File No. 200746 **Committee Item No.** _____
Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by: Lisa Lew **Date:** July 24, 2020
Prepared by: _____ **Date:** _____

May 8, 2020

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

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

Dear Madam Clerk,

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 The determination that the Project can benefit from a categorical exemption is faulty and the exemption should be withdrawn.

Non-Conformance of the Project to the 1997 Guidelines

The Class 3 exemption was granted to the Project which originally was the construction and creation of 5 new dwelling units, each a separate structure. The developers have since revised the design to 4 new dwelling units but each remains a separate structure. Under the guidelines, Class 3 exemption includes "New Construction. Up to three new single-family residences or six dwelling units in one building[1]…" It would not be accurate to describe the 4 new dwelling units as being in one building or in one structure. The Project does not conform to the requirements for a Class 3 exemption.

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

Further, the granting of the exemption did not adequately assess the removal of soil in an area considered to be of moderate risk[2] for liquefaction, in accordance with USGS's liquefaction susceptibility map.[3] It is known that the Project will be removing soil from the site for construction. The amount of removal was not determined. The guidelines require that removal of 50 cubic yards of soil or more requires a geotechnical report. No such report was produced or contemplated.

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

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[1] San Francisco Planning Department – CEQA Categorical Exemption Determination checklist.
[2] The "moderate risk" is the middle category of five – very high, high, moderate, low and very low.
[3] Source: SFGate article by Mike Moffitt, updated 12:44 p.m. September 25, 2017

Non-Conformance of the 1997 Guidelines to CEQA

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

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

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

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

[4] CEQA Article 3, §15040 – 15045

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

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

Sincerely,

Brian Kingan
627 Masonic Avenue
San Francisco, CA 94117

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

Attachments:

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

Attachment 1

CEQA Categorical Exemption Determination

2018-011441CUAVAR (1846 Grove Street)

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		**Block/Lot(s)**
1846 GROVE ST		1187003H
Case No.		**Permit No.**
2018-011441PRJ		
☐ **Addition/ Alteration**	☐ **Demolition (requires HRE for Category B Building)**	■ **New Construction**

Project description for Planning Department approval.

New construction on a 7,868 square foot undeveloped parcel to create five (5) new residential dwelling units.

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

Comments and Planner Signature (*optional*): Matthew Dito

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Property Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
■	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

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

☐	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.
☐	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):
☐	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*
☐	10. **Reclassification of property status**. *(Requires approval by Senior Preservation Planner/Preservation* ☐ Reclassify to Category A — ☐ Reclassify to Category C a. Per HRER or PTR dated *(attach HRER or PTR)* b. Other *(specify)*:

Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

☐	**Project can proceed with categorical exemption review**. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

Comments (*optional*):

Preservation Planner Signature: Matthew Dito

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

■ **No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**

Project Approval Action:	**Signature:**
Planning Commission Hearing	Matthew Dito
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/21/2019

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.
In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action.
Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:	**Date:**

Attachment 2

Certificate of Determination of Exemption Exclusion From Environmental Review

1997 Memorandum

PLANNING DEPARTMENT

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

(415) 558-6378 PLANNING COMMISSION FAX: 558-6409 ADMINISTRATION FAX: 558-6426 CURRENT PLANNING/ZONING FAX: 558-6409 LONG RANGE PLANNING FAX: 558-6426

CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

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

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

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

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

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

REMARKS: See Attached.

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

Date of Determination:

July 1, 1997

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

Hillary E. Gitelman,
Environmental Review Officer

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

97.304E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Attachment 3

San Francisco Planning Commission
Resolution No. 14952

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

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

CLASS 1: EXISTING FACILITIES

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

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

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

Examples include but are not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

Where public services are already available for the maximum development allowable and where the area is not historically significant, or subject to landslide hazard, the 10,000-square-foot addition will normally apply in San Francisco. In an area where services are not available for maximum permitted development, the 50 percent or 2,500-square-foot limitation will apply. Note that the latter is Awhichever 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.

AEconomic 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 Aurbanized 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 Asame 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 Aurbanized 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 Adwelling unit≅ or Aresidential 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 Aearth≅ normally means natural materials, but it may include other materials such as demolition debris at locations where they have the required compatibility.

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

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

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

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

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

Uses under this item include:

Fire Department permits: public fireworks display, tent.

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

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

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

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

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

(f) Minor trenching and backfilling where the surface is restored.

(g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.

(h) The creation of bicycle lanes on existing rights-of-way.

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

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

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

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

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

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

(b) Issuance of minor encroachment permits.

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

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

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

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

****CLASS 6: INFORMATION COLLECTION***

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

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

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

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

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

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

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

This Class includes:

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

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

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

CLASS 9: INSPECTIONS

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

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

CLASS 10: LOANS

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

(a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

(b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

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

**CLASS 11: ACCESSORY STRUCTURES*

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

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

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

(a) On-premise signs.

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

(b) Small parking lots.

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

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

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

CLASS 12: SURPLUS GOVERNMENT PROPERTY SALES

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

(a) The property does not have significant values for wildlife habitat or other environmental purposes, and

(b) Any of the following conditions exist:

- ***(1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or***
- ***(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or***
- ***(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.***

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

Leases of government property are not included in this Class.

CLASS 13: ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES

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

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

CLASS 14: MINOR ADDITIONS TO SCHOOLS

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

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

CLASS 15: MINOR LAND DIVISIONS

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

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

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

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

(a) The management plan for the park has not been prepared, or

(b) The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

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

CLASS 17: OPEN SPACE CONTRACTS OR EASEMENTS

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

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

CLASS 18: DESIGNATION OF WILDERNESS AREAS

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

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

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

Class 19 consists of only the following annexations:

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

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

CLASS 20: CHANGES IN ORGANIZATION OF LOCAL AGENCIES

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

(a) Establishment of a subsidiary district.

(b) Consolidation of two or more districts having identical powers.

(c) Merger with a city of a district lying entirely within the boundaries of the city.

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

CLASS 21: ENFORCEMENT ACTIONS BY REGULATORY AGENCIES

Class 21 consists of:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

(1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.

(2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

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

(b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.

(c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

CLASS 22: EDUCATIONAL OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

(a) Development of or changes in curriculum or training methods.

(b) Changes in the grade structure in a school which do not result in changes in student transportation.

CLASS 23: NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS

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

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

CLASS 24: REGULATIONS OF WORKING CONDITIONS

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

(a) Employee wages,

(b) Hours of work, or

(c) Working conditions where there will be no demonstrable physical changes outside the place of work.

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

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

(a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.

(b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.

(c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.

(d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.

(e) Acquisition, sale, or other transfer to preserve historical resources.

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

CLASS 26: ACQUISITION OF HOUSING FOR HOUSING ASSISTANCE PROGRAMS

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

CLASS 27: LEASING NEW FACILITIES

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

(b) Examples of Class 27 include, but are not limited to:
- ***(1) Leasing of administrative offices in newly constructed office space.***
- ***(2) Leasing of client service offices in newly constructed retail space.***
- ***(3) Leasing of administrative and/or client service offices in newly constructed industrial parks.***

CLASS 28: SMALL HYDROELECTRIC PROJECTS AT EXISTING FACILITIES

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

(a) The capacity of the generating facilities is five megawatts or less,

(b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
- ***(1) Rate and volume of flow,***
- ***(2) Temperature,***
- ***(3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and***
- ***(4) Timing of release.***

(c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.

(d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.

(e) There will be no significant upstream or downstream passage of fish affected by the project.

(f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.

(g) The project will not cause violations of applicable state or federal water quality standards.

(h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and

(i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

CLASS 29: COGENERATION PROJECTS AT EXISTING FACILITIES

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

(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
(1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and
(2) Comply with all applicable state, federal, and local air quality laws.

(b) At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
(1) Meet all the criteria described in Subsection (a),
(2) Result in no noticeable increase in noise to nearby residential structures,
(3) Be contiguous to other commercial or institutional structures.

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

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

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

CLASS 31: HISTORICAL RESOURCE RESTORATION/REHABILITATION

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

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

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

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

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

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

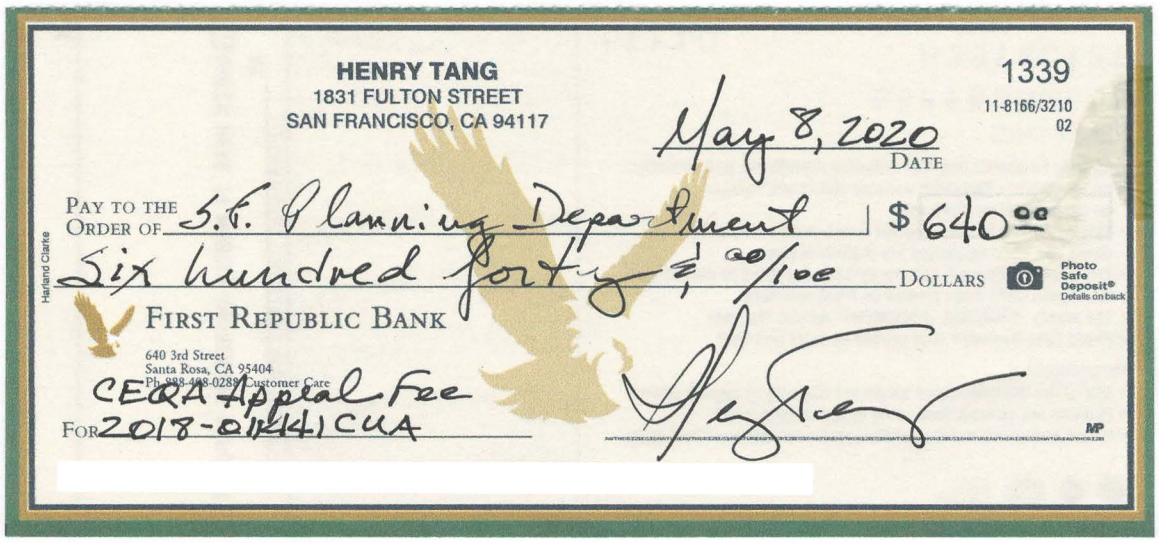
N:\MEA\Exemptions\Categorical Exemption List CEQA 2000.doc

Attachment 4

Check Image

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

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



Attachment 5

Fee Waiver

San Francisco Planning

BOARD OF SUPERVISORS APPEAL FEE WAIVER
FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: Brian Kingan

Address: 627 Masonic Ave
San Francisco, CA 94117

Email Address: kinganb33@gmail.com

Telephone: 415-244-5033

Neighborhood Group Organization Information

Name of Organization: NOPA West Neighbors (NOPAWN)

Address: 1831 Fulton St

Email Address: nopawestneighbors@gmail.com

Telephone: 415-441-6728

Property Information

Project Address: 1846 Grove St, Block 1187, Lot 003H

Project Application (PRJ) Record No: 2018-011441

Building Permit No:

Date of Decision (if any): 4/9/20

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	✓	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	✓	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	✓	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	✓	

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

☐ APPELLANT AUTHORIZATION ☐ CURRENT ORGANIZATION REGISTRATION ☐ MINIMUM ORGANIZATION AGE

☐ PROJECT IMPACT ON ORGANIZATION

☐ WAIVER APPROVED ☐ WAIVER DENIED

NOPA West Neighbors

May 22, 2020

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

Via Email

RE: CEQA Categorical Exemption Determination Appeal
2018-011441CUAVAR

Dear Madam Clerk,

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

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

Thank you for your consideration.

Sincerely,

Henry Tang
Co-President
NOPA West Neighbors

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

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

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

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

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

When: **Wednesday September 20 from 7-8 pm**
Where: 625-627 Masonic Ave
RSVP: savesfopenspace@gmail.com

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

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

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

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

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

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

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

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

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

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

From:	Lew, Lisa (BOS)
To:	BOS Legislation, (BOS)
Subject:	FW: PROJECT SPONSOR RESPONSE: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020
Date:	Thursday, July 23, 2020 7:42:33 PM
Attachments:	image001.png

From: BOS Legislation, (BOS)
Sent: Thursday, July 23, 2020 7:41 PM
To: Brian Kingan <kinganb33@gmail.com>; 'Malinda Kai Tuazon' <malindakai@gmail.com>; Troy Kashanipour <tk@tkworkshop.com>; Henry Tang <henrytango@gmail.com>; Basil Ayish <basil.ayish@gmail.com>
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Subject: PROJECT SPONSOR RESPONSE: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020

Hello,

The Office of the Clerk of the Board received the following appeal responses from the Project Sponsor Troy Kashanipour of Troy Kashanipour Architecture, regarding the appeals of the Categorical Exemption under the California Environmental Quality Act and Conditional Use Authorization for the proposed project at 1846 Grove Street.

