissue, and encourages the recycling of waste products to reduce the amount of animal material disposed in landfills.

*San Francisco Department of Public Health (SFPDH).* Environmental Health Inspectors from SFPDH monitor compliance of local and state food safety regulations. Because Saba Live would include a retail component, SFPDH would inspect the operation for cleanliness, safe food storage, vermin infestation, adequate equipment, regular refuse collection, and good employee hygiene and work habits. In addition, SFPDH ensures compliance with California law requiring every retail food facility to employ a Certified Food Handler. (Cal. Health & Safety Code § 113790 defines "food handler" as anyone involved in the "preparation, storage, or service of food in a food facility.") Pursuant to Cal. Health & Safety Code § 113948, 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.

*San Francisco Public Utilities Commission (SFPUC).* SFPUC enforces the City's Pretreatment Program, which regulates discharges from non-domestic sources into the City's sewage. Non-domestic sources include discharges from industrial and commercial sources, including food processing. Regular users who discharge non-domestic sources, as Saba Live will, must obtain an Industrial Use Wastewater Discharge Permit. (San Francisco Public Works Code, Art. 4.1). Under this program, solids would be captured before entering the sewer system. Specifically, nothing from the livestock operation would go into the regular garbage. The drains at the facility would have grease traps and would filter out grease and other waste before entering the sewer system. Additionally, SFPUC enforces the City's regulations for waste haulers, which include vendors who transport food processing. Saba Live's vendors who would be transporting their animal byproducts would be subject to such requirements. (San Francisco Public Works Code, Art. 4.1).

Failure to comply with the above regulations would preclude the business from opening or could impede its operations; therefore, these mandatory regulations are considered to be an integral part of the proposed project and are not speculative. As such, it is appropriate to assume that the sponsor would comply with them. Adherence to these regulations would preclude any environmental impacts related to air quality, noise, water quality and/or solid waste that could otherwise occur. The types of permits that the project would be required to obtain relate to its scale, operations, and expected emissions and wastes, none of which would be considered unusual within the city or the surrounding neighborhood (for example, similar permits are granted to restaurants, supermarkets and other businesses throughout the city that handle animal wastes or dispose wastewater).

Within the surrounding neighborhood, there are much larger industrial food processing facilities including Molinari, Happy Noodle, Evergood, etc., which also are subject to existing local, state and federal regulations. Thus, the project's requirement to obtain necessary permits from various agencies in order to operate is not considered an unusual circumstances and the proposed project appropriately qualifies for a Class 1 and 3 categorical exemption.

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## **AIR QUALITY**

**Concern 4: The Appellant contends that the project would emit substantial pollutant concentrations from diesel trucks. The Appellant states that the Department did not consider emissions and effects from the project as a whole, including the trucks and transport that are essential to its operation.**

**Response 4: The construction and operations of the proposed project would not include air emissions of sufficient type or scale to result in significant air quality impacts.**

The Appellant asserts that the proposed project would result in air quality impacts, but does not present any substantial evidence to support such claims. The information below describes how the Department typically conducts analysis of air quality impacts under CEQA and why the proposed project would not result in any air quality impacts. This is provided for informational purposes only, since the project qualifies for Class 1 and Class 3 categorical exemption and no unusual circumstances exist that could result in air quality impacts.

The Appellant contends that complying with the above laws would "likely require the facility to be properly ventilated confirming that it will impact air quality in the neighborhood." As discussed above, under Project Description, air from the facility would be discharged from the fan at a velocity of 3,000 feet per minute, sufficient to send it more than 50 feet above ground level before it dissipates into the atmosphere. However, no air quality pollutants would be dispersed into the atmosphere due to ventilation, since the project does not propose any diesel generators, incinerators, or other mechanical equipment.

Pursuant to CEQA, the Department typically reviews proposed projects with respect to two primary types of air quality emissions – *criteria air pollutants*, which are regional impacts for which federal and state air quality standards as well as impact screening levels have been established, and *toxic air contaminants*, which are localized impacts for which no ambient standards have been established and which are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. These are described in more detail below.

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds.

The proposed project would not exceed criteria air pollutant screening levels for operation or construction. The screening category that would be most applicable to the proposed project is that of “general light industry.” According to BAAQMD, the operational criteria pollutant screening size for projects that fall under the “general light industry” category is 541,000 square feet in size and the construction criteria pollutant screening size for projects that fall under this category is 259,000 square feet in size.<sup>3</sup> Since the proposed project would construct and operate a use well below both of these screening sizes, no significant operational or construction impacts related to criteria air pollutants would occur.

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. The City and County of San Francisco (City) partnered with the BAAQMD to identify the areas of San Francisco that are most adversely affected by the sources of TACs and conduct an assessment of air pollution and exposure from vehicles, stationary sources, and area sources within the city. For this assessment, the City conducted citywide dispersion modeling, using AERMOD, to assess emissions from the following primary sources: roadways, permitted stationary sources, port and maritime sources, and Caltrain. This analysis resulted in a comprehensive assessment of existing cumulative exposures to air pollution throughout the city. Based on this assessment, the City identified areas with poor air quality as an Air Pollutant Exposure Zone (APEZ).

The proposed project is not within an Air Pollutant Exposure Zone. Moreover, the proposed project would not result in significant impact related to TACs because it would not include any sources of TACs that could affect the surrounding residences (which are considered sensitive uses for purposes of CEQA analysis). With respect to construction impacts, the proposed project would require interior tenant

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3 Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.



improvements, which would not require heavy construction equipment that typically emit TAC. Once operational, no substantial TAC emissions would be anticipated, given the relatively small scale and manual nature of the proposed operations, as well as lack of mechanical equipment (such as diesel generators or incinerators). In terms of mobile sources, the California Air Resources Board, in its *Air Quality and Land Use Handbook*, recommends that sensitive land uses not be located within 1,000 feet of a distribution center that accommodates more than 100 trucks per day. The proposed project would require deliveries from trucks ranging from 2 to 10 times per week, much smaller than this 100 truck recommendation, and therefore, would not be expected to result in significant impacts related to TAC emissions. Moreover, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>4</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, delivery TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

There are no emission sources related to chicken confinement and processing, specifically, that could result in air quality emissions. Any volatile organic compounds or dust and animal wastes resulting from the proposed operations would not be of sufficient amount to result in air quality impacts to the surrounding residences. As most businesses in the city, the project would be subject to Occupational Safety and Health Administration rules that would protect its workers from injuries and any other health effects.

In conclusion, based on the above, the proposed project would not result in unusual circumstances nor include any criteria air pollutant or toxic air contaminant sources that could result in significant air quality impacts.

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#### **SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE IMPACTS**

**Concern 5: The Appellant asserts that the Planning Department did not analyze socioeconomic and environmental justice impacts on the surrounding community.**

**Response 5: Pursuant to CEQA Guidelines Sections 15131 and 15064(e), economic and social impacts are not environmental impacts and are generally not studied in environmental analyses unless there is substantial evidence of related physical impacts on the environment.**

CEQA Section 15064(e) states, in part: Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

The Appellant cites information published within an Environmental Justice Analysis for Bayview-Hunters Point by the San Francisco Public Utilities Commission, stating that residents of Bayview-Hunters Point experience disproportionately greater environmental impacts (specifically, air quality)

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<sup>4</sup> California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

compared to San Francisco as a whole or to other neighborhoods in San Francisco. As noted above under Responses 2, 3 and 4, the project would not result in any air quality impacts due to unusual circumstances.

Although CEQA does not specifically analyze impacts related to socioeconomic and environmental justice, the project was analyzed to determine if there were any unusual circumstances related to the proposed business or the location of the project that would disqualify the project from being exempt from CEQA. As discussed throughout this document, the proposed project would consist of a relatively small-scale animal processing facility that would not be expected to result in any significant physical environmental impacts. The Appellant presented no evidence of economic and social impacts and specifically, of economic and social impacts that could result in physical impacts on the environment.

## **CONCLUSION**

The Appellant has not presented substantial evidence to the Planning Department that would support the conclusion that (1) there are unusual circumstances that justify removing the project from the exempt class, and (2) there is a reasonable possibility of significant environmental impacts due to those unusual circumstances. For the reasons stated above, the CEQA determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review. The Planning Department therefore recommends that the Board uphold the CEQA determination and deny the appeal.



# SAN FRANCISCO PLANNING DEPARTMENT

## Field Notes: 2017-01081APL

*Site Visit Date:* January 24, 2018  
*Site Visit Time:* 2:30 P.M.  
*Case No.:* **2017-010819APL**  
*Project Title:* **1526 Wallace Avenue**  
*Sit Visit Location:* Saba Live  
 845 Kennedy St  
 Oakland, CA 94066  
*Staff Attendees:* Laura Lynch  
 Tania Sheyner

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### Purpose:

1. This document is to capture field notes from San Francisco's Planning Department staff visit to the Saba Live, Oakland location.
2. This site visit was organized to allow for Planning Staff to better understand the intensity and scope of the proposed project at 1526 Wallace Street, SF, CA.

### NOTES

#### Outside the facility:

- Odor: No noticeable odor present.
- Noise: No noticeable noise present.
- This location is roughly 4,000 square feet.

#### Inside the facility- Live bird storage area and retail space:

- Odor: No substantial livestock odor present.
- Noise: No noises present from livestock.
- Noise: Vent noise present from circulating air.
- Floor was wet, looks as if it was recently cleaned. Water leads to drains with grease traps.
- 5-7 employees present.
- Customers are able to watch the slaughtering, cleaning and butchering on a live video feed in entry.
- Birds are kept separated from processing area.
- Cages contain individual trays that collect waste.
- Birds are kept for no longer than 48 hours.

#### Inside the facility – Slaughtering and processing area:

- The birds are slaughtered individually.
- There are individual catch basins to capture blood from the birds.
- Bird is transferred to warm water to clean the bird
- Bird is then transferred to an electric powered, de-feathering machine – Ashley Sure-Pick
  - <http://www.ashleymachine.com/index.asp>
- The bird then moves to a neighboring room where 3 employees work to clean, butcher and package the bird for customers.

#### Solid Waste:

- Waste is separated between feathers and other waste.
- The containers are kept in a locked refrigerated room.
- Containers are picked up by Darling Ingredients- <https://www.darlingii.com/>

[www.sfplanning.org](http://www.sfplanning.org)

# REUBEN, JUNIUS & ROSE, LLP

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## MEMORANDUM

**DATE:** January 22, 2018  
**TO:** Laura Lynch, San Francisco Planning Department  
**FROM:** Daniel Frattin, Reuben, Junius & Rose LLP  
**REGARDING:** Operations of Saba Live  
**OUR FILE NO.:** 10849.01

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This office represents Abdul Mused, owner of Saba Live Poultry (“Saba Live”). The Planning Commission granted a Conditional Use Authorization (“CU”) on November 20, 2017, for a livestock processing facility (the “Project”) at 1526 Wallace Avenue (the “Property”). A Class 1 (existing facilities) CEQA Exemption Determination (“Cat Ex”) was properly issued by the Planning Department prior to the Planning Commission hearing on the CU. On December 26, 2017, the Animal Legal Defense Fund appealed the Cat Ex to the Board of Supervisors. On January 19, 2018, Laura Lynch requested a memo summarizing the operations of Saba Live. We submit this memo in response to that request.

### A. Background

Saba Live is a family-owned business that currently operates nine facilities, primarily on the East Coast. Their only West Coast facility, in Oakland, has been operating successfully for about five years. Saba Live is a halal live butcher facility—a small poultry processing facility with direct-to-consumer sales on site. The Project would be the only live halal butcher shop in San Francisco that will handle poultry exclusively

#### 1. *Cultural Importance of Halal 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-Muslim, want to see the conditions live animals are kept in and how they are prepared for consumption for themselves. Saba 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 prior to slaughter. A prayer is said over the bird before it is killed by cutting its throat, then the bird is drained of blood.

#### 2. *Customers*

Customers from immigrant communities—primarily Asians, Latinos, and Muslims—make up about 80% of Saba Live’s Oakland customers. The majority are not Muslim but 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 sparsity of the halal and live butchers. To our knowledge, Saba Live's facility in Oakland is the only live halal butcher in the Bay Area.

## **B. Operation**

### *1. Processing*

Saba Live anticipates storing approximately 500 birds on-site on a typical day to support daily sales of 200-400 birds with higher numbers present during peak holiday sales. There will be no other animals on-site besides poultry. 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.

The chickens' throats are cut over a sink containing a tray where they are placed to drain the blood, which is captured in a tank underneath the sink. The birds are then immersed in hot water, before being placed in a machine that removes feathers. Once the feathers are removed, the chickens are taken to a separate area for cleaning, cut into pieces if requested by the customer, and bagged.

At each station, waste, blood, feathers, and byproducts are captured and then placed into sealed receptacles that are stored in a cooler room, until they are picked up by an offsite vendor for composting or recycling into other products. Drains in the facility are equipped with grease traps to capture remaining waste before it enters into the sewage system.

### *2. Transportation*

Trucking to and from the facility will be typical for a small industrial use. Poultry will be sourced from the outer Bay Area and Central Valley. All chickens sold at Saba are from Pittman Family Farms, which sells chickens in grocery stores under the "Mary's Natural" brand name. Most of the chickens sold are organic. They are trucked to the site in a box truck, with 2-4 deliveries per week, and 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.

### *3. Employees*

Saba will hire their 5 to 10 employees locally by advertising in the local newspaper as well as nearby mosques—a practice they use successfully at their Oakland facility, where nearly all of their employees are local residents. A state-certified inspector is on-site at all times to monitor the condition of animals and the facility.