Project Sponsor Response - CEQA and CUA Appeal - July 23, 2020

NOTE: The President may entertain a motion to continue the following appeal hearings to the Board of Supervisors' meeting of Tuesday, August 25, 2020.

I invite you to review the entire matter on our Legislative Research Center by following the links below:

Board of Supervisors File No. 200746
Board of Supervisors File No. 200750

Best regards,

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(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.
Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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

Project Sponsors Response to Statement of Appeal:

1846 Grove Street, Conditional Use Authorization and CEQA approval:

The statement of Appeal makes a number of claims, many of which were addressed in the Response of the Planning Department related to the Conditional Use Authorization and the CEQA approval. Those topics will not be re-addressed in this presentation.

Project Goals:

The Project as designed is the result of a careful consideration of the context of the lot in consultation with the Planning Department, Building Department, Fire Department, and with input from neighbors during the pre-application meeting process.

Recognizing the unique nature of the site the designer sought to create a project with minimal impact to adjoining parcels. Project goals include the following:

- Create a **modest number of homes** on this lot. The lot is larger in size than three standard city lots. Zoning allows up to 6 homes on this parcel. The Conditional Use Authorization was granted for 4 homes.
- Create homes that are **minimally impactful** on the surrounding homes.
- Create a project to have an inward focus rather than an outward one.
    - The design places circulation at the center of the parcel for lesser impact than at the exterior of a building centered in the parcel.
    - The design creates outdoor space centered among the homes rather than creating a building with outdoor open space facing the rear of adjacent buildings and rear yards.
    - The courtyard design **minimizes windows facing adjacent properties** rear windows.
- Create **homes that are low in scale**, largely one story with much smaller 2-story pop up areas. Nest structures into the topography.
- **Minimizing shadow impacts** to adjacent properties with smaller volumes set back from property line edges, considering solar orientation.
- Create a Permeable site.
    - **Visually permeable**: a broken up massing, allowing view corridors through the parcel rather than a larger centered massing. Permeable for light and air.
    - Site permeability without expanses of concrete allowing water to percolate into the water table.
- Preserve and **protect of the mature coastal live oak**; Certified Arborist as part of project team.
- Create a **drought tolerant landscape** and utilize non-native non-invasive climate appropriate plants and well adapted California native plantings that can support pollinator diversity.
- Creating an extended landscape of **living roofs** visible from adjacent properties, slowing run-off, reducing heat island effect, providing habitat.
- **Low environmental impact**: no gas service, highly efficient electric heat pump systems, low embodied carbon construction.
- Create homes with ground floor bedrooms and bathrooms **suitable for those that have difficulty with stairs**. Family sized housing with 2 and 3 bedroom units.

- **Natural affordability** due to the unique nature of the site, smaller homes, minimally sized, modest amenities, and no auto parking.
- **Create a smaller scale community** of garden homes, with a shared common area as a "village green" around tree and courtyard. Private spaces are connected and permeable to the common space allowing interaction between residents fostering community.

See Attachment 1 following for three dimensional views of the project which was provided to the Planning Commission for the April 9th Hearing

Following is a **Summary of Meetings and Neighbor Outreach:**

1. **Pre-application Meeting: September 7, 2017**
   - SFPL meeting room 1833 Page Street.
   - Letters send to pre-app meeting list provided by Radius Services
   - 25 Attendees
2. **Neighbor Meeting 2: September 6, 2019**
   - SFPL meeting room 1833 Page Street
   - Email notification and communication through Planner and D5 Legislative Aide,
   - Attended by District 5 Legislative Aide
   - 17 Attendees

Story Poles provided on site illustrating volume of unit 2 and 3 per neighbor request.

3. **Neighbor Meeting 3: November 19, 2019**
   - SFPL Meeting Room at 1833 Page Street
   - Email notification and letters mailed to Pre-app mailing list
   - 2 Attendees

Additional offers to meet with neighbors in smaller groups or individually were declined, or no response received.

Post CU hearing on October 7, 2019.

4. **Neighbor Meeting 4: February 6, 2020**
   - SFPL Meeting Room at 1833 Page Street
   - Email notification to sign in list
   - 18 Attendees including Haight Ashbury NC representatives.
5. **Neighbor Meeting 5: February 26, 2020**
   - City College classroom, 633 Hayes.
   - Email notification to sign-in list. Additional letters hand delivered to each adjoining parcel. Sign posted at gate.
   - 11 Attendees.
6. **Community Group presentation: 2/27/2020**
   NOPNA Land Use Subcommittee of the North of the Panhandle Neighborhood Association
   633 Page Street
   9 Attendees.

Project Modification: The Project was modified in the following ways in response to Planning Commission input and comments from neighbors during the pre-application meeting process.

- Revised number of families that can live here from 5 to 4.
- Reduced 2 Story Volume at West edge of Property to 1 story.
- Moved 2nd story volume away from property line at Unit 3.
- Reduced 1 story volume on East edge of Property.
- Reduced 1 story volume at South edge of Property.
- Provide Planting Screen at East side of Property.
- Relocated bin area to center of property, minimizing noise.
- Removed East facing window on upper bedroom of Unit 1.
- Agree to provide Tree Planting and Protection Plan from certified Arborist.
- Agree to provide low voltage pathway lighting rather than flood lighting.
- Agreed to provide soft-close device at gate.
- Agreed to modify windows with potential privacy impact to the neighbor. Any smaller bathroom window facing neighbors directly will be frosted glass.
- Agreed to have a pre-construction meeting with interested neighbors with contractor coordinated timeline in advance of construction. Will designate point of contact at that time.
- Agreed to repair any damage at adjoining yards or landscaping, along entry agreed to protect adjoining buildings and repair any damage at our sole expense.

Project Review:

Prior to and after purchase the Project Owners went through a number of **project review meetings with the Planning Department Staff, Fire Department and the Building Department** to fully understand the code and life safety requirements. The **Fire Department provided a pre-application review letter that stated their conditional approval** and measures that would need to be incorporated into the project.

Response to Specifics of Appeal:

Safety: The Appellant has asserted a made-up standard for life safety that is not supported in the code. In their statement conflates the building "exit" and the "exit discharge" as found in the California Building Code. Both the Department of Building Inspection and the Fire Department have reviewed plans as submitted and have provided pre-application review letters in agreement with the code compliance of access and egress. A final review of the project will occur by DBI and Fire at time of permit issuance to document that the project requirements specified in their letters are incorporated into the permit drawing set.

The arguments against the homes on this site due to safety concerns are a pretext, are unsupported by code, and are unsupported by the code experts responsible for reviewing the project.

The Entry: The opposition has asserted without evidence that the 3.5 foot wide passage that leads from the street to the site is inadequate. This passage is as wide as a single loaded residential corridor. Safety is increased over a corridor in that it is an open-to-the-sky condition.

The Board of Supervisors has approved ADU legislation that allows multiple ADUs to be accessed from a 3 foot wide tradesman access as the sole means of access and Egress (Reference DBI Information Sheet EG-5 Date August 18, 2018). **The open-to –the-sky condition on this property is safer than access under an existing building through the tradesman's access**.

The Appellant has asserted that the project is unprecedented: Our presentation to the Planning Commission included numerous examples of residences that did not directly front the public way or where access was constrained. **The mitigation measures as outlined in the Fire Department letter are consistent with other conditions of approval for other projects that do not have a direct frontage to the street.**

San Francisco contains hundreds of buildings that do not have direct frontage to the street. These arguments reiterate comments heard at the Planning Commission.

The Appellants have argued that the access is a utility easement. This argument is unsupported by any survey or recorded document. The argument that this lot was created as a "fire-block" is similarly not supported. **The lot is a legal lot of record with RH-2/RH-3 zoning and suitable for new homes.**

The argument that two persons cannot pass along the site access was made at the Planning Commission hearing. This argument is contradicted by the fact that 2 persons can pass comfortably along the site access.

The homes on this property would not preclude any improvements on adjacent properties: The Appellants have falsely argued that this project would prevent adjacent properties from developing Accessory Dwelling Units on their own properties. This Argument was heard at the Planning Commission hearing and contradicted by the Zoning Administrator in the 10/7/19 hearing, yet this argument reappears in the Appellant's brief.

Density: The Appellant has argued that the density on the site is greater than that of surrounding properties. **The Density granting the Condition Use Authorization on this site is 2/3 of the RH-2 zoning surrounding the site, and less than 1/2 of the RH-3 parcels.**

The Planning Commission and Public Comment: The Appellants have argued that they did not have adequate opportunity for public comment at the hearing. The first hearing on October 7, 2019 was an in-person prior to the shelter-in-place order. Approximately 20 people were able to participate in public comment. Those opposed to the Conditional Use Authorization were given a 10 minute presentation period, matching that of the project sponsor. There was no limitation on the number of speakers for or against in the public comment period each with a 2-minute presentation time. The result of this hearing was a Continuance to allow us to consider comments made at the hearing. The project was altered reflecting comments heard.

The second Planning Commission hearing for the project was conducted through Microsoft Teams on April 9th, 2020. There were 46 callers during the public comment period. There were **25 project supporters** who called in. While there were technical difficulties, all speakers who were in the call queue were heard. While there may have been some callers who were unable to wait in the call queue, this was true for supporters and those in opposition.

Public Support:

The Appellants have produced a petition against the homes on this site. The link was through a website called Stop1846Grove.org. The overall approach of the Appellants is in the name of the website. The petition has 348 signatures from a diversity of locations including Baltimore, Chicago, Madison, and Orlando. 149 of 348 signatures were from San Francisco residents.

Attachment 2 following is a petition signed by residents of San Francisco. This petition which shows a broad base of support for this infill housing in general and this project specifically. This petition as of 7/23/2020 includes 326 signatures, 284 of which are San Francisco Residents, and 98 of which are from zip codes that are a part of District 5.

The Planning Commission Decision:

The unanimous Conditional Use Approval by the Planning Commission is consistent with the Direction of the Board of Supervisors in the following ways:

- It **increases housing stock by maximizing density** where appropriate and in conformance with the General Plan.
- The project landscape **aligns with the San Francisco Biodiversity Plan** adopted by the Board of Supervisors.

- Provides housing that **promotes alternative transportation** in an area with easy access to public transportation, walking distance from neighborhood serving retail and services, and ample bicycle parking.
- Promote sustainability through sensitive infill housing creating opportunity for people to live and work in San Francisco rather than promoting commuting and suburban sprawl
- It is consistent with the general Plan object of creating certainty in the development entitlement process, by providing clear community parameters for development and consistent application of regulations.
- The preface of Housing Element of the General Plan states that "*law requires a local government plan for their existing and projected housing need, by providing opportunities for housing development, rather than constraining opportunities*". The project creates housing in a way that is sensitive to the context. It creates housing which is efficiently sized and appropriate to families and individuals with a range of ages and needs, preserving the diversity of the community.
- The Environmental Protection Section of the General Plan states that "*In highly urban San Francisco environmental protection is not primarily a process of shielding untouched areas from the initial encroachment of a man-made environment. The scales already are and will continue to be balanced toward the side of development . . . .The challenge in San Francisco is to achieve a more sensitive balance, repairing damage already done, restoring some natural amenity to the city, and bringing about productive harmony between people and their environment. An important purpose, therefore, of an environmental protection element is to give natural environment amenities and values appropriate consideration in urban development along with economic and social considerations.*"
- Consistent with the Transportation and Environmental protection elements of the General Plan, the project **encourages the use of public transportation and alternative means such as bicycling** without reliance on private automobiles.

San Francisco is a unique city with many unique conditions that are not fully expressed by this grid of conformity that the Appellants wish to impose. The Planning Commission had the opportunity to study the plans and three dimensional views in a detailed way, thoroughly considered the unique qualities of the site, and heard public testimony. The project was modified to reflect comments.

At the April 9th hearing Commission Moore, after reviewing the modifications, called the project a "wonderful, unique solution to a difficult site". I would invite the Supervisors to listen to the Planning Commission hearing held on April 9, 2020. The Commission deliberation on the Project starts at the 5:01 mark in the meeting.

https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=35574

The process worked as it is supposed to. Please uphold the decision of the Planning Commission for Conditional Use and CEQA Approval and allow these sensitive new homes on our unutilized lot.

The following Attachments are included:

Attachment: 1 – Excerpted Presentation material for Planning Commission from April 9th, 2020 Hearing. including three-dimensional views and exhibits, and FAQ's about the homes.2 – Petition in support of infill homes at 1846 Grove.

Attachment 2 - Petition in support of the project

Exhibit B: Modifications for Neighbor Concern

Exhibit B:

Site Features:

Exhibit C: Site Features

Window Exposure: looking inward toward court, away from neigbhor properties

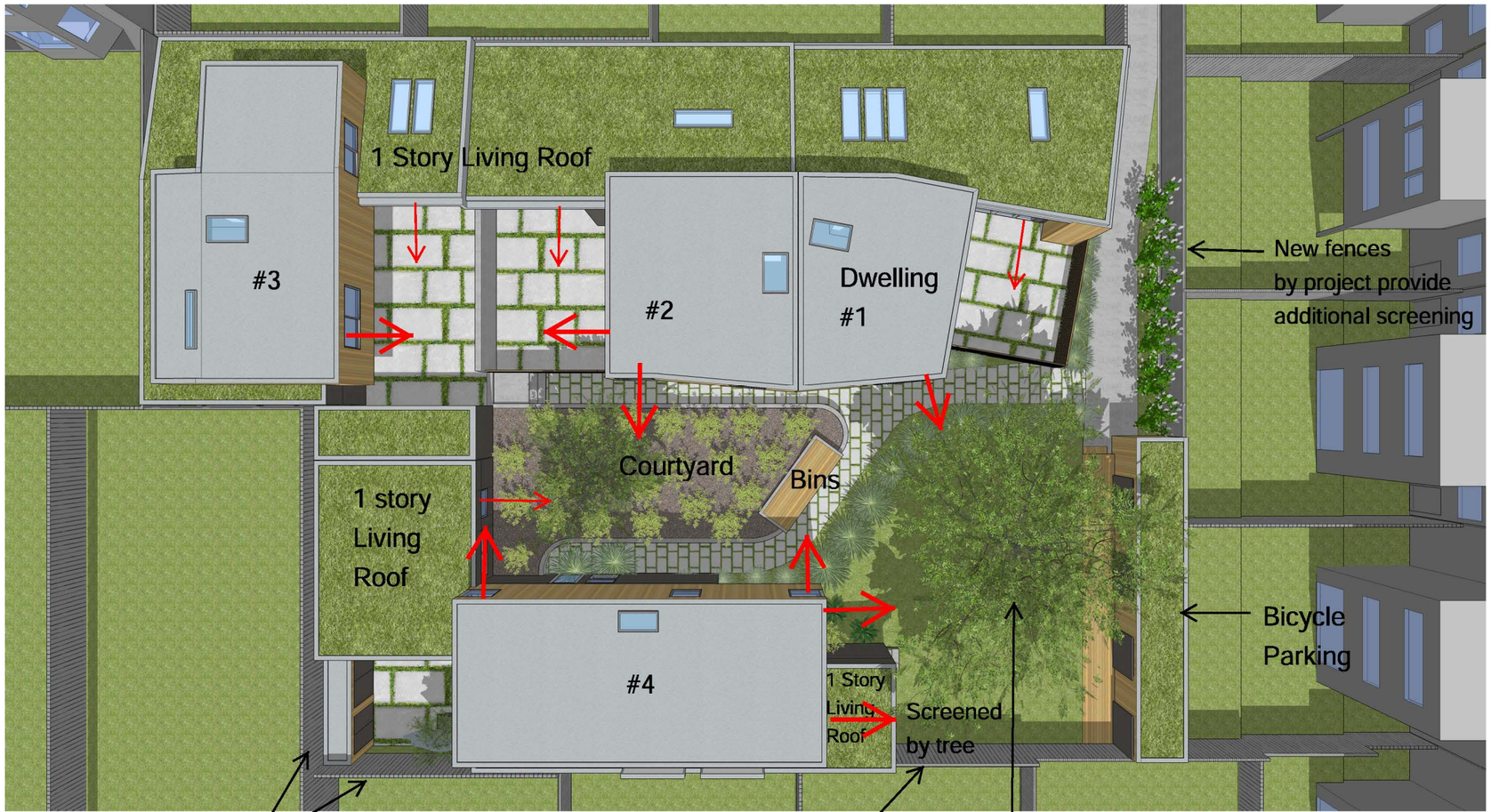


Exhibit D: Window Orientation

Shadows/Solar Orientation: 2nd story arranged to minimize shadow impacts on adjacent properties. Shadows shown on March 25th, 11am

1-story volume shadows typical of fences

Unit 4 at south does not shade adjacent yards,

Unit 3 roof slopes to minimize shadows, excavated 1st floor to reduce height

Unit 1 and 2 upper level set back from north property line

Exhibit E: Solar Orientation

Permeablity: views into and through site, light and air.