## 4. Facility

Saba Live's decision to locate its second California facility in an industrial area in the Bayview is driven both by the limited number of locations in San Francisco where zoning allows this type of operation, along with the anticipated demand from nearby communities that will have easy access via the MUNI T-Third line. Saba Live's use here—a 2,100 square foot facility that will be completely enclosed—is consistent with the zoning and considerably less intense than other nearby uses, which include a number of noisy auto-body and metal-working shops and storage yards and buildings with high-volumes of truck traffic.

The Property is a fully enclosed building without windows and has been designed to minimize noise and odors. Noise from the chickens will be minimal, as the animals are not noisy and are stored at the rear of the building with no openings from the exterior. They will be separated from the customer service area by a solid glass wall. The customer service area, in turn, is separated from the street by a steel door and enclosed entry hall.

The facility is cleaned several times daily to maintain hygienic conditions, waste collection trays are cleaned daily, and byproducts and waste are stored in sealed containers in a refrigerated room, so odors are minimal. Air will be exhausted from 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.

### C. Oversight Agencies

In addition to the Planning Department's CEQA review and the Planning Commission's approval of the CU, several other agencies regulate livestock processing facilities in California to ensure hygienic conditions, humane treatment of animals, and proper disposal of waste and byproducts.

#### 1. U.S. Department of Agriculture (USDA)

The USDA Food Safety and Inspection Service (FSIS) is responsible for ensuring the safety and wholesomeness of poultry through the enforcement of the Poultry Products Inspection Act (PPIA). These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food.

#### 2. California Department of Food and Agriculture (CDFA)

The 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. The MPES Branch reviews operational plans prior to issuing a license to the plant owner or an employee. The MPES Branch trains, licenses, and evaluates these Poultry Meat Inspectors (PMIs) who are responsible for enforcing sanitation standards,

pest control measures, and the humane handling and slaughter of the poultry on site. (See CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (accessed January 23, 2018).)

### 3. *California Department of Resources Recycling and Recovery (CalRecycle)*

CalRecycle regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease, protect the environment from inappropriate and illegal dumping of discarded animal tissue, and encourages the recycling of waste products to reduce the amount of animal material disposed in landfills. (See CalRecycle, *Safely Disposing of Waste Meat, Poultry, and Fish Material Guidance and FAQs* (printed January 22, 2018).)

### 4. *San Francisco Department of Public Health (SFDPH)*

Environmental Health Inspectors from SFDPH monitor compliance of local and state food safety regulations. Because Saba Live will include a retail component, SFDPH will inspect the operation for cleanliness, safe food storage, vermin infestation, adequate equipment, regular refuse collection, and good employee hygiene and work habits. In addition, SFDPH ensures compliance with California law requiring every retail food facility to employ a Certified Food Handler. (Cal. Health & Safety Code § 113790 defines "food handler" as anyone involved in the "preparation, storage, or service of food in a food facility." Pursuant to Cal. Health & Safety Code § 113948, 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. (See <https://www.sfdph.org/dph/EH/Food/default.asp>; <https://www.sfdph.org/dph/EH/Food/inspections.asp> (last accessed January 23, 2018).)

### 5. *San Francisco Public Utilities Commission (SFPUC)*

SFPUC enforces the City's Pretreatment Program, which regulates discharges from non-domestic sources into the City's sewage. Non-domestic sources include discharges from industrial and commercial sources, including food processing. Regular users who discharge non-domestic sources, as Saba Live will, must obtain an Industrial Use Wastewater Discharge Permit. (San Francisco Public Works Code, Art. 4.1). Under this program, solids will be captured before entering the sewer system. Specifically, nothing from the livestock operation goes into the regular garbage. The drains at the facility will have grease traps and will filter out grease and other waste before entering the entering the sewer system

Additionally, SFPUC enforces the City's regulations for waste haulers, which include vendors who transport food processing. Saba Live's vendors who will be transporting their animal byproducts are subject to such requirements. (San Francisco Public Works Code, Art. 4.1).

## Safely Disposing Of Waste Meat, Poultry, and Fish Material Guidance and FAQs

Disposal of waste meat, poultry, and fish material must be carefully managed to protect public health and the environment. The California Department of Food and Agriculture (CDFA) and the Department of Resources Recycling and Recovery (CalRecycle) regulate the collection, handling, and disposal of animal tissue for the following purposes:

- Prevent the spread of disease to people, such as anthrax, rabies, botulism and Salmonellosis;
- Prohibit fraudulent activity that diverts contaminated, diseased and unclean animal tissue into food for humans;
- Prevent the spread of disease to animals, including livestock and poultry;
- Protect the environment from inappropriate and illegal dumping of discarded animal tissue; and
- Encourage the recycling of waste products and reduce the amount of animal material disposed in landfills.

Meat, poultry, and fish material that is not fit for human consumption is sent to renderers that process these materials into fats, oils, and protein for feed in the animal, poultry, and pet food industries, as well as ingredients in soaps, paints and varnishes, cosmetics, explosives, toothpaste, pharmaceuticals, leather, textiles, and lubricants.

Many government agencies encourage composting food waste (including animal, poultry, and fish waste) to divert these materials from landfills and to help meet statewide solid waste diversion goals. The suggested order for management of food waste is: (1) [prevent food waste](#), (2) [feed people](#), (3) [convert to animal feed and/or rendering](#), and (4) [compost](#). Additional information on each of these options is available on the CalRecycle website at <http://www.calrecycle.ca.gov/Organics/Food/>. CalRecycle regulations<sup>1</sup> prohibit the composting of unprocessed mammalian tissue (except in the case of an authorized research project) because of public health and safety concerns associated with mammalian tissue.

CDFA regulations<sup>2,3</sup> require parts and products of animals generated by certain food-processing establishments to be disposed of through licensed renderers or pet food processors. Those food-

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<sup>1</sup> **Title 14, CCR, Section 17855.2.**

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery stores, or residential food scrap collection, or as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.

<sup>2</sup> **Title 3, CCR, Section 1180.39.**

Any parts or products of animals disposed of by inspected establishments, retail stores, custom slaughterers and custom processors and which are not intended for use as human food shall be disposed of through licensed renderers, licensed pet food processors, licensed collection centers or other method approved by the Director.

<sup>3</sup> **Title 3, CCR, Section 1180.41.** Transporters of parts or products of animals, which are not intended for use as human food, including those operating under public authority, shall register with the Director the destination and method of disposal of the inedible and condemned material.

Vehicles and containers used by transporters shall be kept clean.



processing establishments are required to obtain a permit from CDFA, which specifies where animal material is disposed and who may transport it. Transporters of animal parts and products must also register with CDFA.

CDFA and CalRecycle have developed the following list of Frequently Asked Questions to provide guidance to generators, haulers, and solid waste facilities in safely managing waste meat, poultry, and fish materials in California. If you have concerns or suggestions regarding this document, please send comments to Ken Decio at [Ken.Decio@CalRecycle.ca.gov](mailto:Ken.Decio@CalRecycle.ca.gov)

## Frequently Asked Questions

### Generators

#### What materials are regulated?

All meat and poultry material from the following businesses:

- All establishments inspected by the United States Department of Agriculture, Food Safety Inspection Service, or California Department of Food and Agriculture
- All retail establishments that handle waste meat, poultry, and fish products
  - butcher shops
  - delicatessens
  - grocery stores, supermarkets
  - large retail stores that also sell fresh or frozen meat
- Custom exempt facilities (e.g. cut and wrap operations)

Waste meat, poultry, and fish material from restaurants and residents is not regulated. It is handled together with other commercial and household solid wastes.

#### How should I dispose of waste meat and poultry material?

A business like those listed in Question 1 must have a permit from CDFA that authorizes where the material may be disposed unless the business generates a very small amount of material.<sup>4</sup>

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<sup>4</sup> CDFA is proposing the following regulation: **Title 3, CCR, Section 1180.46**

(b) Inspected establishments, retail stores, custom slaughterers, and custom processors that have only a small amount of parts or products of animals to dispose of may place them in a container for removal by a waste disposal company or public waste utility if the amount does not exceed 4 pounds on any day or 60 pounds during any month, and the gross sales of meat and poultry do not exceed \$1,000 per month, adjusted for inflation from the date of this regulation and further provided that such practice does not violate any law of any other government unit.

### **How long can I store meat and poultry waste?**

This would vary according to the temperature, type, or condition of the material and storage methods. Contact your local health department for further advice on storage methods and times.

### **Where do I find a service provider?**

CDFA maintains a list of licensed collection centers, haulers, and rendering service providers, as well as additional information pertaining to animal food waste.  
[http://www.cdfa.ca.gov/ahfss/animal\\_health/Emergency\\_Management.html](http://www.cdfa.ca.gov/ahfss/animal_health/Emergency_Management.html)

### **What if rendering service is not offered in my area?**

Businesses must still apply for and receive a permit from CDFA that specifies where and how the material will be disposed.

### **Can I self-haul meat and poultry waste? If yes, what are the rules?**

Yes, but a permit must still be obtained from CDFA.

## **Haulers**

### **Can a person or business collect and transport waste meat and poultry from inspected establishments?**

Only if the person or business is registered or licensed by CDFA.

## **Solid Waste Facilities**

### **Do I have to consider the source of the waste to determine if it should be coming to my facility?**

The generator and hauler should be working together to determine the appropriate transportation and disposal options. However, if you receive loads consisting of mostly

meat and poultry waste, you should take the appropriate steps to assure the material is delivered to a facility as described in Question 4.

### **Is the disposal of fish waste regulated?**

Disposal of fish waste is regulated by CalRecycle. CDFA regulates the recycling, processing, and conversion of fish material and carcasses, because these activities constitute rendering. Those rendering facilities are required to be licensed and adhere to standards of processing and sanitation to prevent spread of disease and prevent nuisances.

## **Regulatory Agencies**

### **What are the roles of the agencies involved in the regulation of the handling and disposal of meat, poultry, and fish waste?**

- California Department of Food and Agriculture: Regulates disposal of meat and poultry material from all operations inspected by USDA & CDFA, as well as retail stores; regulates the rendering industry, including fish waste, and pet food businesses processing or producing fresh or frozen animal tissue; regulates the transportation of animal parts and material, including carcasses.
- CalRecycle: Provides general regulatory oversight of the handling and disposal of solid waste, concurs in the issuance of solid waste facilities permits, and certifies and evaluates locally designated enforcement agencies (typically city or county environmental health departments).
- Local Enforcement Agencies: CalRecycle-certified LEAs are responsible for implementing state solid waste law, including inspections, permitting, and enforcement.
- California Department of Public Health: Plays a supporting role in the enforcement of State retail food laws by providing technical expertise to evaluate processes and procedures and to answer technical and legal inquiries from local agencies, industry, and consumers.
- Local Environmental Health Agencies: Enforce provisions of the State's retail food laws and all applicable local laws.

## Resources

### **California Department of Food and Agriculture**

<http://www.cdfa.ca.gov/ahfss/mpes/index.html>

### **CalRecycle**

Food Scrap Management: <http://www.calrecycle.ca.gov/Organics/Food/>

Local Assistance & Market Development Contacts:

<http://www.calrecycle.ca.gov/LGCentral/Reports/Contacts.aspx>

Staff Assignments by Local Enforcement Agency Jurisdiction:

<http://www.calrecycle.ca.gov/LEA/CountyAssign.asp>

### **California Fats, Oils, and Grease Work Group**

<http://www.calfog.org/>

### **National Renderers Association**

<http://www.nationalrenderers.org/>

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [cstella@aldf.org](#); [dftrattin@reubenlaw.com](#); [atoomey@reubenlaw.com](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** APPEAL RESPONSE BRIEF: Appeal of CEQA Exemption Determination - 1526 Wallace Avenue - Appeal Hearing on February 13, 2018  
**Date:** Friday, February 02, 2018 4:43:34 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Please find linked below an appeal brief received by the Office of the Clerk of the Board from Daniel A. Frattin of Reuben, Junius & Rose, LLP, representing the Project Sponsor, regarding the Categorical Exemption Determination Appeal for the proposed project at 1526 Wallace Avenue.

[Project Sponsor Appeal Brief - February 2, 2018](#)

**The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on February 13, 2018.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180013](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office  
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# REUBEN, JUNIUS & ROSE, LLP

February 2, 2018

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## Delivered via E-mail and Messenger

President London Breed  
San Francisco Board of Supervisors  
One Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**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.)

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- **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.

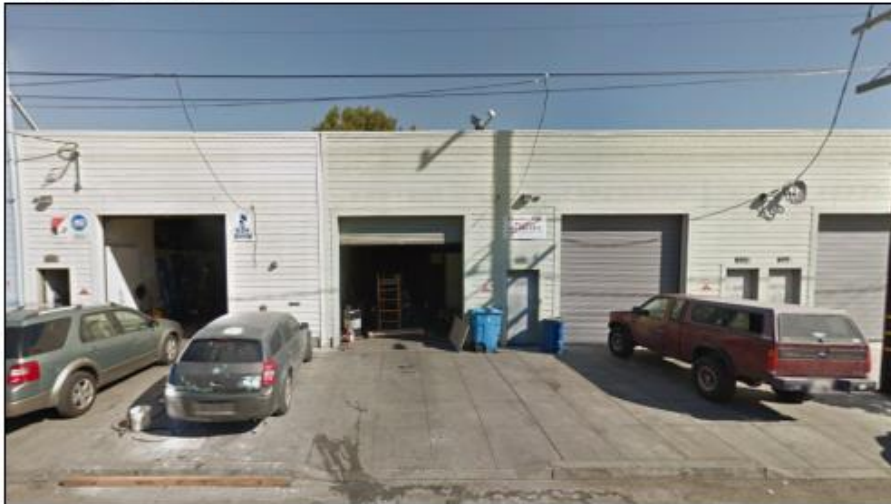
Saba Live’s customers come primarily from immigrant communities—mostly Asians, Latinos, and Muslims—which make up about 80% of Saba Live’s Oakland customers. The majority of patrons are not Muslim, but instead are people who prefer fresh meat from a small-scale facility where they can see into the processing 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.<sup>1</sup> (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.