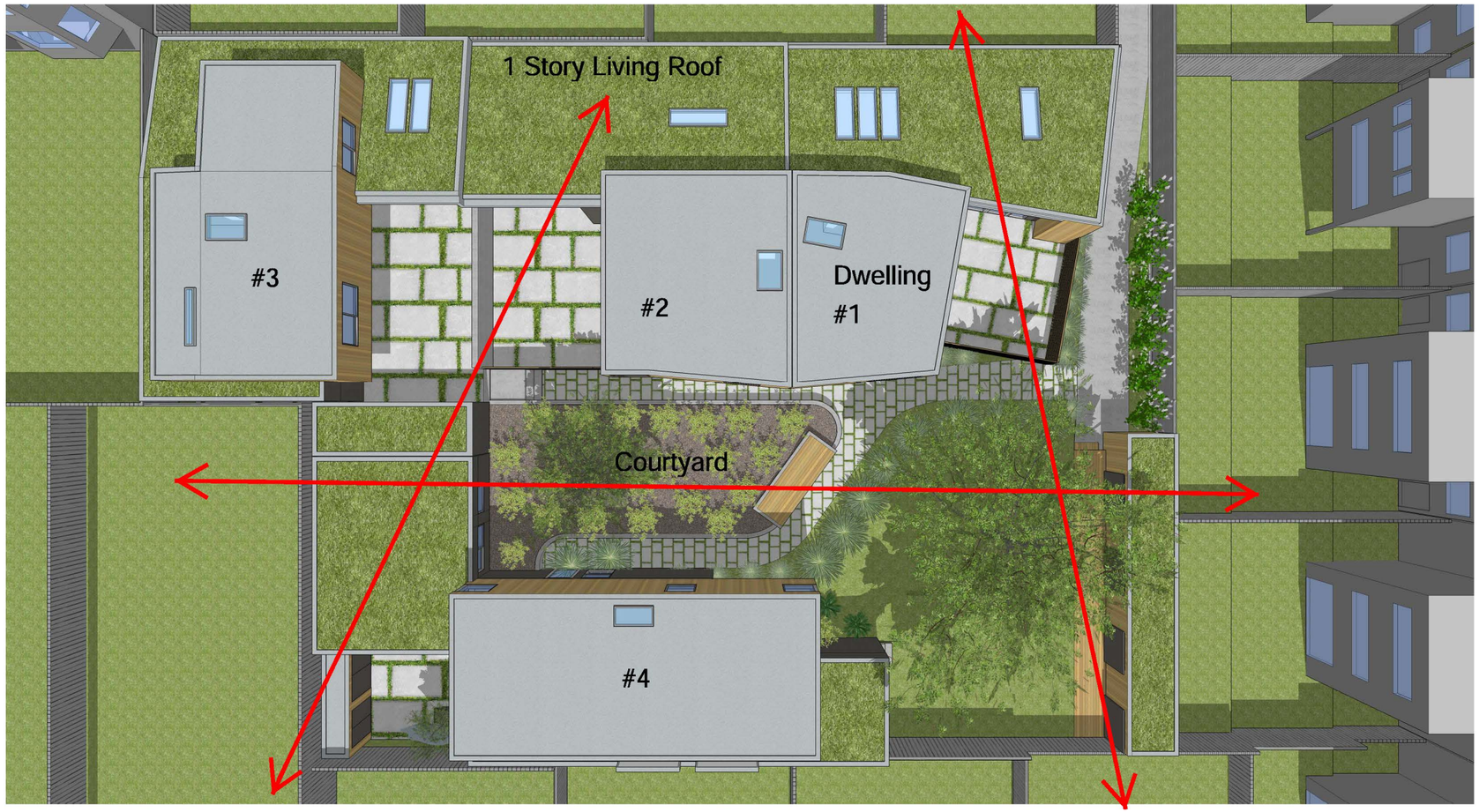


Exhibit F: Views, Light, Air through site

800 Block of Masonic

3 Stories, 12 units on parcel, 4 in building

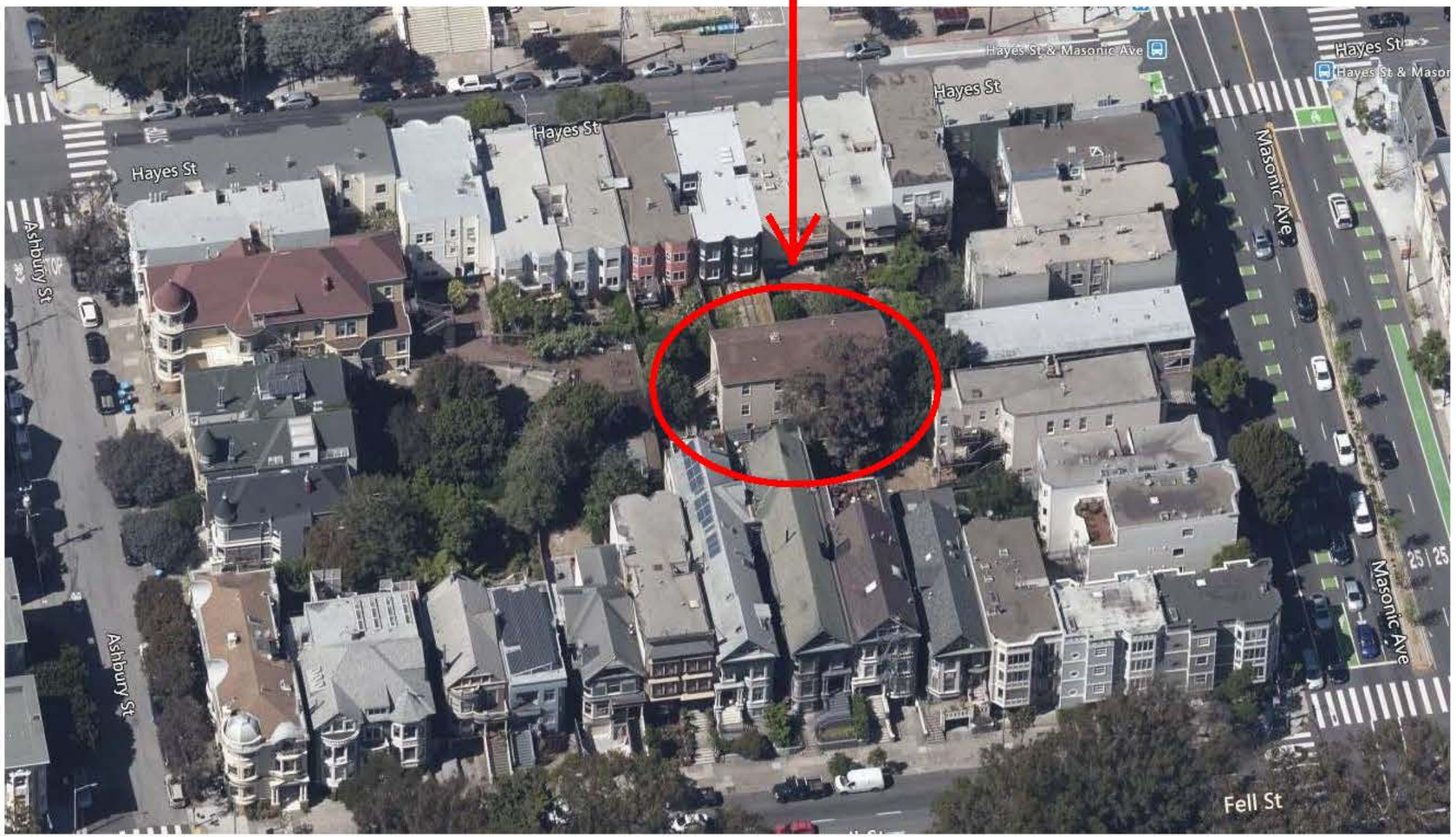


Exhibit G: Precedent

1600 Block Fulton

3 Stories, 5 units

Exhibit H

1600 Block of Fulton North Side

2 & 3 story Buildings, 8 dwelling unit

Exhibit I

1600 Block of Hayes

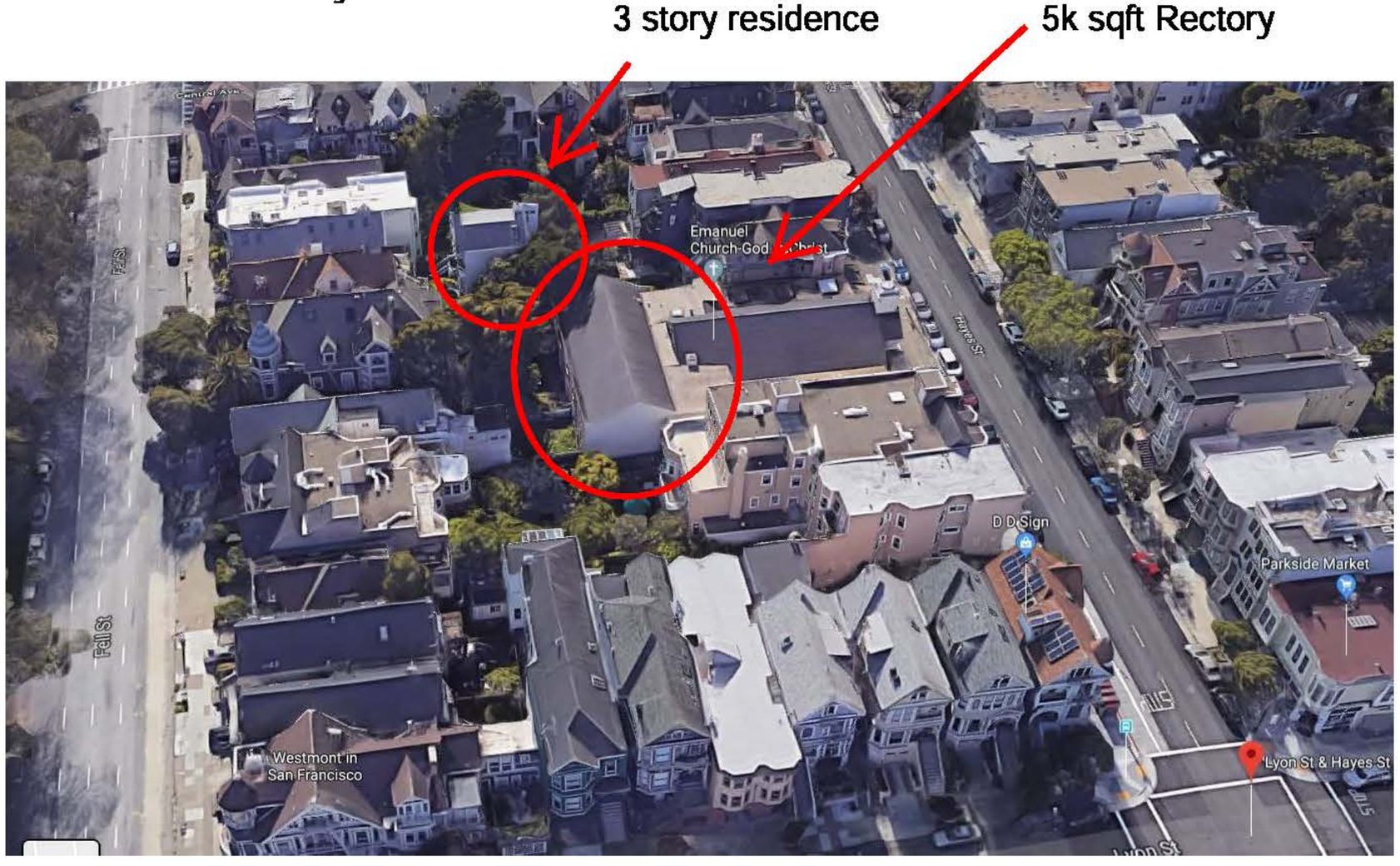


Exhibit J

Overhead View of Site

Oakwood and 18th Street

2&3 stories, 24 units at rear yard

Exhibit J: not in neighborhood but show density in some areas. Proposed project much less dense.

Exhibit K: Story poles requested by neighors

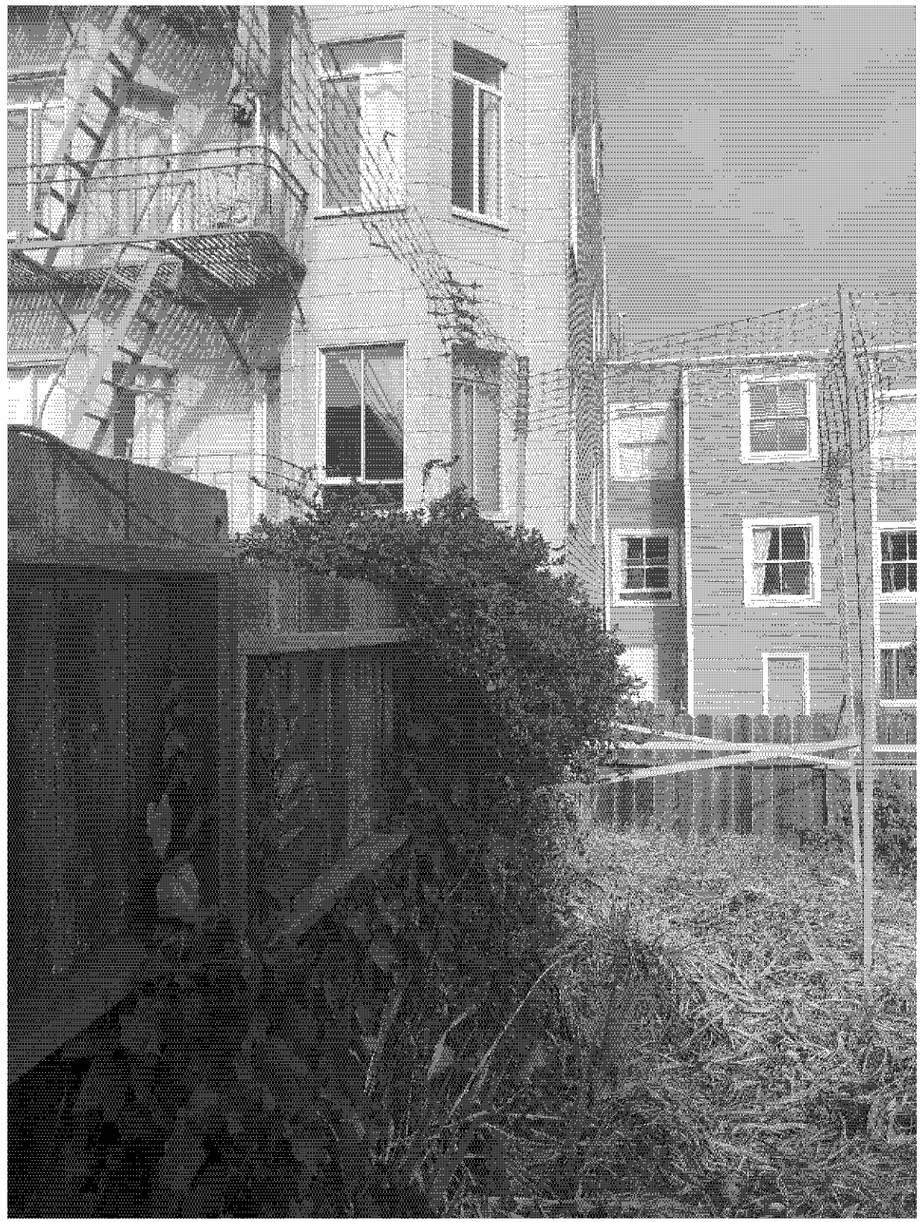


Exhibit L:
Unit 3, prior to additional setback at 2nd floor.
First floor at fence height