<sup>1</sup> 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...<sup>2</sup>

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.**



<sup>2</sup> 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).<sup>3</sup>

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.**<sup>4</sup>

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."<sup>5</sup> Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument

<sup>3</sup> Cal. Code Regs. tit. 14 ("CEQA Guidelines,") §15300.2.

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

<sup>5</sup> *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.”<sup>6</sup>  
“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.”<sup>7</sup>

**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.<sup>8</sup> “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.’”<sup>9</sup>

### 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.”<sup>10</sup> “The key consideration is whether the project involves negligible or no expansion of an existing use.”<sup>11</sup> (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.

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

<sup>7</sup> CEQA Guidelines § 15384.

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

<sup>9</sup> *Berkeley Hillside* at p. 1115.

<sup>10</sup> CEQA Guidelines § 15301.

<sup>11</sup> 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.”<sup>12</sup> 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.<sup>13</sup> 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.**”<sup>14</sup> 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.”<sup>15</sup> 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.<sup>16</sup> (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...”<sup>17</sup>

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<sup>12</sup> CEQA Guidelines § 15303.

<sup>13</sup> CEQA Guidelines § 15303(c).

<sup>14</sup> SF Planning, CEQA Exemption Types (printed January 23, 2018).

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

<sup>16</sup> Bayview Hunters Point Area Plan, Industry Element.

<sup>17</sup> 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.”<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup> (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.<sup>21</sup> (See Inset Air Pollutant Exposure Zone Map, attached at **Exhibit F.**)

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<sup>18</sup> Plan. Code § 210.3.

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

<sup>20</sup> SFPDH Air Pollutant Exposure Zone Map, Citywide (April 10, 2014).

<sup>21</sup> 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.”<sup>22</sup> (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.”<sup>23</sup>

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

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<sup>22</sup> Planning Commission Caption Notes (November 30, 2017).

<sup>23</sup> *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.<sup>24</sup>
- **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."<sup>25</sup> 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."<sup>26</sup> 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."<sup>27</sup> The article goes on to explain that "[l]ong-distance animal

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<sup>24</sup> USDA Draft Environmental Assessment, Tracy Poultry Farm, pg. 3-10.

<sup>25</sup> Planning Commission Letter p. 8.

<sup>26</sup> Planning Commission Letter, p. 5 and note 30.

<sup>27</sup> 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](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.”<sup>28</sup> 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.”<sup>29</sup> (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.”<sup>30</sup> However, residents’ speculation is not substantial evidence—as conjectural assertions have no evidentiary value. (See *Jennings v. Palomar Pomerado Health Sys., Inc.*<sup>31</sup> [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*<sup>32</sup> [“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.”<sup>33</sup> 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

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<sup>28</sup> *Id.* at pg. 306.

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

<sup>30</sup> Appeal Letter, p. 3.

<sup>31</sup> (2003) 114 Cal. App. 4th 1108, 1117.

<sup>32</sup> (2011) 193 Cal. App. 4th 1329, 1350.

<sup>33</sup> 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*<sup>34</sup> [“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.”<sup>35</sup> 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.<sup>36</sup>

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.<sup>37</sup> Non-domestic sources include discharges from industrial and commercial sources, including food processing facilities.<sup>38</sup> Regular users who discharge non-domestic sources must obtain an Industrial Use Wastewater Discharge Permit.<sup>39</sup> 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.”<sup>40</sup> However true this claim may be as to “poultry

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<sup>34</sup> (2014) 226 Cal. App. 4th 1012, 1033.

<sup>35</sup> Planning Commission Letter, p. 8.

<sup>36</sup> 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.

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

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup> Under CalRecycle’s supervision, local solid waste enforcement agencies (“LEAs”) enforce regulations for proper storage and transportation of solid waste.<sup>43</sup> In San Francisco, SFPDPH is the LEA.<sup>44</sup> 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.<sup>45</sup> The SFPUC also enforces regulations for waste haulers, which include vendors who transport food processing refuse.<sup>46</sup> Commercial operations that generate a certain amount of animal waste are prohibited from disposing of it in the regular garbage.<sup>47</sup>

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.

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<sup>41</sup> See Planning Commission Letter, p. 9.

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

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

<sup>44</sup> 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).

<sup>45</sup> See SFPDPH, Solid Waste Program Overview, [https://www.sfdph.org/dph/EH/refuseLiens/Solid\\_Waste\\_FAQ.asp](https://www.sfdph.org/dph/EH/refuseLiens/Solid_Waste_FAQ.asp) (last accessed February 2, 2018).

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

<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> The MPES Branch reviews operational plans prior to issuing a license to a new facility and trains, licenses, and evaluates Poultry Meat Inspectors (“PMIs”).<sup>51</sup>

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.<sup>52</sup>

SFDPH also monitors compliance with local and state food safety regulations.<sup>53</sup> Because Saba Live will include a retail component, SFDPH District Inspectors will inspect the facility prior to commencing operation.<sup>54</sup> 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.<sup>55</sup> The District Inspectors will examine the facility for cleanliness, safe food storage,

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<sup>48</sup> 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>.

<sup>49</sup> *Id.* at p. 1.

<sup>50</sup> (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).

<sup>51</sup> *Id.*

<sup>52</sup> 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).

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

<sup>54</sup> 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>.

<sup>55</sup> *Id.*

vermin, adequate equipment, regular refuse collection, and good employee hygiene and work habits.<sup>56</sup> 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."<sup>57</sup> 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.<sup>58</sup>

*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."<sup>59</sup> 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."<sup>60</sup> The second, the "Environmental Justice Analysis for Bayview-Hunters Point" analyzes "the potential effects of the proposed Biosolids Digester Facilities Project (BDFP)."<sup>61</sup> ALDF relies on this report for the claim that traffic densities in this neighborhood are higher than in the rest of the City.<sup>62</sup> 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.

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<sup>56</sup> *Id.*

<sup>57</sup> Cal. Health & Safety Code § 113790.

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

<sup>59</sup> See Planning Commission Letter, p. 5, p. 8; Appeal Letter, p. 1.

<sup>60</sup> Feb. 2009, p. 7.

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

<sup>62</sup> 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.<sup>63</sup> (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.<sup>64</sup> 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.<sup>65</sup>

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

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

<sup>64</sup> Planning Commission Letter, p. 10.

<sup>65</sup> 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."<sup>66</sup> 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.<sup>67</sup>

**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.

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<sup>66</sup> CEQA Guidelines § 15002.

<sup>67</sup> SF Health Code art. 1, § 41.2

President London Breed  
Board of Supervisors  
February 2, 2018  
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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](mailto: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)
<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>

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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://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](http://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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://www.sf-planning.org)*

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

TITLE SHEET

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

#### 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

#### 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

#### 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

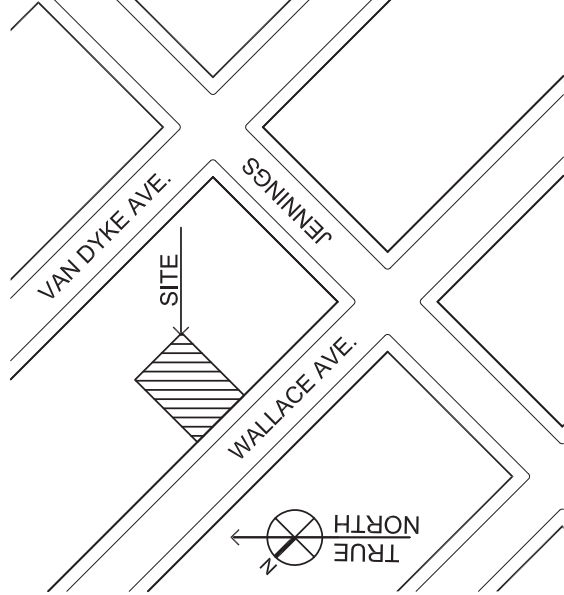
**CONSTRUCTION TYPE:**  
EXISTING: V-B; FULLY SPRINKLERED

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

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

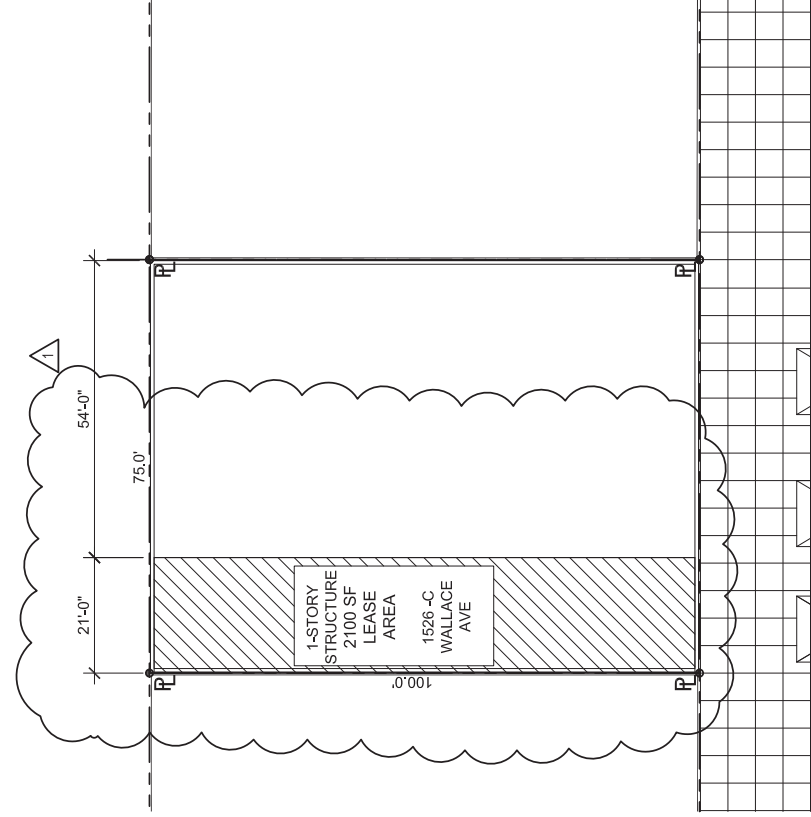
#### LOCATION MAP

SCALE: N.T.S.



#### SITE PLAN

SCALE: 1/16"=1'-0"



#### ABBREVIATIONS

A.B.	ANCHOR BOLT	F.E.	FIRE EXTINGUISHER	MAX.	MECHANICAL	REFR.	REFRIGERATOR
ACC.	ACCESSIBLE	F.F.	FINISH FLOOR	MEMB.	MEMBRANE	RESIL.	RESILIENT
A.F.F.	ABOVE FINISH FLOOR	F.O.	FACE OF FLOOR	MFR.	MANUFACTURER	RM.	ROOM
ABV.	ABOVE	FIN.	FINISH	MIN.	MINIMUM	S.S.D.	SEE STRUCTURAL DRAWINGS
ACOUS.	ACOUSTICAL	FL.	FLOOR	MISC.	MISCELLANEOUS	SHT.	SHEET
A.C.T.	ADJUSTABLE	FL.FL.	FLASH FLOOR	MTL.	METAL	SIM.	SIMILAR
ADJ.	ADJUSTABLE	FL.FL.	FLASH FLOOR	(N)	NEW	SO.	SQUARE
ALUM.	ALUMINUM	FND.	FOUNDATION	N	NORTH	STD.	STANDARD
B.O.	BOTTOM OF BOARD	FTG.	FOOTING	N.L.C.	NOT IN CONTRACT	STL.	STEEL
B.LD.	BUILDING	G.S.M.	GALVANIZED SHEET METAL	NOM.	NOT TO SCALE	SYM.	SYMMETRICAL
CAB.	CABINET	G.A.	GALVANIZED SHEET METAL	O.C.	ON CENTER	T	TREAD
CER.	CERAMIC	GA.	GAUGE	O.D.	OUTSIDE DIAMETER	T & G	TONGUE & GROOVE
CLB.	CLEAR	GER.	CERAMIC	OPNG.	OPENING	T.O.	TOP OF BAR
CNTR.	COUNTER	GALV.	GALVANIZED	OPP.	OPPOSITE	T.O.S.	TOP OF SLAB
COL.	COLUMN	GL.	GLASS	P.	PAVEMENT	T.O.W.	TOP OF WALL
CONC.	CONCRETE	GWB.	GYP SUM	P. LAM.	PLASTIC LAMINATE	T.P.D.	TOILET PAPER DISPENSER
CONT.	CONTINUOUS	GYP.	GYP SUM	PANEL'G	PANELING	TEL.	TELEPHONE
CPT.	CARPET	H.C.	HOLLOW CORE	PLAS.	PLASTER	TYP.	TYPICAL
C.T.R.	CENTER	H.M.	HOLLOW METAL	PLYWD.	PLYWOOD	U.O.N.	UNLESS OTHERWISE NOTED
D.S.	DOWNSPOUT	H.D.M.	HOLLOW METAL	P.T.D.	PAINTED	V.C.T.	VERTICAL COMPOSITE TILE
DIM.	DIMENSION	HORIZ.	HORIZONTAL	R.	RISER	V.F.	VERIFY IN FIELD
DN.	DOWN	INSUL.	INSULATION	R.O.	ROUGH OPENING	VAR.	VARIES
DR.	DOOR	INT.	INTERIOR	R.W.	ROUGH REDWOOD	VERT.	VERTICAL
(E)	EXISTING	JOINT	JOINT	R.W.D.	REDWOOD	W.O.	WINDOW OPENING
EA.	EACH					W/O	WITHOUT
ELEV.	ELEVATION					WT.	WEIGHT
ELEC.	ELECTRICAL						
EQ.	EQUAL						
EXT.	EXTERIOR						

#### 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.

REVISIONS	BY
1	REVISION 2/OCT/17



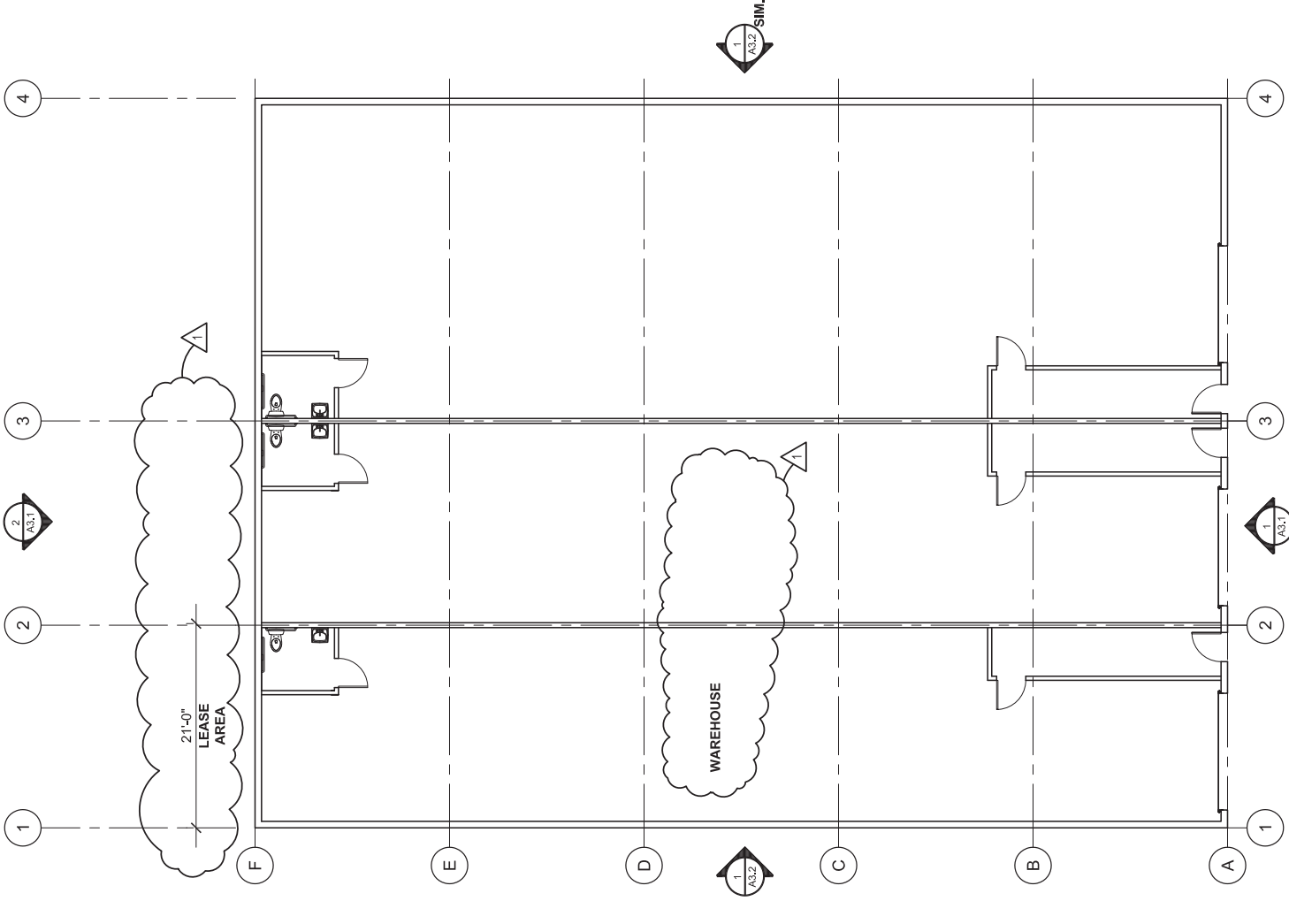
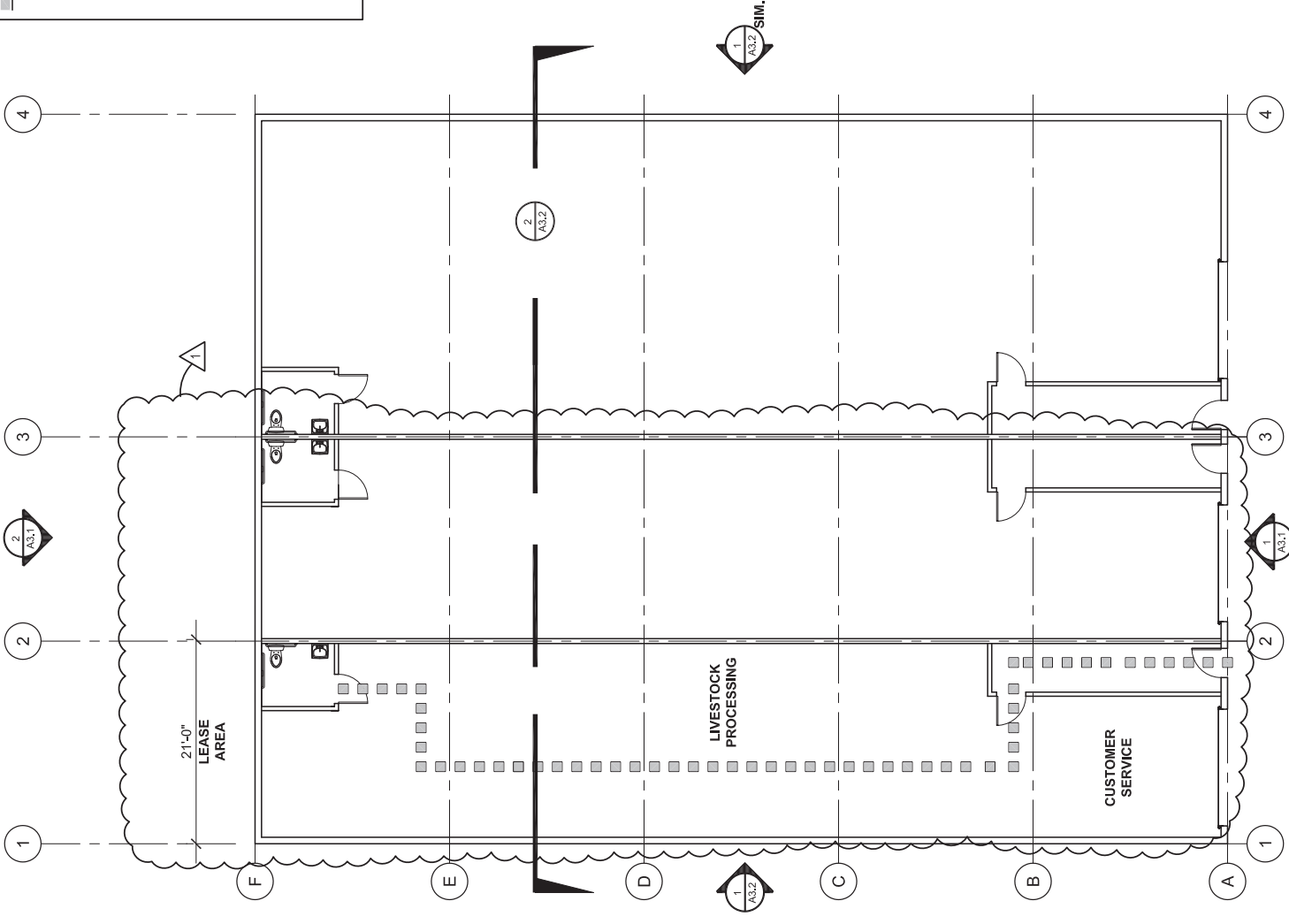
**Harvey Hacker Architects**  
 528 Bryant Street  
 San Francisco, CA 94107  
 415 957 0579



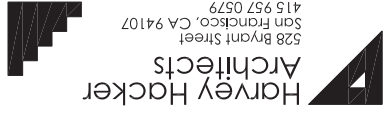
**LIVESTOCK PROCESSING & SALES**  
 1526-C WALLACE AVE.  
 SAN FRANCISCO, CA

**EXISTING & PROPOSED FIRST FLOOR PLAN**  
 DATE: 8/9/17  
 SCALE: AS NOTED  
 DRAWN: MR  
 JOB: 17719  
 SHEET: **A2.1**

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



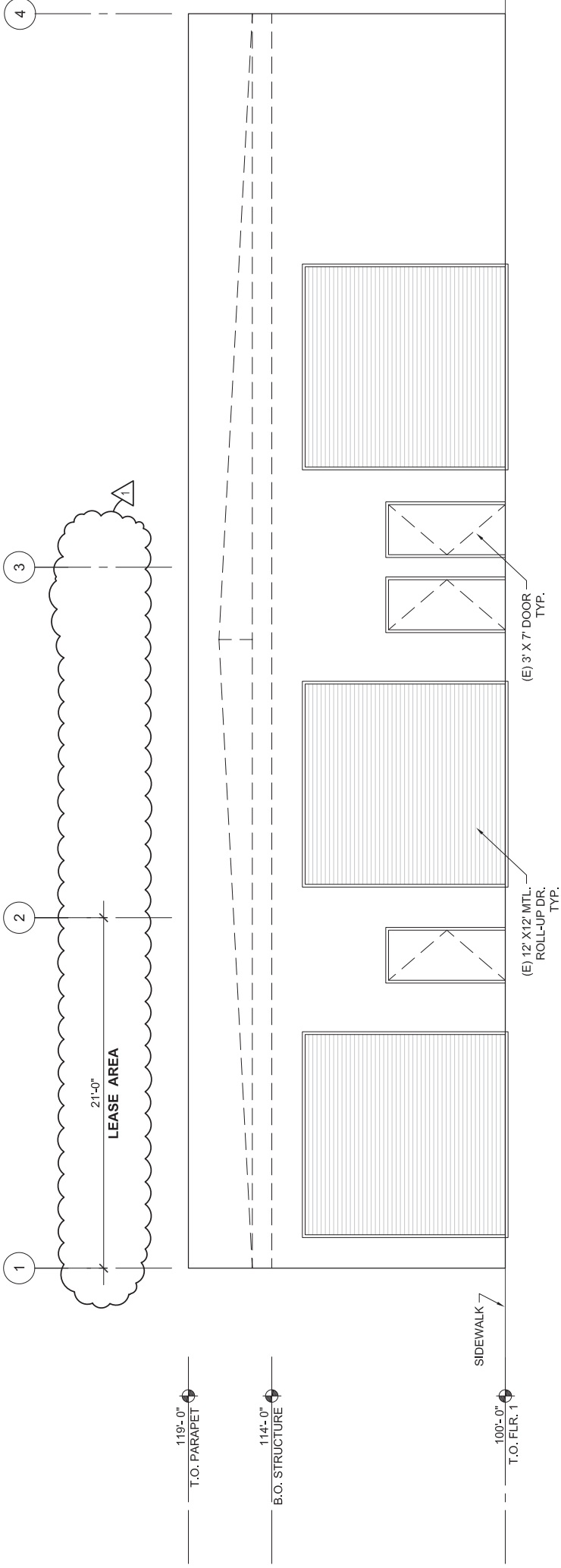
Harvey Hacker  
Architects  
528 Bryant Street  
San Francisco, CA 94107  
415 957 0579