Site and Buildings In the context of the block

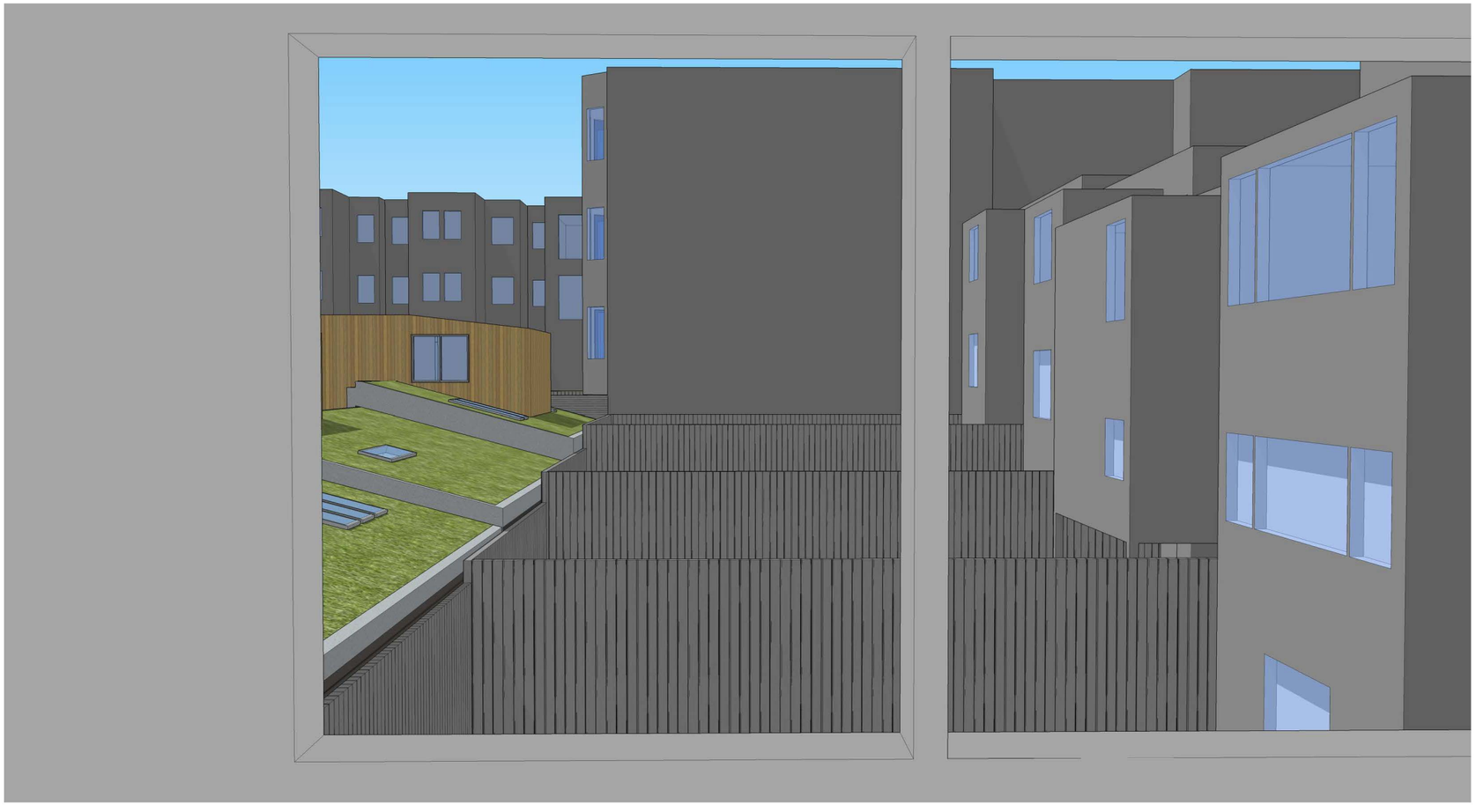
View from Southwest

Overhead view from Southeast

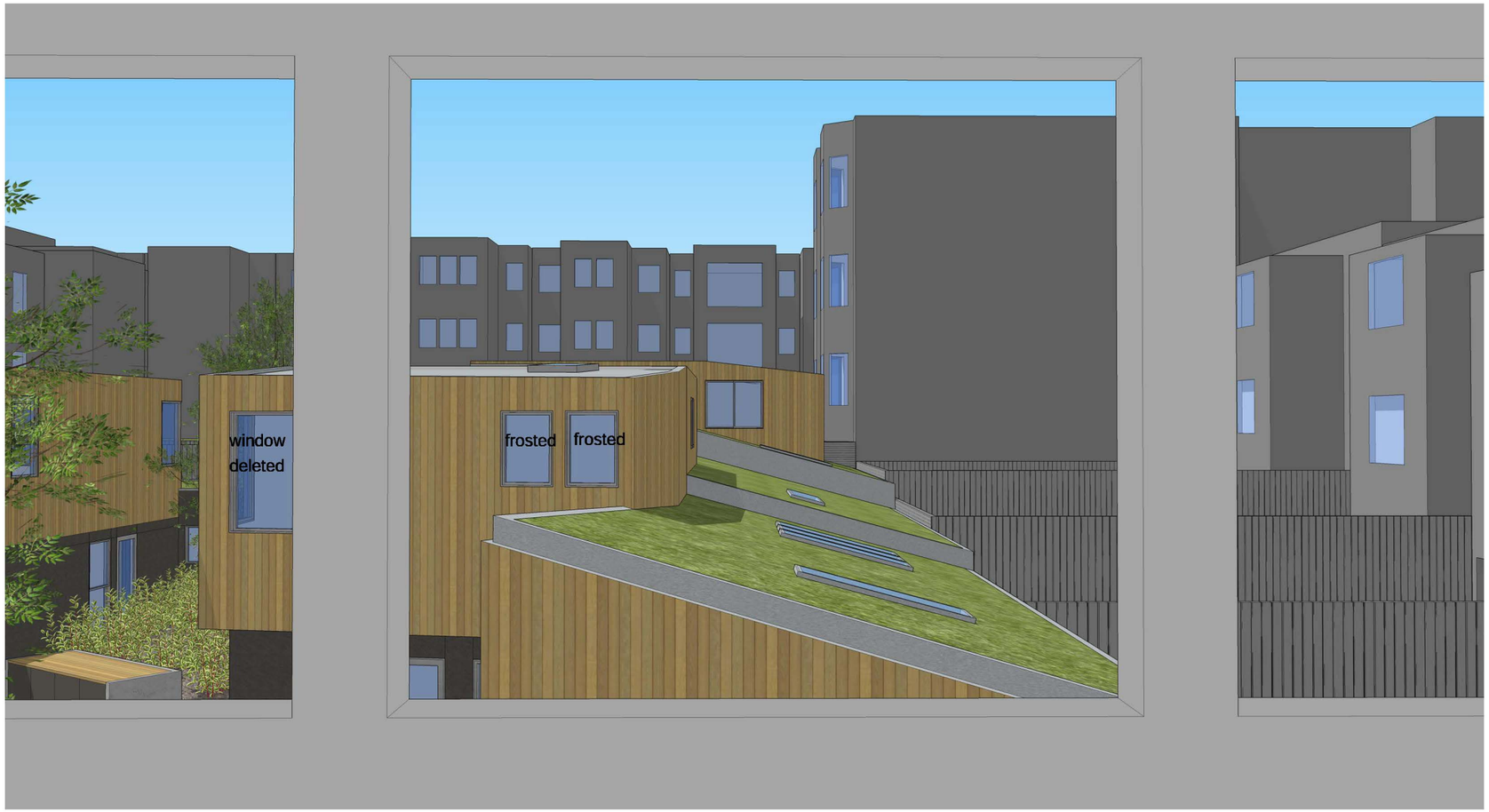
Overhead view from Northeast

View from Northeast

View from window at 615 Masonic Street

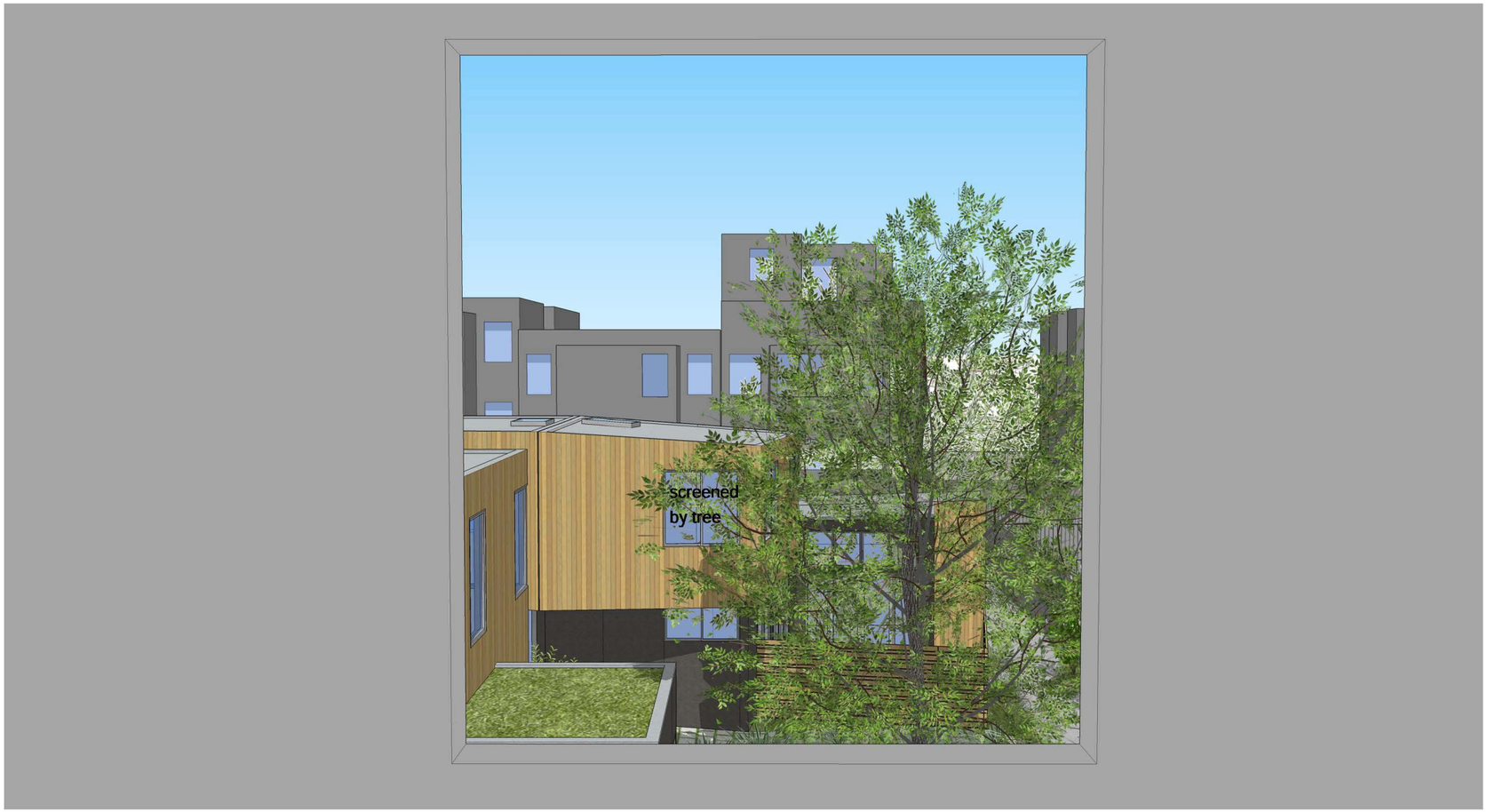


View from window at 627 Masonic Street



View from window at 1824 Grove Street

View from window at 1828 Grove Street

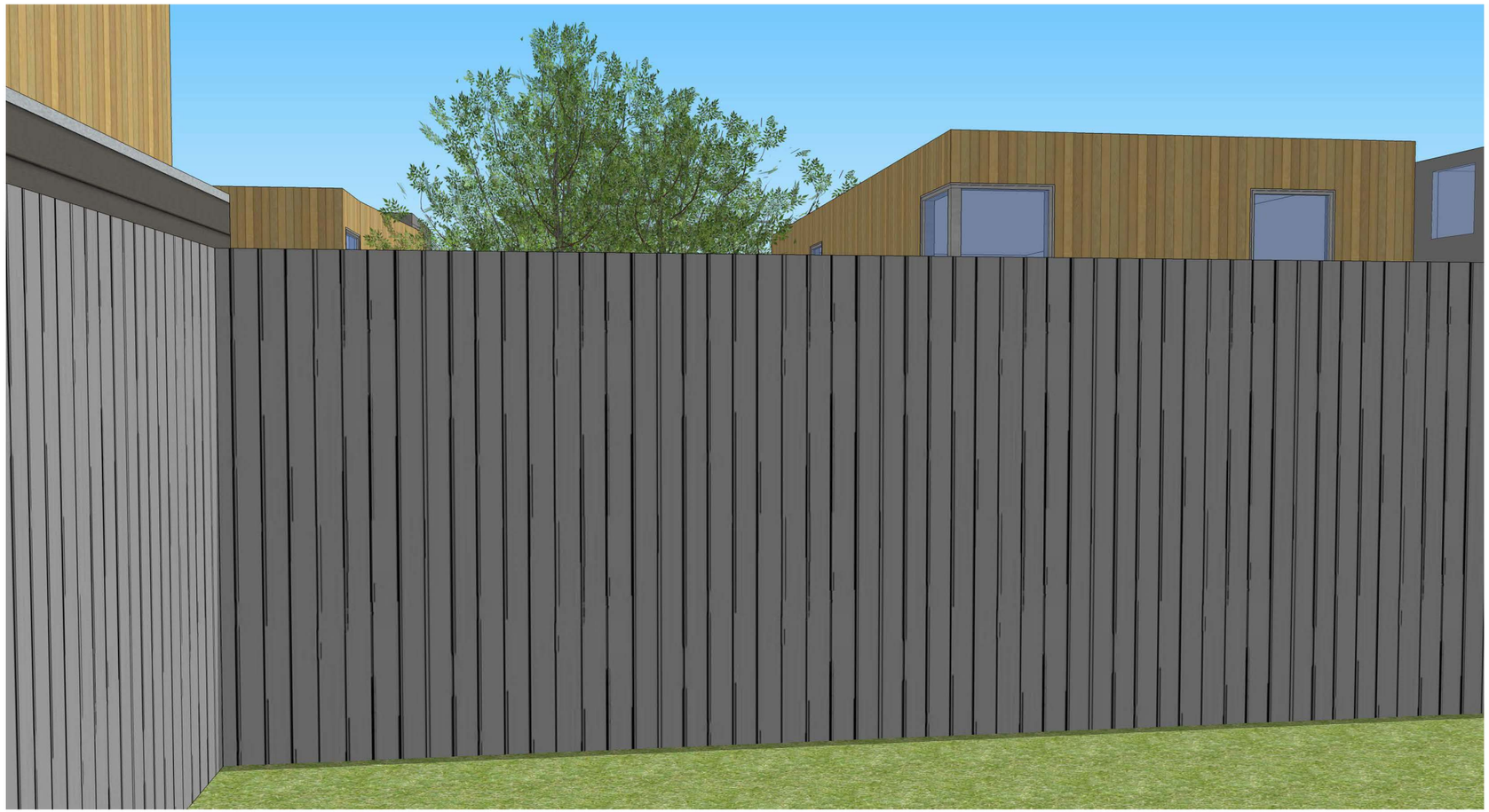


View from window at 1840 Grove Street

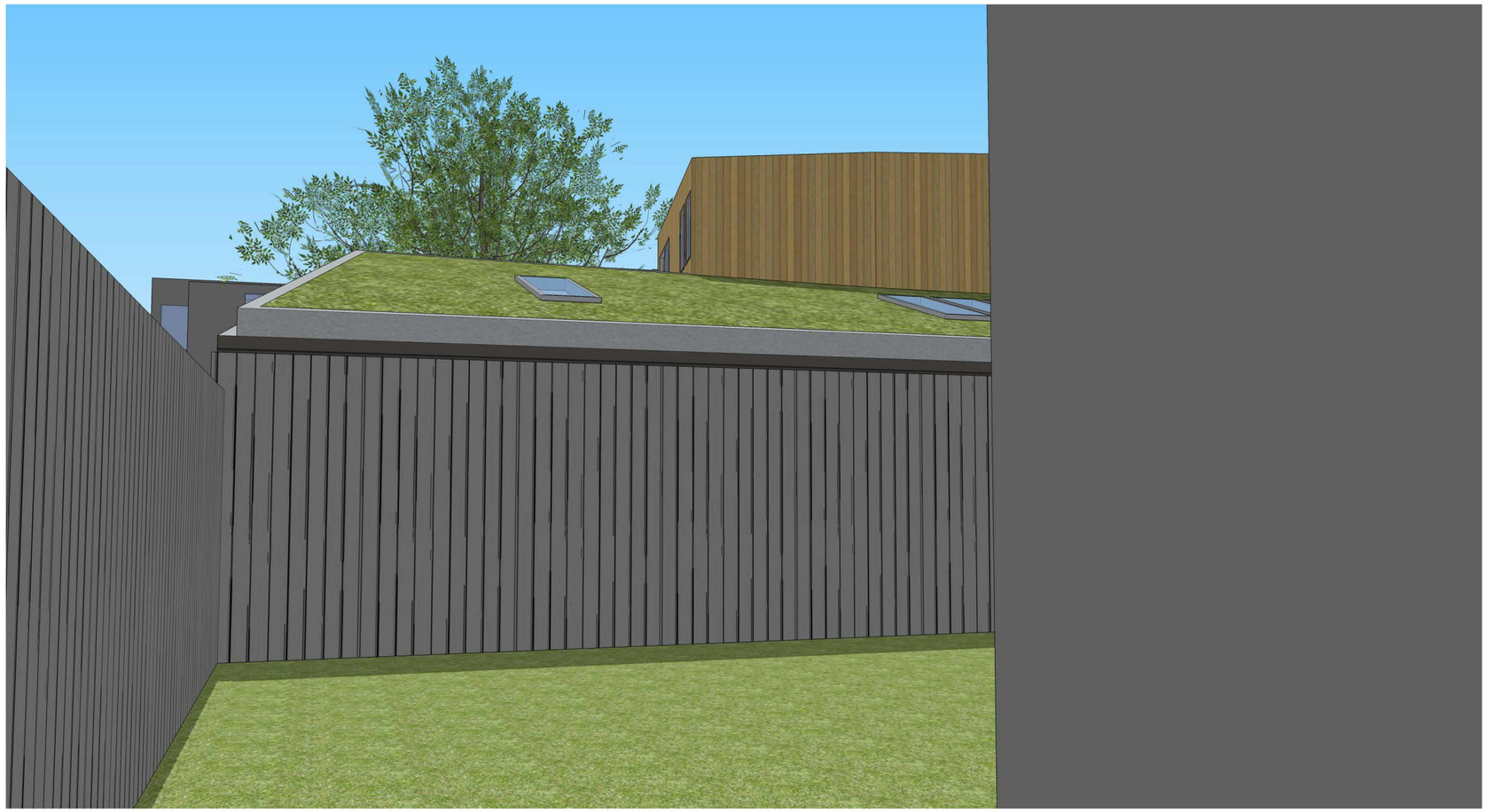
View from window at 1841 Fulton Street

View from window at 1831 Fulton Street

View from 1850 Grove Street Yard



View from 1831 Fulton Yard



<u>Frequently Asked Questions:</u>

How is the Site Accessed?

Through gate fronting to Fulton Street. The width meets the Building Department and Fire Department Requirements as confirmed through Pre-application process.

Can two persons pass along the site access?

- The narrowest point is the first 50'.
  - The width it is about that of a typical residential apartment single loaded corridor.
  - It exceeds the code requirements.
  - Two persons can pass comfortably.


Sasha and his father at access

- Average walking time to traverse 50 feet is 12 seconds.

The next 50' of the entry is 6'-3" wide and between fences.

Is there is precedent homes in a similar location, behind other homes, in immediate area?

Yes in the immediate area and all over San Francisco. In many cases at much higher density that what is proposed. See Exhibits G,H,I,J,K.

The entry to the Site is unusual. Do you have approval?

The Entry and Exit Condition has been reviewed and approved by the San Francisco Fire Department and the Department of Building Inspection based on conditions which include:

1. NFPA 13 Fire Sprinkler System – Highest Sprinkler standard designed to fully extinguish. Same system for high-rise towers.
2. Standpipes on site.
3. R-3 (single family home and duplex) occupancies.
4. Not more than 20' in height. Based on 24' ladder carried by 2 firefighters
5. Type III Non-combustible Construction.
6. Red zone and removal of sidewalk tree.
7. Clear width of 42".

Code Basis for Approval: San Francisco Fire Code 5.12 Item 6. Project meets all conditions, San Francisco Building Code Regarding Exits and Exit Discharge: 1014, 1015, 1022, 1028.4, Reference pre-app letters.

Are 2 Exits from a site required?

No. Some building require 2 exits, but only one exit discharge is from any site. The exit discharge is defined as "the portion of the means of egress between the building exit and the public way". The exit discharge is required to be open to the sky.

The Fire Department has reviewed and approved.

The condition on this lot is better that the vast majority of SF buildings where a rear stair requires one to pass back through and under a building to get to the public way.

The project has the highest level of sprinkler protection, but water should not be used on electrical fires. What about electrical fires and short circuiting of appliances?

Most electrical fires are caused by overloaded outlets with too many appliances plugged in to the same outlet, or multiple splitters and extension cords off on insufficiently placed outlets. This occurs in older homes that do not have an adequate number of outlets for the intended

use, where circuits do not have the appropriate circuit breaker protection, and where work was done unprofessionally without permits and inspection.

This project will be fully up to code which requires a generous number of outlets. Outlets will be protected with GFCI Protection and Arc Fault Circuit Interrupter protection for other receptacles. AFCI is a circuit breaker that breaks the circuit when it detects an electric arc in the circuit it protects, to prevent electrical fires. Fire Sprinkler systems function normally in homes with AFCI protection.

What was the review process at the Planning Department?

- Early ideas were discussed in a project review meeting with Senior Planners (David Lindsay and Sarah Velve) for general approach prior to purchase with design options presented.
- After purchase, early design, and neighborhood pre-application meeting, a Conditional Use Application was presented.
- Project was reviewed by Planning Staff.
- Project was reviewed by Environmental Planner.
- Project was reviewed by Residential Design Advisory Team (RDAT) with the recommendation for approval by the Planning Commission
- After December Planning Commission hearing a revised project due to neighbor concerns was reviewed by Project Planner and RDAT with the recommendation for approval by the Planning Commission.

Will the units be Affordable? Is this luxury housing?

The SF affordability question is challenging one. The Board of Supervisors has written the Planning code to require a project with 9 units or more to enter the BMR program. The higher density at this site would be problematic from a code perspective and equally problematic to neighbors.

Units will be smaller and more naturally affordable due to size and unique conditions on the parcel. Those in search of a luxury housing experience will not be inclined to live here: there is no parking, no home theatres, no spas or luxury soaking tubs. Those with stock options or trust funds will

likely be looking for units with: views, large bedrooms, and grand living spaces. The cottages will be well crafted but not luxury.

Units have ground floor bedrooms. The ground floor bedroom is encouraged with ADU legislation. Units are suitable for a family with an adult that has difficulty on a long stairway.

We hope the project will have a “secret garden” feel.

How will Construction be handled and what is the timeline?

All materials move through our site access way

Access wide enough to bring in 3’ bobcat

Excavation material likely move out with wheelbarrows. San Francisco homes are often built, repaired and modified without heavy equipment.

Carts (similar to Home Depot carts) used to bring in materials.

Everything modular

Materials moves horizontally instead of vertically as in multi-story homes.

Timing:

- 2 months soft setup and preliminary work.
- 6 months for foundation and framing, site utilities.
- 6 months for finishes and interior work.
- 2 months: final period landscaping and site improvements.
  Normal working hours

Noise: no heavy equipment (except small bobcat), but standard hand tool noise, hammering, saws, screw guns.

The General Contractor is one of 3 partners/owners of the property with decades of experience in construction with limited access.

Will Construction impact MUNI or neighborhood traffic?

The appropriate approvals will be obtained from MTA and DPW for construction related work typical of work on any site. MUNI will not be impeded.

How will 1-story volumes along back fences be constructed?

They will be constructed like those of side property line walls on a typical lot. One sided blind wall construction is typical in circumstances where access is not possible from both sides.

Why can you build to the fence lines?

The planning code looks at each lot and designates a front property line, side property line and rear property line based on the position of the lot relative to the nearest street. Every lot has the right to build to the side property lines, and normally the front property line as well. Only at the rear property line are there setback requirements. Rather than building 2 stories at front (north), and side (east and west) property lines, increasing impact on adjacent properties, the project reduces the volumes at these edges and more generally distributes the volumes. This approach allows the preservation of the Oak tree which is only partially in the setback area. We have opened views through the site and minimize shadows on yards through the distribution of the volumes.

Wouldn't building with setbacks at all sides be better for neighbors?

I do not believe it would be. Activity would be pushed to the fence lines. It would mean that unit windows would face outward toward neighboring rear windows. It would mean a greater 2 story volume which would be more solid and have greater shadow impacts closer to yards. In locations it would create unused exterior space that would be neglected and accumulate junk.

Are you taking advantage of the code to build bigger buildings than would be otherwise allowed?

No. A project that does not request a rear yard variance allows a buildable area of more than double what has been proposed. We chose the approach that was of lesser impact to the neighbors rather than what provides the largest buildings. Good architecture was a higher priority.

How will runoff be handled?

- Green roofs slow runoff.

- Roof drains connected to city system per code.
- Large areas of permeable pavers and site landscaping.
- Site soils are highly pervious.

Will there be Pets?

We are pro-animal and will not exclude. The parcel will be self-policing with internal courtyard, rather than outward facing yards.

What about noise for neighbors?

- Where possible circulation will be at the courtyard, except at entry.
- The design screens yards from noise
- Windows to major rooms face courtyard, not adjacent homes.
- The bin area is located to the center of the parcel.
- Homes will be well insulated for thermal comfort and acoustics.

What about privacy?

Windows facing immediate neighboring building windows are minimized or screened by the tree. Where smaller windows in bathrooms are needed for natural light they are frosted.

What about light pollution and light on to neighboring properties?

Lighting will be minimal, low voltage and low to pathways. There is no overall site lighting or floodlights.

See privacy question for spillover from interior lighting

How many persons will be living here?

Assuming 4 units with 2 adults in "master bedrooms" and 1 person in 6 other bedrooms, the number is 14 persons on this property.

Open living/dining/kitchen spaces cannot be subdivided to add bedrooms.

Some people may want a spare bedroom for visitors, or home office, or other uses, and others may be doubling up younger children. Empty nesters would reduce the overall count.

A city lot that is larger than size of 3 standard city lots can easily accommodate this number of persons.

Attachment 2: Petition

Supervisor Preston and the San Francisco Board of Supervisors,

324 people have signed a petition on Action Network telling you to Tell San Francisco Board of Supervisors: Approve Small Infill Housing Projects In Exclusionary Neighborhoods.

Here is the petition they signed:

> We are in the midst of a decades-long housing crisis. We need to be doing everything we can to build more housing. Small infill projects are critical to addressing our shortage. Exclusionary zoning in wealthy neighborhoods mean $5M McMansions are easily approved, but apartment buildings and missing middle housing are delayed and denied.
>
> We ask the Board to immediately approve the four-unit project at 1846 Grove St. It's time to say YES to infill projects like this one. When we drive up costs, we drive up prices. Housing delayed is housing denied.
>
> As a San Francisco Supervisor, it is your responsibility to fix our housing crisis. Dismiss this unconscionable appeal. Stop prioritizing the concerns of wealthy homeowners and think about the families that could have access to good, stable housing in this great city. Spend less time arguing over 4 small units of housing and more time getting the stalled subsidized affordable housing developments in District 5 built. There is no excuse for not building more homes in San Francisco. San Francisco is not full.