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

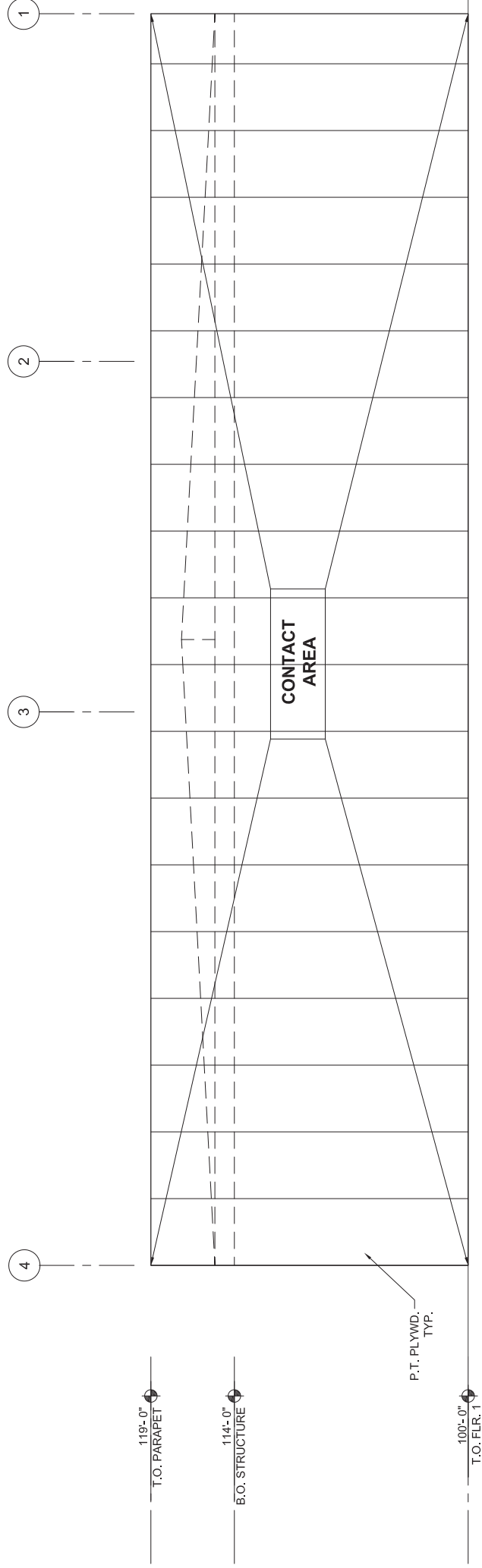
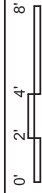
EXISTING & PROPOSED  
EXTERIOR ELEVATIONS

DATE	8/9/17
SCALE	AS NOTED
DRAWN	MR
JOB	17719
SHEET	A3.1



1 EXISTING WEST ELEVATION (NO CHANGE)

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



2 EXISTING EAST ELEVATION (NO CHANGE)

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







**Exhibit B**

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

# Police Department

## July 15, 2015

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*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

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**[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**

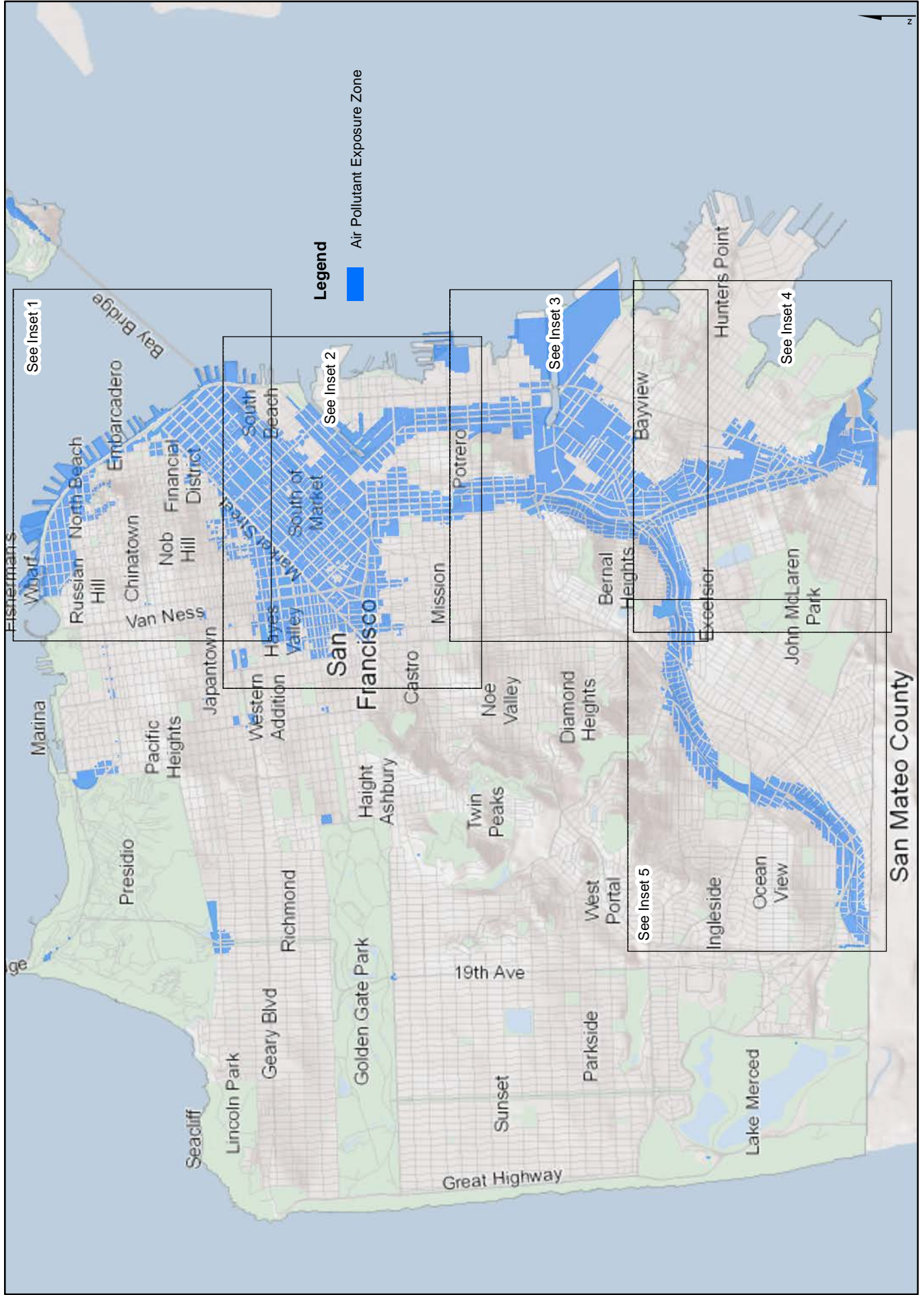
***Support expanded role of African American firms in distribution and transportation industries.***

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



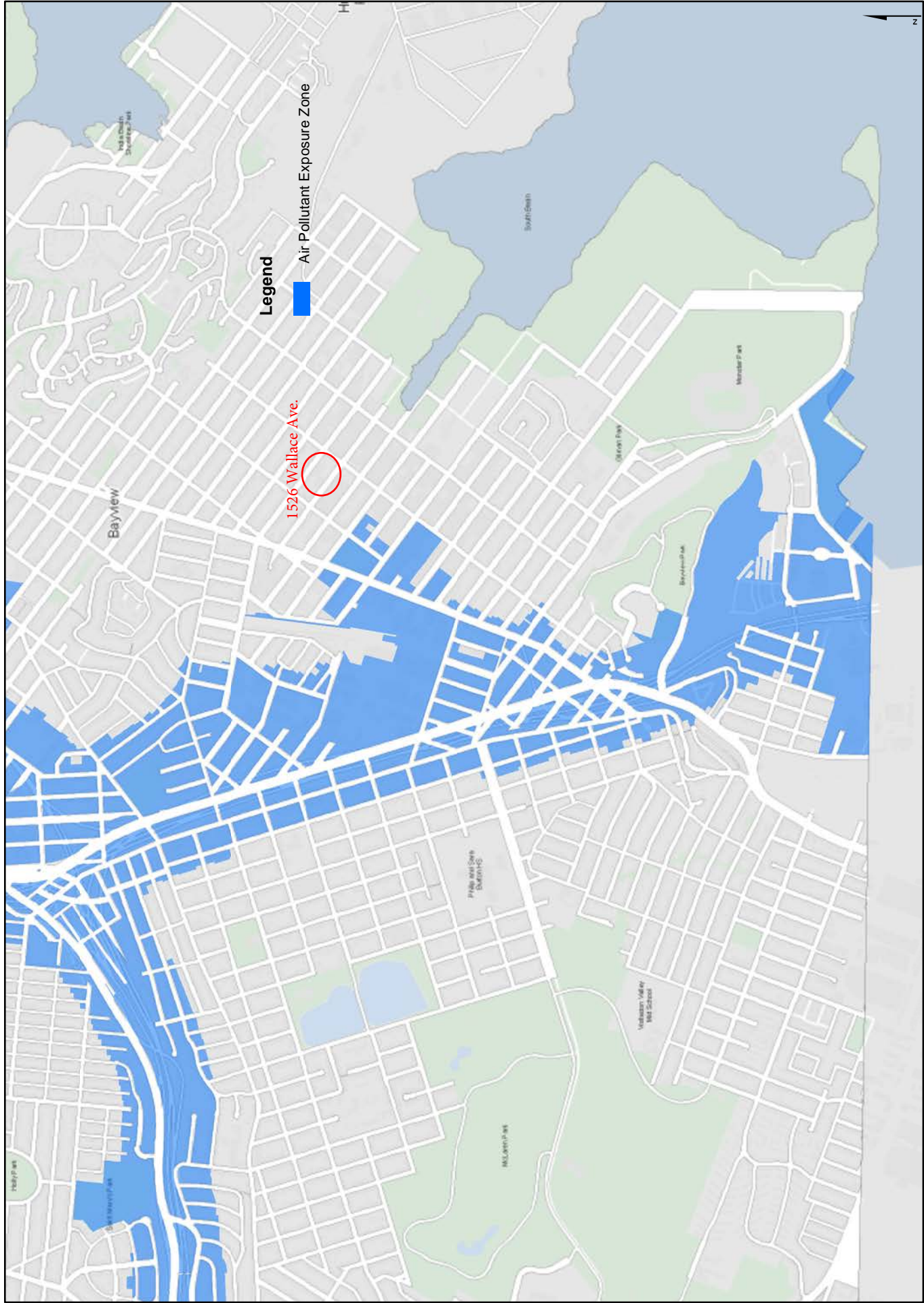
Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire 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.

**Exhibit F**

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



# Air Pollutant Exposure Zone Map - Inset 4



## **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 destructive 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 environment and justice. 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 airation. 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

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)**

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

**SUMMARY**

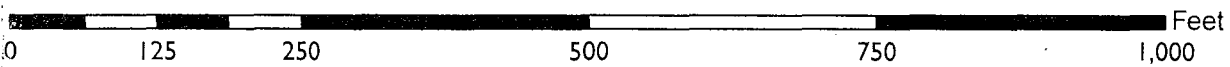
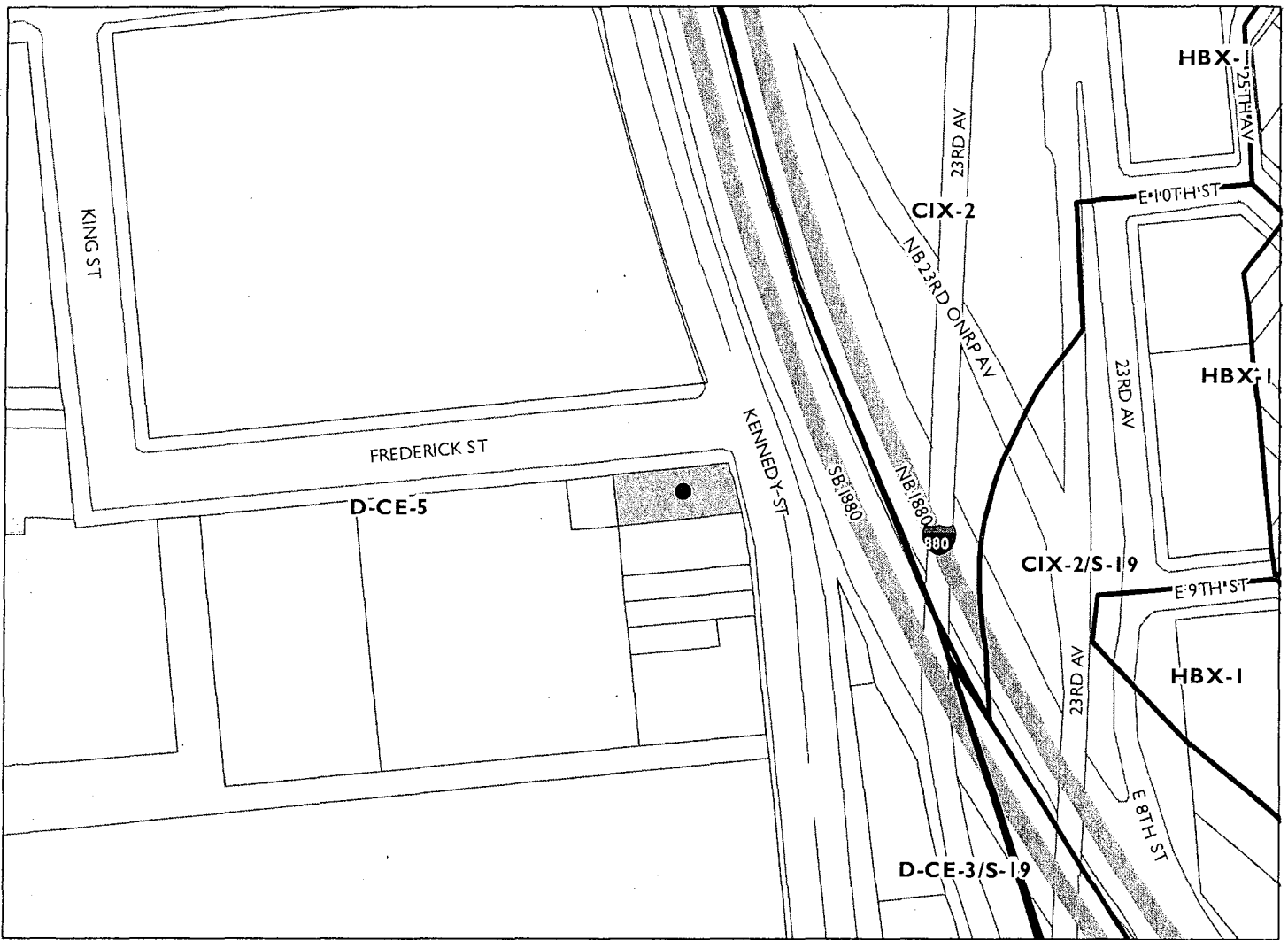
On March 5, 2014, the Zoning Manager issued Zoning Determination DET13-079 (“2014 Determination”), which concluded that slaughter of 50,000 birds per year is not permitted at Saba Live Poultry, located at 845 Kennedy Street. On appeal, the Planning Commission overturned the 2014 Determination. On March 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).