You can view each petition signer and the comments they left you below.

Thank you,

Theo Gordon

---

1. Amanda Ryan (*ZIP code: 95124)*

2. Aaron Kanter (*ZIP code: 94110)*
Pleeeeease add more housing! Thanks =)

3. Aaron Johnson (*ZIP code: 94117)*

4. Adam Breon (*ZIP code: 94112)*

5. Mario Accordino (*ZIP code: 94107)*

6. Adam Buck (*ZIP code: 94158)*

7. Alex Gripshover (*ZIP code: 94114)*

8. allison arieff (*ZIP code: 94131)*

9. Allen Arieff (*ZIP code: 94131)*

10. Alexander Walker (*ZIP code: 94123)*

11. alexandra akopova (*ZIP code: 94131)*

12. Alim Virani (*ZIP code: 94109)*
We are in the middle of a housing crisis and all housing helps.

13. Andrew Martone (*ZIP code: 94110)*
Telling people not to build housing in San Francisco is just like Trump trying to build the wall... to keep those people out.

Housing should be much easier to build and much cheaper.

14. Amir Afifi (*ZIP code: 94115)*

15. Amanda Par (*ZIP code: 94115)*

16. Amy Markowitz (*ZIP code: 94112)*
We need housing. Don't be cowed, be thoughtful.

17. Ana Guerrero (*ZIP code: 94107)*
Label it what it is. Racism! Covert, stealthy racism. NIMBY needs to be called a different name in light of the new world we are now living in. Microaggression by wealthy, mostly white land owners.

18. Alexandra Nangle (*ZIP code: 94114)*

19. Andrew Wooster (*ZIP code: 94117)*

20. Andrew Sullivan (*ZIP code: 94117)*
Please approve this project without delay and get out of the way of future projects. If housing is a human right (it is) we need more of it!!

21. Angelica Cupat (*ZIP code: 94131)*

22. Anika Steig (*ZIP code: 94133)*

23. Anna Rose (*ZIP code: 94110-2208)*

24. Ann Belden (*ZIP code: 94117)*

25. Anthony Malson (*ZIP code: 94112)*
We need this!

26. Asheem Mamoowala (*ZIP code: 94122)*
This type of housing should always be fast tracked and not take so long to build.

27. Ashley Laws (*ZIP code: 94105)*

28. Alex Strader (*ZIP code: 94109)*
We must end NIMBYism and chip away at our housing crisis by building more housing. Thoughtful design and creative approaches like this are the way forward.

29. Philip McKay (*ZIP code: 94115)*

30. James Ausman (*ZIP code: 94110)*
We need more housing, not more excuses.

31. Avery Pickford (*ZIP code: 94114)*

32. barak gila (*ZIP code: 94110)*
if housing is a human right, let humans build housing -- Matt Yglesias

33. Bea Batz (*ZIP code: 94112)*
Dean Preston, you can't be a progressive only in certain parts of town. SE SF should not be used as some sort of affordable housing dumping ground either. Spreading out affordable housing throughout town makes the most sense. Segregation based on income is icky.

34. Beaudry Kock (*ZIP code: 94114)*
I left my heart in San Francisco, but regressive behavior by city politicians pandering to rich white people is really making me rethink that.

35. Ben Cook (*ZIP code: 94110)*

36. Benedict Donahue (*ZIP code: 94110)*

37. Bobak Esfandiari (*ZIP code: 94121)*

38. Elizabeth Olson (*ZIP code: 94131)*
Hello,

Please consider approving Small 4 unit infill housing project as SF has dire housing availability for regular Working people.

Thanks,
Elizabeth Olson

39. Ben Ewing (*ZIP code: 94118)*

40. bryan burkhart (*ZIP code: 94131)*
To: Supervisor Preston and the San Francisco Board of Supervisors
From: Bryan Burkhart

Dean, I am surprised that you would stall a smart project like this as you posture as a tenants rights advocate, I would think you would understand the well considered project presented here.

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This a a great opportunity for you to be on the right side of a well considered infill housing solution.

thank you,
Bryan Burkhart

41. Bob Mills (*ZIP code: 94112)*
We need this housing built now!

42. Ima Arse (*ZIP code: 65733)*
Theo you are the stud!!!!!

43. Sarah Boudreau (*ZIP code: 94123)*

44. Ben Phelps (*ZIP code: 90026)*

45. Katy Briggs (*ZIP code: 94122)*
Let's get more housing built!

46. christi azevedo (*ZIP code: 94103)*
this is a really dynamic project that provides excellent living and outdoor space. the home or duplex with 45% rear yard setback is inefficient and can lead to useless outdoor space and light only on front and rear of home. there should not be a myriad of appeal processes. if the planning commission approves- that's it.

47. Cacena Campbell (*ZIP code: 94109)*

48. Caleb Krywenko (*ZIP code: 94122)*

49. Caroline Bas (*ZIP code: 94118)*

50. Carol Wai (*ZIP code: 94110)*

51. Cary Bernstein (*ZIP code: 94107)*

52. Martin Guerra (*ZIP code: 94114)*
To: Supervisor Preston and the San Francisco Board of Supervisors
From: Martin Guerra

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53. Chandra Asken (*ZIP code: 94110)*
Beautiful project. Don't allow the few to spoil this for the many.

54. Charles Carriere (*ZIP code: 94109)*

55. Charmaine Curtis (*ZIP code: 94127)*

56. Gabriela Kaufman (*ZIP code: 94121)*
I believe we need more multi unit housing in the city especially on the west side where I currently live.

57. Chris Hallacy (*ZIP code: 94117)*

58. Chris Masterson (*ZIP code: 94117)*
I live just around the corner and am strongly in support. The project has been well considered and this city is in desperate need of housing. Surely will be an annoying construction process for the residents surrounding the site, but the homes they live in had to be built once too! Being a welcoming

city means building more space to live.

59. Chris Hansten (*ZIP code: 94117)*
I support small infilll housing projects. We need all the housing we can get!

60. Cliff Bargar (*ZIP code: 94107)*

61. Colin Downs-Razouk (*ZIP code: 94122)*
I can understand why the people who live in these houses around this empty lot would prefer it to be empty, but by delaying construction on this lot you're essentially just gifting the space to the people around it, who already have so many advantages. This project seems like a no-brainer. This kind of delay seems typical for housing projects on west side of the city and we have to understand that delays have real costs in terms of deferring housing availability and disincentivizing future projects.

62. Emily Johnston (*ZIP code: 94114)*

63. Constance Bernstein (*ZIP code: 94117)*
Please approve this important project!!

64. Cori McElwain (*ZIP code: 94110)*

65. Corey Smith (*ZIP code: 94117)*

66. Cyd Harrell (*ZIP code: 94117)*

67. Cynthia Chapman (*ZIP code: 94117)*

68. Bruce Cyr (*ZIP code: 94112)*
Hello, I live in SF (District 11). At this rate my children will never be able to afford to live in the city they grew up in. BUILD MORE HOUSING! Please stop listening to the NIMBYs. Please do the right thing.

69. Dana Beuschel (*ZIP code: 94109)*

70. Dane Miller (*ZIP code: 94114)*
We need more housing!

71. Dan Toffey (*ZIP code: 94117)*
Why do we make people who want to build code compliant homes jump through arbitrary hoops that raise the cost of housing? The building codes are the building codes — enforce them, or change them. Discretionary review and arbitrary input processes do nothing but advantage entrenched and securely-housed homeowners, who have a vested interest in protecting their investment.

72. Darius Zubrickas (*ZIP code: 94115)*

73. Diana Tseng (*ZIP code: 94109)*

74. David Broockman (*ZIP code: 94102)*

75. David Cumby (*ZIP code: 94133)*

76. Dawn Ma (*ZIP code: 94114)*
The project is approved by the planning staff and commissioners who are the enforcer of the process. As a supervisor it is not your role to succumb to a handful of “public opinion” and overturn their job. By the same account for any judicial system will be an unruly soldiery, encouraging more illegal construction.

77. Deepak Jagannath (*ZIP code: 94129)*

78. Derrick Roorda (*ZIP code: 94117)*
Holding up this project after all other approvals is completely unjust. Stop the nimbyism. Do your job and help meet the housing needs in San Francisco. This project is very thoughtful, has cleared all technical hurdles, and should be approved immediately.

79. Derrick Low (*ZIP code: 94109)*

80. David Esler (*ZIP code: 94110)*

81. Desmond Niegowski (*ZIP code: 94121)*

82. Dan Federman (*ZIP code: 94117)*

83. Dylan Hulser (*ZIP code: 94110)*

84. Diana Ripple (*ZIP code: 94110)*
We should be adding housing where we can in San Francisco. We owe it to our residents to provide spaces for them to make a home!

85. David Kanter (*ZIP code: 94114)*
More housing. We need more housing.

86. David Kanter (*ZIP code: 94114)*

87. Dori Ganetsos (*ZIP code: 94102)*

88. Ethan Schlenker (*ZIP code: 94110)*
the city needs housing

89. Eduardo Jasso (*ZIP code: 94114)*
To: Supervisor Preston and the San Francisco Board of Supervisors
From: Dean Preston

We are in the midst of a decades-long housing crisis. We need to be doing everything we can to build more housing. Small infill projects are critical to addressing our shortage. Exclusionary zoning in wealthy neighborhoods mean $5M McMansions are easily approved, but apartment buildings and missing middle housing are delayed and denied.

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90. Edward Giordano (*ZIP code: 94611)*

91. Joshua Ehrlich (*ZIP code: 94117)*
Build more housing

92. Elika Etemad (*ZIP code: 94608)*

93. Elliot Onn (*ZIP code: 94117)*
As a resident of D5, I believe that we should support the creation of sensible housing.

94. Sophia Jiang (*ZIP code: 94109)*

95. Emily Schell (*ZIP code: 94117)*

96. Eric Marcus (*ZIP code: 94117)*

97. Erik Shilts (*ZIP code: 94131)*

98. Erin Thompson (*ZIP code: 94118)*

99. Eugene Katz (*ZIP code: 94121)*
This is a good project with potential homes for 4 families!

100. Eugene Brolly (*ZIP code: 94103)*

101. Eric Wooley (*ZIP code: 94117)*

102. Fabian Graf (*ZIP code: 94108)*

103. Rebecca Fedorko (*ZIP code: 94102)*

104. frank nolan (*ZIP code: 94110)*

105. Fred von Lohmann (*ZIP code: 94114)*

106. George Chikovani (*ZIP code: 94127)*
We need infill housing as part of the solution to the housing crisis. I support more infill housing in my neighborhood: Miraloma, Glen Park, Sunnyside

107. Jack Thompson (*ZIP code: 94131)*

108. Genève Campbell (*ZIP code: 94123)*

109. Matthew Gerring (*ZIP code: 94117)*

110. Garner Kropp (*ZIP code: 94115)*
I am a District 5 resident and voter. These projects should be approved.

111. Gerald Kanapathy (*ZIP code: 94115)*

112. Gordon Mohr (*ZIP code: 94117)*
We need creative new housing within walking distance of the panhandle, USF, Divis, & Haight!

113. Gabe Zitrin (*ZIP code: 94109)*

114. Hansen Qian (*ZIP code: 94107)*

115. Heather Olinto (*ZIP code: 94131)*

116. Hilary Clark (*ZIP code: 94131)*

117. Michael Hom (*ZIP code: 94116)*
I strongly support more housing in SF.

118. Homer Simpson (*ZIP code: 94774)*
Go yimby

119. Nicholas Marinakis (*ZIP code: 94133)*

120. Bora Ozturk (*ZIP code: 94123)*

121. Hilary Schiraldi (*ZIP code: 94131)*

122. Hannah Schwartz (*ZIP code: 94114)*

123. hubert hung (*ZIP code: 94105)*

124. Irene Malatesta (*ZIP code: 94131)*
I support new housing like this in San Francisco, making this city more livable for more people.

125. Inaki Longa (*ZIP code: 94131)*
Please don’t waste your time arguing over this. Approve this project

126. Ira Kaplan (*ZIP code: 94108)*

127. john farhat (*ZIP code: 94123)*

128. Jeff Gard (*ZIP code: 94110)*

129. Jacob Rosenberg (*ZIP code: 94110)*

130. Jason Jervis (*ZIP code: 94115)*
We need more housing at ALL LEVELS!

131. Jay Donde (*ZIP code: 94110)*

132. Jayme Brown (*ZIP code: 94115)*

133. Jeff Lale (*ZIP code: 94117)*
SF desperately needs more housing of all kinds; let's build it quickly without added delay. And let's spend more time figuring out how to expedite housing production, including affordable housing.