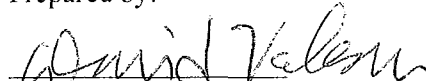
The 2014 Determination is based on the existing zoning at the site, D-CE-5, in which General Industrial activity is allowed and Heavy Industry is prohibited. The Appellant requests to increase the slaughtering volume to include up to 2,500 goats and sheep per year is considered a Heavy Industrial Activity, 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:



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SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



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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)**

<b>Location:</b>	<b>845-849 Kennedy Street (APN019-0066-001-00)</b>
<b>Proposal:</b>	Increase slaughterhouse capacity to include goats, sheep, and rabbits
<b>Contact Person/Phone Number:</b>	Abdulsalem Mused (347) 408 5850
<b>Owner:</b>	Wayne Lazarus Trust
<b>Case File Number:</b>	<b>DET15-026-A01</b>
<b>Planning Permits Required:</b>	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
<b>General Plan:</b>	Planned Waterfront Development 2, Estuary Plan
<b>Zoning:</b>	DCE-5 Central Estuary District Industrial Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities)
<b>Historic Status:</b>	Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	5
<b>Action to Be Taken:</b>	Approve Staff Recommendation
<b>Finality of Action:</b>	Planning Commission Action is Final (Not Administratively Appealable)
<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075 or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a></b>

**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](#)

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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](mailto:blenoir@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://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	

**From:** [Mourad](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Date:** Thursday, February 01, 2018 8:26:48 PM

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Dear SF Board of Supervisors,

I'm writing in support of Saba Poultry on Wallace Street. Their service of providing fresh and healthy food is needed in the area and will be a great addition to San Francisco.

Driving to shop in their Oakland location is a hassle, but its quality and cleanliness makes the drive worthwhile. It's time to have a location for San Francisco and neighboring cities.

My best regards,

Mourad

Sent from my iPhone

**From:** [mutaher altareb](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013"  
**Date:** Thursday, February 01, 2018 7:55:34 PM

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Im support saba live pottery  
Sent from my iPhone



**From:** [Hameza Musid](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013" please email below  
**Date:** Thursday, February 01, 2018 9:23:36 PM

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Dear SF Board of Supervisors,

I'm writing in support of Saba Poultry on Wallace Street. Their service of providing fresh and healthy food is needed in the area and will be a great addition to San Francisco.

Their Oakland location is a good example of their quality and cleanliness. It's time to have a location for San Francisco.

Such neighborhood-oriented business will also hire locals and be run responsibly without causing disturbance to the neighborhood.

I know people that travels all the way to the farms and get live chickens, they take them to their homes and slaughter them in their kitchens. This place will be a great opportunity to save people's time and get their chickens slaughtered professionally and under supervision of health and other government authorities.

Thank you for serving our city and bringing such businesses of exceptional service to operate in the city.

Best Regards,

Hameza Musid  
A resident of San Francisco

**From:** [abdul.tinham](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013  
**Date:** Thursday, February 01, 2018 7:43:29 PM

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Hearing this terrible news shook me. With their great support, excellent service, and good fresh quality meet and wanting to close this store down does not make sense at all. This needs a better look at. I am a supporter for the saba live to stay up and open for business.

Sent from my iPhone

**From:** [Hana Anakeeb](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013"  
**Date:** Thursday, February 01, 2018 8:15:42 PM

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“Support for Saba Live at 1526 Wallace Street; file no. 180013”

Greetings

My name is Hana Anakeeb, I live in Modesto CA, I travel 90 miles weekly to Saba live. To buy fresh live poultry. Every time I am there they store is always clean. I used to live in Oakland before moving to Modesto. And for the past two years I have always bought my chicken from them. Please keep this store open. It is one of the best, I was in shock when the owner told me that they have a court date. I asked the owner if there is anything that I could help with, and he said if I want I could send an email. This is the least I could do for a place that this Community needs even though I don't live here anymore I always make a weekly trip!

Please help keep this place open!  
Thank you and have a good day.

**From:** [Salah Sanad](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Tang, Katy \(BOS\)](#); [BreedStaff, \(BOS\)](#); [Kim, Jane \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Sheehy, Jeff \(BOS\)](#); [hilary.ronen@sfgov.org](mailto:hilary.ronen@sfgov.org); [Cohen, Malia \(BOS\)](#); [Safal, Ahsha \(BOS\)](#); [Chicuata, Brittini \(BOS\)](#)  
**Subject:** Support for Saba Live at 1526 Wallace Street, file no. 180013  
**Date:** Thursday, February 01, 2018 8:28:38 PM

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We like this place. There is another in the Oakland area, and there real professional. There really clean and organized. They are honest and hard workers. It will give also give the community new opportunities for jobs.

**From:** [Ibrahim Hugaib](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Saba live business  
**Date:** Thursday, February 01, 2018 10:10:40 PM

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Saba Live is a business committed to serving the community in the best possible way. For the last years in business, we have had no issues. On the contrary, Saba Live does clean business with me and everyone else I know. Please reconsider this case.

Sent from my iPhone

**From:** [Abdul](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Saba live  
**Date:** Thursday, February 01, 2018 10:25:16 PM

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Saba Live is a business committed to serving the community in the best possible way. For the last years in business, we have had no issues. On the contrary, Saba Live does clean business with me and everyone else I know. Please reconsider this case.

**From:** [Musa J](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Case 180013  
**Date:** Thursday, February 01, 2018 8:35:45 PM

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Hello,

I'm sending this email to to who is matter about Saba live meat, they are down great fresh meat and more important is very health to everyone

Please Suport this Bussines

Thank you

Sent from my iPhone

**From:** [Murad Alhmadani](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Arab poultry and meat shops provide good services and deserve support and encouragement  
**Date:** Thursday, February 01, 2018 8:32:52 PM

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Sent from my iPhone



**From:** [Omar Wahib](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** 180013  
**Date:** Thursday, February 01, 2018 10:17:18 PM

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Greetings,

My name is Omar I live in Oakland Ca, ever since Saba live, opened I've always been their customer. What always brings me back is their quality chicken and their great customer service. But most of all the cleanness of their store. I recently visited their store and the owner told me about the problem's their facing. I asked him, please if their is any way I can help let me know. He said if I want I can email you, and let you know how I feel about their store. In my opinion it's one of the best period!

Sent from my iPhone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW:  
**Date:** Friday, February 02, 2018 8:56:20 AM

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**From:** Mohamed Dabwan [mailto:dabwanmohamed@icloud.com]  
**Sent:** Thursday, February 01, 2018 10:25 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:**

Saba Live is a business committed to serving the community in the best possible way. For the last years in business, we have had no issues. On the contrary, Saba Live does clean business . with me and everyone else I know. Please reconsider this case

Sent from my iPhone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Saba Live Poultry  
**Date:** Friday, February 02, 2018 8:54:52 AM

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

From: Selwa Mused [<mailto:selwamused@gmail.com>]  
Sent: Thursday, February 01, 2018 10:32 PM  
To: Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
Subject: Saba Live Poultry

Before opening Saba Live Poultry in Oakland I had to go to the farm in order to get the meat I wanted for my family. Sometimes they didn't have the meat I wanted and it was too far to go every time. I had to bring the chicken live home or cut it over there in the farm by myself and it was a lot of work and very messy. Also I didn't the right, sanitized tools. Saba Live Poultry is very sanitized and clean. Saba Live Poultry is one of my favorite place for fresh meat and chicken, it is near me so I don't have to worry about not having meat and I hope they open one in San Francisco.

Sent from my iPhone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW:  
**Date:** Friday, February 02, 2018 8:52:19 AM

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

From: Dahrhan Alatali [<mailto:धारहानालातुली@me.com>]  
Sent: Thursday, February 01, 2018 11:34 PM  
To: Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
Subject:

Dear to whom it may concern,

I am a satisfied customer at Saba Live Poultry! I purchase my poultry from this place every week! They have really good and fresh meat! Haven't had a problem with them, which explains why I have been purchasing my meat from this place for the past 7 years! I recommended Saba Live Poultry to almost every family member and friends! They are also satisfied from what I see! My favorite thing about them is they have a variety of meat and it's all fresh. Just wanted to let you know my experience with them is amazing!

Sent from my iPhone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Saba live  
**Date:** Friday, February 02, 2018 8:51:06 AM

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

**From:** Khaled Alammari [<mailto:khaledamari@icloud.com>]  
**Sent:** Thursday, February 01, 2018 11:47 PM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Subject:** Saba live

Sent from my iPhone  
Saba Live is a business committed to serving the community in the best possible way. For the last years in business, we have had no issues. On the contrary, Saba Live does clean business with me and everyone else I know. Please reconsider this case.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Saba Live  
**Date:** Friday, February 02, 2018 8:50:46 AM

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

From: Sina Yasir [<mailto:sina.yasir@icloud.com>]  
Sent: Friday, February 02, 2018 12:47 AM  
To: Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
Subject: Saba Live

Hello,

Saba Live is a business committed to serving the community in the best possible way. For the last five years in business, we have had no issues. On the contrary, Saba Live does clean business with me and everyone else I know. Please reconsider this case.

Thank you,  
Sina A.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: "Support for Saba Live at 1526 Wallace Street; file no. 180013"  
**Date:** Friday, February 02, 2018 8:47:19 AM

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**From:** Esihag Al-Murisi [mailto:ealmurisi@mail.ccsf.edu]  
**Sent:** Friday, February 02, 2018 3:59 AM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Chicuata, Brittini (BOS) <brittini.chicuata@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; ahsha.Safai@sfgov.gov; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013"

To whom it may concern:

I'm writing this email with support to Saba Live poultry. I have been buying my meat at this place for a long time. From my experience with those people, they do meet standard health rules with the cleanliness of the store and meat, the professionalism of their job in slaughtering sheep and chicken and I don't see any reason the city doesn't give the owners any licenses required to open more stores throughout the Bay Area to help facilitate people needs who either religiously or traditionally prefer to eat certain types of food, primarily halal meat. I am one of those people who want to have their meat fresh. I would also like to appreciate your understanding and consideration of this support.

Sincerely Yours  
Isaac

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: "Support for Saba Live at 1526 Wallace Street; file no. 180013"  
**Date:** Friday, February 02, 2018 8:47:10 AM

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**From:** Sam Abdu [mailto:samabdu39@gmail.com]  
**Sent:** Friday, February 02, 2018 3:59 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013"

They are part of our oakland community we shop alot there their service is great. They are very friendly and they have clean and healthy service it well be more convenient if they have a San Francisco location i give them my support.



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: In the subject line, include "Support for Saba Live at 1526 Wallace Street; file no. 180013"  
**Date:** Friday, February 02, 2018 8:46:58 AM

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**From:** Sam Abdu [mailto:samabdu39@gmail.com]  
**Sent:** Friday, February 02, 2018 4:18 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Chicuata, Brittini (BOS) <brittini.chicuata@sfgov.org>  
**Subject:** In the subject line, include "Support for Saba Live at 1526 Wallace Street; file no. 180013"

They are part of our oakland community we shop alot there their service is great. They are very friendly and they have clean and healthy service it well be more convenient if they have a San Francisco location i give them my support

**From:** [Mchugh, Eileen \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW:  
**Date:** Friday, February 02, 2018 8:46:38 AM

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

From: Board of Supervisors, (BOS)  
Sent: Friday, February 02, 2018 8:30 AM  
To: BOS-Supervisors <bos-supervisors@sfgov.org>  
Subject: FW:

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

From: Adel Alsharay [<mailto:aalsharay@yahoo.com>]  
Sent: Thursday, February 01, 2018 9:12 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject:

Before it was very hard for me to buy meat because there aren't many places that I trust and are sanitized. Ever since Saba Poultry has opened in Oakland it has been the only place I go to buy meat and the place I trust. Opening the same store in San Fransisco will be a great way for others to eat healthy clean meat and not worry about anything harmful.

Sent from my iPhone



File No. 180013  
BOS-11  
C page

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 JAN 16 PM 1:55

1/12/18

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

**RE: Appeal of CEQA Exemption Determination for Saba Live Poultry Conditional Use Permit (2017-010819CUA)**

Dear San Francisco Board of Supervisors,

On behalf of our members and constituents in Bayview Hunters Point, San Francisco, we submit the following comments on the CEQA Exemption Determination for the Saba Live Poultry Conditional Use Permit.

Greenaction For Health and Environmental Justice is a multiracial grassroots organization that works with low-income and working class urban, rural, and indigenous communities to fight environmental racism and build a clean, healthy and just future for all. Greenaction has been involved in environmental health and justice advocacy in Bayview Hunters Point since we were founded in 1997. This low-income community of color continues to be negatively and disproportionately impacted by pollution, gentrification, health disparities, and other forms of environmental, social, economic injustice.

The conversion of an automobile towing and repair shop into a livestock sale and processing facility that will confine up to 500 animals at a time in close quarters, and slaughter hundreds of thousands of animals each year, has significant environmental effects that demand analysis and mitigation under CEQA. Moreover, approving the transport, housing, slaughter, and processing at this location will detract from future economic development of Bayview-Hunters Point, and will unduly burden a community that already suffers from disproportionate environmental impacts. At the very least, a CEQA Exemption is not appropriate for this facility.

**The Saba Facility Will Have Significant Environmental Effects**

Environmental issues associated with poultry and livestock processing include air emissions from animal transport and confinement, air emissions from diesel exhaust, wastewater and water emissions, solid waste management, socioeconomic and environmental justice, and animal health and welfare.

The Department must consider all of these issues under CEQA prior to granting a conditional use permit.

### 1. Air emissions from animal transport and confinement

In addition to the diesel emissions caused by these trucks, trucks carrying animals to the facility have the potential to spread pathogens and other matter from the animals, themselves. The nature of live animal transport requires open-sided trucks or ventilatory openings.<sup>1</sup> The Food and Agriculture Organization (FAO) of the United Nations describes live animal transport as “ideally suited for spreading disease,” given that animals are “confined together for long periods in a poorly ventilated stressful environment.”<sup>2</sup> The immunosuppressive stress of prolonged transport may not only increase a healthy animal’s susceptibility to infection, but it may trigger the emergence of a variety of diarrheal and respiratory diseases caused by endogenous microorganisms that might not normally lead to disease.<sup>3</sup> Because no federal laws regulate the long-distance transport of chickens, specifically, it is even more difficult to ensure that flocks do not present disease risk to the communities of residents through which they are transported.<sup>4</sup>

Air emissions from animal confinement, slaughter, and processing that will take place at the facility also present significant environmental concerns. Animal holding areas, processing operations, sanitizing operations, wastewater systems, and heat sources are recognized by the U.S. Environmental Protection Agency as sources of volatile organic compounds, hazardous air pollutants, and other criteria pollutants. In addition to volatile organic compounds, confinement facilities can emit other air pollutants of concern, such as hydrogen sulfide, ammonia, and toxins less than 10 microns in diameter (“PM10”), including endotoxins, bacteria, yeasts, and molds.<sup>5</sup> They also cause odors from animal housing and waste management, and dust from feed storage, loading and unloading, and waste management activities.<sup>6</sup> Long-distance live animal transport also may increase the fecal shedding of disease agents: studies have shown that long-distance transport increases the prevalence of Salmonella within animal feces, and the number of contaminated animals.<sup>7</sup> Long-distance live animal transport may also facilitate the spread of animal pathogens with the potential to cause human disease, such as Avian influenza.<sup>8</sup>

Facilities that confine animals emit air pollutants through the management and disposal of animal manure, the movement of animals and their bedding, and the animals themselves. Ammonia gas and other sources of odor are generated primarily during denitrification of manure and can be released directly into the atmosphere at any stage of the manure handling process, including through ventilation of buildings and manure storage areas.<sup>9</sup> Ammonia gas levels also may be affected by the ambient temperature, ventilation rate, humidity, stocking rate, litter quality, and feed composition (crude protein). Ammonia gas (NH<sub>3</sub>) has a sharp and pungent odor and can act as an irritant when present in elevated concentrations. When deposited into surface waters it may contribute to eutrophication, which depletes water of oxygen and harms aquatic and other water-dependent species.

Airborne dust is another factor. In poultry production and processing operations, dust results from the handling and storage of feed ingredients that may include biological agents (pathogens, bacteria, fungi, mites, and viruses) and particles from grain, mites, fungi, and bacteria, as well as inorganic material such as limestone.<sup>10</sup> Other sources of dust include bird manure and associated bioaerosols.<sup>11</sup> Dust can cause respiratory problems and facilitate transport of odors and diseases. Some dusts may contain antigens that can cause severe irritation to the respiratory tract.<sup>12</sup> Acute toxic alveolitis, otherwise known as organic dust toxic syndrome, can accompany even brief, occasional exposures to heavy concentrations of organic dust and moldy feed materials in agricultural environments.<sup>13</sup> Inadequately ventilated buildings can exacerbate these concerns for workers in the facility, while improper ventilation systems can disperse the risks to nearby businesses and their customers, as well as local residents.

Children, the elderly, and other sensitive populations are particularly susceptible to air emissions, including particulate matter and suspended dust that are linked to asthma and bronchitis. Smaller particles can actually be absorbed by the body and can have systemic effects, including cardiac arrest. Long-term exposure can lead to decreased lung function.<sup>14</sup> Ammonia emissions are rapidly absorbed by the upper airways in the body, causing severe coughing and mucous build-up—and if severe enough, scarring of the airways. Particulate matter may lead to more severe health consequences for workers who are exposed by their occupation.<sup>15</sup>

This is especially relevant in Bayview-Hunters Point. Compared to San Francisco as a whole, all of Bayview-Hunters Point is in the top 25 percent of tracts with highest “PM2.5”<sup>16</sup> concentrations; however, the average concentration in Bayview-Hunters Point is about 2 percent higher than the average for all of San Francisco. In 2010, 4.4 percent of Bayview-Hunters Point population lived in an area with a PM2.5 concentration at or above 10 µg/m<sup>3</sup>, compared to 1.2 percent of citywide populations living in such an area.<sup>17</sup> Likewise, 5.5 percent of Bayview-Hunters Point residents live in an area with total cancer risk greater than 100 cases per 1 million people, compared to 3.3 percent of residents citywide—a disproportionately greater percentage than the surrounding community.<sup>18</sup>

Degraded air quality can negatively affect the mental health and quality of life of nearby residents. Odors can cause lifestyle changes for individuals in the surrounding communities and can alter many daily activities. If odors are severe, people may choose to keep their windows closed, even in high temperatures when there is no air conditioning; parents may choose to not let their children play outside nearby. Odors can cause negative mood states, such as tension, depression, or anger, and possibly neurophysiologic abnormalities, such as impaired balance or memory.<sup>19</sup>

These effects warrant consideration with regard to the Saba facility, especially, because nuisance odors, traffic density, and asthma hospitalization rates are already environmental justice indicators for Bayview-Hunters Point—meaning this neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.<sup>20</sup> The effect of nuisance odors is already familiar to residents of Bayview-Hunters Point: since publication of the Southeast Plant Odor Control Master Plan in 1998, the San

Francisco Public Utility Commission has recognized that nuisance odors are an issue due to the siting of the treatment plant that processes 80 percent of San Francisco's wastewater.<sup>21</sup> Plus, the Saba facility will be located less than a half-mile from Drew and Carver Elementary Schools (.4), a half-mile from the Burnett Child Development Center, and under a mile from both Hart Elementary and the Malcolm X Academy (.7). As the members of this community who are most sensitive to airborne emissions, the health of students at these schools must be protected.

## **2. Air emissions from diesel exhaust**

The CEQA analysis should include environmental, health, air quality and cumulative impact information from the California Environmental Protection Agency and the Bay Area Air Quality Management District (BAAQMD) – both of whom have documented that Bayview Hunters Point is a community highly at risk from pollution.

In 2004 BAAQMD initiated the Community Air Risk Evaluation (CARE) program to identify areas with high concentrations of air pollution and populations most vulnerable to air pollution's health impacts. The Bayview Hunters Point community was designated by BAAQMD as a CARE community. In Bayview Hunters Point, the intersection of ports, railways, municipal vehicle yards, concrete batch plants, freeways, and a large waste water treatment facility has contributed to high rates of air pollution and asthma hospitalizations. According to the Bay Area Air Quality Management District (BAAQMD), despite tremendous strides in air pollution reduction, communities such as Bayview Hunters Point, experience higher pollution levels, and more adverse health effects, compared to their counterparts in other parts of the region ([http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE\\_Retrospective\\_April2014.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE_Retrospective_April2014.ashx)). Additionally, according to a report by the Bay Area Regional Health Inequities Initiative (a collaboration of senior officials, managers and staff from eight health departments in the Bay Area), where a person lives helps determine his or her health outcomes: Bayview/Hunters Point residents are expected to live 14 years less than those living in Russian Hill ([http://barhii.org/wp-content/uploads/2015/09/barhii\\_hiba.pdf](http://barhii.org/wp-content/uploads/2015/09/barhii_hiba.pdf)).

The Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California Environmental Protection Agency (CalEPA) created CalEnviroScreen, which is a screening tool that ranks California communities based on potential exposures to pollutants, adverse environmental conditions, socioeconomic factors and prevalence of certain health conditions. CalEnviroScreen 3.0 ranks Bayview Hunters Point in the 90<sup>th</sup> percentile. This percentile means that Bayview Hunters Point has a higher pollution burden and pollution vulnerability than 90% of California (CalEnviroScreen 3.0 Data Map, <https://arcg.is/qim5X>).

More specifically, CalEnviroScreen ranks Bayview Hunters Point in the 99<sup>th</sup> percentile for diesel particulate, 98<sup>th</sup> percentile for groundwater threats, 98<sup>th</sup> percentile for asthma, 99<sup>th</sup> percentile for low birth weight, and 86<sup>th</sup> percentile for hazardous waste. The community's vulnerability to

pollution is amplified by socioeconomic factors such as poverty, unemployment, and housing affordability. CalEnviroScreen ranks Bayview Hunters Point in the 87<sup>th</sup> percentile for poverty, 84<sup>th</sup> percentile in unemployment, and 91<sup>st</sup> percentile in housing affordability (residents of low-income households with high housing costs may suffer adverse health impacts).

The CEQA Worksheet prepared for this facility incorrectly indicated that it will not emit substantial pollutant concentrations from diesel trucks, nor adversely affect transit. CEQA requires the Department to consider not just emissions and effects from the facility itself, but from the project as a whole—including the trucks and transport that are essential to its operation. If operations at Saba's Oakland facility are any indication, trucks will travel both to and from the Bayview facility each day to deliver birds and an unknown amount of times at unknown intervals to carry waste from the facility. Each of these trips is essential to Saba's operation, and also a direct contributor to air emissions and climate change. In fact, the federal Farm Service Agency recognizes that trucks are a primary source of greenhouse gases produced by the poultry industry.<sup>22</sup>

As of 2009, diesel particulate matter emission from trucks and buses made up 23 percent of all air emissions within Bayview-Hunters Point.<sup>23</sup> Over half of these emissions result from activity on the freeways that cut through the neighborhood and disproportionately burden the community with air quality impacts.<sup>24</sup> However, diesel trucks also account for over 1.6 million vehicle miles traveled through arterial streets and over 120,000 vehicle miles traveled on local roads in Bayview-Hunters Point, not including idling time.<sup>25</sup> Traffic densities in the western portion of the neighborhood exceed the traffic densities of more than 85 percent of the remaining tracts in San Francisco, and this is only expected to increase through 2040.<sup>26</sup> Increasing truck traffic on arterial and local streets will continue to decrease local air quality and public health, further burdening this community.

### **3. Wastewater and water emissions**

Wastewater is one of the biggest concerns associated with slaughterhouses nationwide. Poultry operations, specifically, may generate effluents from various sources, including poultry housing, feeding, and watering, as well as from waste storage and management. The siting of the Southeast Plant mentioned above indicates that the Bayview-Hunters Point community already bears a disproportionate burden from the indirect impacts of wastewater.<sup>27</sup>

Effluents from poultry operations typically have a high content of organic material—and consequently a high biochemical oxygen demand and chemical oxygen demand—as well as nutrients and suspended solids such as fat, grease, and manure.<sup>28</sup> The greenhouse gases methane and carbon dioxide are created both in the process of slaughter and by the degradation of wastewater. Wastewater contains a number of organic materials, all of which release methane and carbon dioxide when they decompose. It may also contain residual amounts of growth enhancers and antibiotics, hazardous materials such as disinfecting agents, and pesticides and rodenticides that may be used to control pests within the facility.<sup>29</sup>

Wastewater from slaughterhouses is also one of the largest sources of nitrate pollution in drinking water nationwide.<sup>30</sup> High nitrate levels can cause blue baby syndrome, a fatal condition that impacts babies under six months of age. Nitrogen pollution in waterways can also kill aquatic life, and make it much more difficult for fish, insects, and other water-dependent species to survive.

#### **4. Solid waste management and disposal**

Solid waste generated during poultry production includes waste feed, animal waste, carcasses, wastewater, contaminated ventilation filters, and used cleaning materials.

With regard to feed, common poultry feed primarily consists of corn and soy, although other grains, materials, and substances of animal origin (e.g. fish meal, meat and bone meal, and milk products) may also be added.<sup>31</sup> Feed is typically supplemented with amino acids, enzymes, vitamins, mineral supplements, and may contain hormones, antibiotics, and heavy metals.<sup>32</sup> Feed can become unusable waste material if spilled during storage, loading, and unloading or during animal feeding.<sup>33</sup>

With regard to animal waste, poultry production operations can generate significant quantities. Animal waste management requires collection, transport, storage, treatment, and either use or disposal. Manure is generally stored on-site at poultry processing facilities until it can be transported elsewhere. Poultry manure contains nitrogen, phosphorus, and potentially hormones, antibiotics, and heavy metals that are part of the animals' feed.<sup>34</sup> In fact, the U.S. Department of Agriculture has found that poultry manure generally contains two to four times more nutrients than is contained in the manure of other livestock.<sup>35</sup> These substances may result in air emissions of ammonia and other gases and may pose a potential risk of contamination to surface or groundwater resources if not properly stored, treated, and disposed of. Manure also contains bacteria and pathogens that may potentially affect soil, water, and food resources.<sup>36</sup> Animal carcasses are also a significant source of disease and odors, and can attract disease vectors.<sup>37</sup>

#### **5. Socioeconomic and environmental justice impacts**

CEQA requires the Department to analyze the effects of the Saba facility on the particular community in which it will operate; even if the facility could generally be permitted, it may not be appropriate for the Bayview, specifically. To guide an environmental justice analysis, "indicators" are used to determine what adverse socioeconomic, environmental, health, community, and other circumstances residents of Bayview-Hunters Point experience disproportionately compared to San Francisco as a whole or to other neighborhoods in San Francisco. The U.S. Environmental Protection Agency defines environmental justice indicators as data that "provide information that can be used in an environmental justice assessment to supplement, as appropriate, information more specific to the environmental decision being evaluated (e.g., impacts from a facility being sited or permitted, or potential impacts from a proposed rule) and data required by the statutes and regulations that apply to the particular situation."<sup>38</sup>



Over half of San Francisco’s industrial zoning is located in Bayview-Hunters Point.<sup>39</sup> Ninety-one to 100 percent of residents in the immediate neighborhood around the proposed 1526 Wallace Ave are considered “minority” or non-White.<sup>40</sup> In the neighborhood as a whole, 19 percent of families and 21 percent of individuals live below the federal poverty thresholds.<sup>41</sup> This community’s designation as an industrial zone should not and does not provide the Department with carte blanche to site facilities that will further reduce the quality of life of its residents.

In June 2017, the San Francisco Public Utility Commission (SFPUC) published an Environmental Justice Analysis for Bayview-Hunters Point as part of its Biosolids Digester Facilities Project. This analysis builds upon previous or concurrent studies that are also relevant to the Department’s environmental justice analysis of the Saba facility.<sup>42</sup> The recent SFPUC analysis shows that nuisance odors, traffic density, population of children, resiliency to climate change, and asthma hospitalization rates are considered environmental justice indicators for Bayview-Hunters Point—meaning this neighborhood already suffers from these adverse environmental circumstances disproportionately compared to San Francisco as a whole or other San Francisco neighborhoods.<sup>43</sup> These indicators are particularly relevant to the permitting of the Saba facility in light of its potential environmental effects explained above.

## **Conclusion**

Animal confinement facilities, slaughterhouses, and processing plants of any scale may have significant environmental effects. The detrimental impact that live animal confinement, slaughter, and processing will have on the Bayview-Hunters Point community, environment, and animals demands a proper CEQA analysis before the Department makes a final decision on the application.

The Department’s approval of this facility without proper analysis of the effects documented herein violates CEQA. Greenaction therefore urges the Commission to reverse the CEQA Exemption for this facility and to properly study its effects on animals, the environment, and the local community.

Submitted,

Bradley Angel, Executive Director

Brian Butler, Community Organizer and Policy Advocate

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<sup>1</sup> M. Greger, *The Long Haul: Risks Associated With Livestock Transport, Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science* at 305 (2007), available at <http://www.humanesociety.org/assets/pdfs/farm/b-b2007-5-4.pdf>.

<sup>2</sup> *Id.* at 301.

<sup>3</sup> *Id.*

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<sup>4</sup> *Id.* at 304.

<sup>5</sup> Declaration of Professor Steven B. Wing, Ph.D., (Sept. 3, 2015), available at <http://buffaloriveralliance.org/Resources/Documents/Ex.%205%20-%20Wing%20declaration%20FINAL%20w%20Exhibits%20-%20reduced%20size.pdf>.

<sup>6</sup> Int'l Finance Corp., Environmental, Health, and Safety Guidelines for Poultry Production at 6 (Apr. 30, 2007), available at <http://www.ifc.org/wps/wcm/connect/26baaf004886581fb43ef66a6515bb18/final+-poultry+production.pdf?mod=ajperes> (hereinafter “IFC Guidelines”).

<sup>7</sup> Greger, *supra* note 30, at 301.

<sup>8</sup> *Id.* at 302.

<sup>9</sup> IFC Guidelines, *supra* note 35, at 6.

<sup>10</sup> *Id.* at 11.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Carrie Hribar, Nat'l Ass'n of Loc. Boards of Health, *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities* at 6 (Mark Schultz, ed., 2010), available at [http://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>15</sup> *Id.*

<sup>16</sup> PM2.5, also called “fine particulates,” consists of particles with diameters that are less than or equal to 2.5 microns in size. PM2.5 is a more serious health concern than PM10, since smaller particles can travel more deeply into our lungs and cause more harmful effects. SFPUC Analysis, *supra* note 29, at 4-24.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 4-28, 4-29.

<sup>19</sup> Wing Decl., *supra* note 34, at ¶ 15.

<sup>20</sup> SFPUC Analysis, *supra* note 29, at 4-2.

<sup>21</sup> *Id.* at 4-29.

<sup>22</sup> United States Dept. of Agric. Farm Serv. Agency, Draft Environmental Assessment (Oct. 2017), at 3-10, available at [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/State-Offices/Arkansas/env-docs/draft\\_ea\\_tracypoultry\\_20171025.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/State-Offices/Arkansas/env-docs/draft_ea_tracypoultry_20171025.pdf); see generally Humane Soc’y of the United States (HSUS), Green Gas Emissions from Animal Agriculture, available at <http://www.humanesociety.org/assets/pdfs/farm/hsus-fact-sheet-greenhouse-gas-emissions-from-animal-agriculture.pdf>.

<sup>23</sup> San Francisco Dept. of the Env’t, Bayview Hunters Point Community Diesel Pollution Reduction Project at 10 (Feb. 2009), available at

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[https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_ej\\_bvhp\\_diesel\\_pollution\\_reduction\\_project\\_report.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_ej_bvhp_diesel_pollution_reduction_project_report.pdf) (hereinafter “Diesel Pollution Report”).

<sup>24</sup> *Id.* at 12, 17.

<sup>25</sup> *Id.* at 14.

<sup>26</sup> San Francisco Pub. Utils. Comm’n, *Envtl. Justice Analysis for Bayview-Hunters Point* at 4-30 (June 2017), available at <http://sfwater.org/modules/showdocument.aspx?documentid=10879> (hereinafter “SFPUC Analysis”).

<sup>27</sup> SFPUC Analysis, *supra* note 29, at 4-29.

<sup>28</sup> IFC Guidelines, *supra* note 35, at 5.

<sup>29</sup> *See id.* at 5, 6-7.

<sup>30</sup> *See* *Envtl. Working Group, Meat Processors/Slaughterhouses* (2011), <https://www.ewg.org/meateatersguide/interactive-graphic/meat-processorsslaughterhouses>.

<sup>31</sup> IFC Guidelines, *supra* note 35, at 2.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 3.

<sup>35</sup> The PEW Env’t. Group, *Big Chicken: Pollution and Industrial Poultry Production in America* at 13 (July 27, 2011), available at <http://www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/pegbigchickenjuly2011pdf.pdf>.

<sup>36</sup> IFC Guidelines, *supra* note 35, at 3.

<sup>37</sup> *Id.* at 4.

<sup>38</sup> SFPUC Analysis, *supra* note 29, at 1-8.

<sup>39</sup> *Id.* at 4-39.

<sup>40</sup> *Id.* at 4-6.

<sup>41</sup> *Id.* at 4-7.

<sup>42</sup> *See id.* at 4-10 – 4-22.

<sup>43</sup> *Id.* at 4-2.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [cstella@aldf.org](#); [dftrattin@reubenlaw.com](#); [atoomey@reubenlaw.com](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** HEARING NOTICE: Appeal of CEQA Exemption Determination - 1526 Wallace Avenue - Appeal Hearing on February 13, 2018  
**Date:** Tuesday, January 30, 2018 10:44:40 AM  
**Attachments:** [image001.png](#)

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Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **February 13, 2018, at 3:00 p.m.**, to hear an appeal of the Determination of Exemption under CEQA for the proposed project at 1526 Wallace Avenue.

**Please find the following link to the hearing notice for the matter.**

[Hearing Notice - January 30, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180013](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:


**Date:** Tuesday, February 13, 2018

**Time:** 3:00 p.m.

**Location:** Legislative Chamber, City Hall, Room 250  
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

**Subject:** File No. 180013. Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on November 29, 2017, approved on November 30, 2017, for the proposed project at 1526 Wallace Avenue to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). (District 10) (Appellant: Cristina Stella, on behalf of the Animal Legal Defense Fund) (Filed December 26, 2017)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, February 9, 2018.

  
Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**PROOF OF MAILING**

Legislative File No. 180013

Description of Items: Public Hearing Notices - Hearing - Appeal of Determination of Exemption From Environmental Review - 1526 Wallace Avenue - 59 Notices Mailed

I, Brent Jalipa, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: January 30, 2018

Time: 9:55 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

January 4, 2018

**File Nos. 180013-180016**  
**Planning Case No. 2017010819CUA**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Ninety Seven Dollars (\$597) representing the filing fee paid by Animal Legal Defense Fund, for the appeal of the CEQA Exemption Determination for the proposed project at 1526 Wallace Avenue.

**Planning Department**  
**By:**

Tony  
Print Name

[Signature] 1/4/18  
Signature and Date

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [cstella@aldf.org](mailto:cstella@aldf.org); [dfrattin@reubenlaw.com](mailto:dfrattin@reubenlaw.com); [atoomey@reubenlaw.com](mailto:atoomey@reubenlaw.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determination - 1526 Wallace Avenue - Appeal Hearing on February 13, 2018  
**Date:** Wednesday, January 03, 2018 4:59:09 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **February 13, 2018, at 3:00 p.m.** Please find linked below a letter of appeal filed for the proposed project at 1526 Wallace Avenue, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Exemption Determination Appeal Letter - December 26, 2017](#)

[Planning Department Memo - December 28, 2017](#)

[Clerk of the Board Letter - January 2, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180013](#)

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*





January 2, 2018

Cristina Stella  
Animal Legal Defense Fund  
525 East Cotati Avenue  
Cotati, CA 94931

**Subject: File No. 180013 - Appeal of CEQA Exemption Determination -  
1526 Wallace Avenue Project**

Dear Ms. Stella:

The Office of the Clerk of the Board is in receipt of a memorandum dated December 28, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 1526 Wallace Avenue.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, February 13, 2018, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

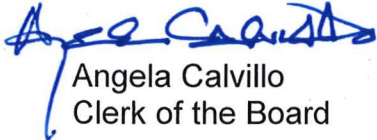
**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,



Angela Calvillo  
Clerk of the Board

- c: Daniel Frattin, Reuben, Junius and Rose, LLP, Project Sponsor
- Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- John Rahaim, Planning Director
- Scott Sanchez, Zoning Administrator, Planning Department
- Lisa Gibson, Environmental Review Officer, Planning Department
- Joy Navarette, Environmental Planning, Planning Department
- Laura Lynch, Environmental Planning, Planning Department
- Aaron Starr, Manager of Legislative Affairs, Planning Department
- Dan Sider, Policy Advisor, Planning Department
- Marcelle Boudreaux, Staff Contact, Planning Department
- Mathew Chandler, Staff Contact, Planning Department



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** December 28, 2017  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer *LG*  
**RE:** Appeal Timeliness Determination – 1526 Wallace Avenue  
 Planning Department Case No. 2017-010819CUA

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

An appeal of the categorical exemption determination for the proposed project at 1526 Wallace Avenue was filed with the Office of the Clerk of the Board of Supervisors on December 26, 2017, by Cristina Stella of Animal Legal Defense Fund (ALDF). As explained below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action/ Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
Thursday, November 30, 2017	Saturday, December 30, 2017	Tuesday, January 2, 2018	Tuesday, December 26, 2017	Yes

**Approval Action:** On November 29, 2017, the Planning Department issued a CEQA Categorical Exemption Determination for a change of use from an automobile towing facility to a small livestock processing facility. The Approval Action for the project was the conditional use authorization by the Planning Commission on November 30, 2017 (Date of the Approval Action).

**Appeal Deadline:** Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30<sup>th</sup> day after the Date of the Approval Action will be December 30, 2017 and the first business day after the 30 days will be Tuesday, January 2, 2018 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on December 26, 2017, which is within the time frame specified above. Therefore, the appeal is considered timely.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Rahaim, John \(CPC\)](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determination - 1526 Wallace Avenue - Timeliness Determination Request  
**Date:** Wednesday, December 27, 2017 1:56:58 PM  
**Attachments:** [Appeal Ltr 122617.pdf](#)  
[COB Ltr 122717.pdf](#)

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Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project at 1526 Wallace Avenue. The appeal was filed by Cristina Stella of the Animal Legal Defense Fund, on December 26, 2017.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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BOARD of SUPERVISORS



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Tel. No. 554-5184  
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TDD/TTY No. 544-5227

December 27, 2017

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 1526 Wallace Avenue**

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 1526 Wallace Avenue was filed with the Office of the Clerk of the Board on December 26, 2017, by Cristina Stella, on behalf of the Animal Legal Defense Fund.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Laura Lynch, Environmental Planning, Planning Department  
Dan Sider, Policy Advisor, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Matthew Chandler, Staff Contact, Planning Department

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Exemption From Environmental Review - 1526 Wallace Avenue

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on November 29, 2017, approved on November 30, 2017, for the proposed project at 1526 Wallace Avenue to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). (District 10) (Appellant: Cristina Stella of the Animal Legal Defense Fund) (Filed December 26, 2017)

Signature of Sponsoring Supervisor: *Aliqomera*

For Clerk's Use Only

*for* 180013