134. Julie Goldobin (*ZIP code: 94110)*
Locals want more density. Build infill housing now!

135. James Hooker (*ZIP code: 94117)*
Build housing

136. Jonathan Quinteros (*ZIP code: 94118)*

137. Anya Kern (*ZIP code: 94118)*

138. Justin Brickell (*ZIP code: 94117)*

139. Jeremy Linden (*ZIP code: 94103)*

140. Joe Igber (*ZIP code: 94611)*
Best of luck!

141. Joe DiMento (*ZIP code: 94131)*

142. John Davis (*ZIP code: 94110)*
Please allow this infill housing project to move forward.

143. Jon Bradley (*ZIP code: 94103)*
Thanks

144. Jonathan Mofta (*ZIP code: 94110)*

145. Jordan Staniscia (*ZIP code: 94110)*

146. Jordon Wing (*ZIP code: 94110)*

147. Josh Ellinger (*ZIP code: 94122)*

148. juliana raimondi (*ZIP code: 94103)*

149. Joseph Mente (*ZIP code: 94609)*

150. Jeremy Smith (*ZIP code: 94062)*

151. Jonathan Tyburski (*ZIP code: 94117)*
It is unacceptable and irresponsible to delay housing in SF. We have had a long standing housing crisis and are now in the midst of a pandemic. Please dismiss this appeal and focus on addressing community needs, not aggravating them.

152. Judith Yang (*ZIP code: 94123)*

153. Julia Teitelbaum (*ZIP code: 94103)*
Can I stay in San Francisco? My friends are here, my job is here, my community is here. But the housing market is wearing me down. I look to rent, and the options are slim, pricey, and there's often landlords looking to nickel and dime you on laundry, trash, maintenance. I look to buy, just to see, and it's ridiculous, laughable. We call ourselves an inclusive city but you can only afford to own a home here if you can foot a cost of a million dollars or more. We say we're environmentally conscious but we'd rather have people drive for miles to commute than build homes near jobs.

Wealthy neighborhoods refuse to build more housing and, in doing so accelerate gentrification of poorer ones.

It is absurd that this infill project has been opposed for *years*. This dysfunction in our local politics is disheartening.

Please don't let a few neighbors kill hope of homes that cost less than a million dollars in SF.

154. June Kwon (*ZIP code: 94117)*
Please approve small Infill Housing Projects In Exclusionary Neighborhoods

155. Danielle Kanclerz (*ZIP code: 94110)*

156. Kanishka Cheng (*ZIP code: 94118)*

157. Kathy Keller (*ZIP code: 94131)*
Inclusion, not exclusion, is essential to social justice.

158. Katie Seitelman (*ZIP code: 94121)*

159. Kaylé Barnes (*ZIP code: 94115)*
As D5 resident, I'd love more housing available in my neighborhood-even "landlocked" housing.

160. Matthew Klenk (*ZIP code: 94127)*

161. Kurt Nangle (*ZIP code: 94114)*

162. Hui Lin (*ZIP code: 94117)*
Excellent and thoughtful design providing housing in a great neighborhood for people who need a home.

163. Kristy Wang (*ZIP code: 94112)*

164. Kenneth Russell (*ZIP code: 94132)*

165. Kevin Utschig (*ZIP code: 94110)*

166. Kurt McCulloch (*ZIP code: 94127)*
What a beautiful way to create housing in a city that so desperately needs it.

167. Ken Page (*ZIP code: 94103)*
To: Supervisor Preston and the San Francisco Board of Supervisors
From: Ken Page

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168. An anonymous signer (*ZIP code: 94110)*

169. Kyle Cooper (*ZIP code: 94117)*

170. ALEXANDER LANDAU (*ZIP code: 94404)*

171. Matt Larson (*ZIP code: 94124)*
Please approve

172. Laura Fingal-Surma (*ZIP code: 94114)*

173. Laura Tepper (*ZIP code: 94131)*
Contesting this project undermines the best interests of our city and is unmistakably frivolous

174. Laura Foote (*ZIP code: 94103)*
Please support this housing!

175. Lauren Knight (*ZIP code: 94123)*

176. Lawrence Li (*ZIP code: 94117)*

177. Lenore Estrada (*ZIP code: 94102)*
More housing ASAP!

178. Nancy Lenvin (*ZIP code: 94133)*
Housing is desperately needed and this looks like a fantastic project.

179. Linda Carter (*ZIP code: 94112)*

180. Katie Byers (*ZIP code: 94131)*
We need more housing!

181. Lori Anderson (*ZIP code: 94131)*
Smaller homes at an affordable price is exactly what sf needs.

182. Lysa Ayres (*ZIP code: 94122-2510)*

183. Madelaine Boyd (*ZIP code: 94114)*
More housing for us citizens who need it! I live in an RH-2 neighborhood and I wish it were more dense.

184. Maria Danielides (*ZIP code: 94117)*

185. Marty Cerles Jr (*ZIP code: 94115)*

186. Matt Coelho (*ZIP code: 94115)*
It's a shame that the roadblocking by a couple of neighboring homeowners can help to maintain the housing crisis. How many approvals does this need? The Planning Commission UNANIMOUSLY approved this project.. what's the trouble?!

187. Matt Brezina (*ZIP code: 94114)*
Please stop the madness. And stop the performative bullshit. Let housing be built

188. Michael Dillon (*ZIP code: 94117)*

189. Megan Padalecki (*ZIP code: 94117)*
I am a 12-year resident of this neighborhood, and this project is a no-brainer. Forbidding this infill project is completely absurd!

190. Margaret Bonner (*ZIP code: 94117)*
As a neighbor I support this.

191. Mike Vladimer (*ZIP code: 94110)*
We need more homes in SF. Yes!!! Let's get this built now!

192. Michelle Mills (*ZIP code: 94112)*
I live in San Francisco District 12 which for some reason was not an option on your drop down list. I am in favor of this new housing project.

193. Mike Schiraldi (*ZIP code: 94131)*
It's time to dismantle the selfish machine wealthy white neighborhoods use to keep people away.

194. Michael Ducker (*ZIP code: 94115)*
As a nearby neighbor living in a backyard carriage house, it is important we continue to respect our 120+ year old traditions of quiet, private, affordable living. Please approve this project asap.

195. Miranda Dietz (*ZIP code: 94131)*
Build please! We need more housing in SF! Infill housing is great.

196. Kaushik Dattani (*ZIP code: 94110)*

197. Mitch Conquer (*ZIP code: 94131)*

198. Matthew Janes (*ZIP code: 94110)*

199. Molly Turner (*ZIP code: 94114)*

200. Molly Sun (*ZIP code: 94102)*

201. Margaret Kammerud (*ZIP code: 94131)*

202. Michael Plotitsa (*ZIP code: 94121)*
very good project
Like idea to use all available lend
for needed housings

203. Lisa Wan (*ZIP code: 94112)*

204. Mike Sizemy (*ZIP code: 94107)*

205. Justine Tamaro (*ZIP code: 95124)*

206. Michael Brown (*ZIP code: 94132)*

207. Michael Gaines (*ZIP code: 94117)*

208. Maria Trinh (*ZIP code: 94123)*
Please increase density in SF and build housing that is affordable for families.

209. Nadia Rahman (*ZIP code: 94118)*

210. Mark Colwell (*ZIP code: 94110)*
In believable that this project, which displaces nobody and was unanimously passed by the planning commission, is now in limbo for another year? Absolutely no due process for Sam Franciscans trying to add housing units to the market

211. Paul Breed (*ZIP code: 94107)*

212. Nick Noyes (*ZIP code: 94107)*
I support infill housing in SF!

213. Nik Kaestner (*ZIP code: 94112)*
Cut the crap and build some housing!

214. Nathaniel Furniss (*ZIP code: 94158)*

215. Nick Lipanovich (*ZIP code: 94103)*

216. Noah Kouchekinia (*ZIP code: 94118)*
More housing!

217. Noah Christman (*ZIP code: 94705)*
This is outrageous. We desperately need housing, and this project will not adversely impact the community. Sup. Preston, you should be ashamed.

218. Olga Milan-Howells (*ZIP code: 94131)*

219. Orchid Bertelsen (*ZIP code: 94102)*

220. Stephanie Oh (*ZIP code: 94131)*

221. Livesey Pack (*ZIP code: 94121)*

222. Patrick Otellini (*ZIP code: 94112)*

223. Paul Tucker (*ZIP code: 94117)*
I live (Masonic & McAllister) in a neighborhood where a 'flag' lot is attempting development. I attended a community meeting at the Haight library regarding the lot surround by Fulton, Grove, Masonic and Ashbury. Other than logistical concerns of where trucks might park during construction I have not heard any concerns that rise to the level of policy. If this lot is zoned for residential it should move forward without delay.

I am a homeowner and support additional housing being built in my neighborhood.

224. Paul Espiniza (*ZIP code: 94110)*

225. Blake Carpenter (*ZIP code: 94102)*

226. Peter Liang (*ZIP code: 94110)*

227. peter dennehy (*ZIP code: 94107)*
Please make it easier to build in San Francisco by San Franciscans

228. Philip Crone (*ZIP code: 94112)*

229. Phillip Kobernick (*ZIP code: 94131)*

230. David Pieper (*ZIP code: 94105)*

231. RIA BRIGMANN (*ZIP code: 95476)*

232. Kwang Ketcham (*ZIP code: 94133)*

233. Theodore Randolph (*ZIP code: 94112)*
I think it’s also time to reconsider supervisorial prerogative. Dean Preston already broke the traditional by voting against a project that’s promising to inject millions of dollars into the affordable housing trust fund, located in Supervisor Stephani’s district.

234. Perry Wexelberg (*ZIP code: 94608)*
I am an architect with our office based in San Francisco and this project seems completely reasonable and should be approved. This is an equity issue, while parts of the city that historically have less political power have been completely gentrified (The Mission), wealthy parts of the city remain unchanged, preserved in amber to maintain property values for the wealthy and historically privileged.

235. Rachel Fehr (*ZIP code: 94609)*

236. Rajiv Batra (*ZIP code: 94131)*
Jesus Christ, stop making us fight and beg for years over each little thing that should've been approved by default in 5 minutes. You're indefinitely delaying bungalows on empty lots now? Fuck. It's empty. EMPTY. Stop wasting everyone's time, unblock this, approve it, and focus on something worthwhile.

237. Ramon Iglesias (*ZIP code: 94102)*
Bureaucrats and politicians should not block the way to building more housing, whatever the features of it is.

Dean Preston and other members of the Board of Supervisors, stand aside and let this project be built!

238. Riley Avron (*ZIP code: 94102)*

239. Ryan Natividad (*ZIP code: 78705)*

240. Rebecca Gates (*ZIP code: 94114)*
Please approve this project. Don't deny people the right to housing. Thank you.

241. Reed Schwartz (*ZIP code: 94115)*

242. Robert Fruchtman (*ZIP code: 94117)*

243. Rodrigo Garcia-Uribe (*ZIP code: 94114)*
We need more housing wherever we can get it.

244. Richard Ballard (*ZIP code: 94131)*
As a San Francisco resident and homeowner I believe it is critical to address our city's housing and affordability crisis to support an equitable city for all. Please approve this housing unit.

245. Rishi Bhardwaj (*ZIP code: 94158)*
Down with NIMBYism!

246. Robin Kutner (*ZIP code: 94117)*

247. Auros Harman (*ZIP code: 94066)*

248. Roan Kattouw (*ZIP code: 94109)*

249. robin kutner (*ZIP code: 94117)*

250. Brent Hores (*ZIP code: 94114)*
SF needs more housing. Now!

251. Roy Leggitt (*ZIP code: 94115)*
Please support this development of a large vacant lot. I love the architecture and innovative design. We need more of these type of projects to allow families to enter communities and have a nice place to live. The neighbors should be thankful that modest, affordable and family-friendly new neighbors will be able to become part of their neighborhood.

252. Ryan Barrett (*ZIP code: 94117)*
Because everyone should have the chance to live in SF.

253. Sarah Keizer (*ZIP code: 94114)*
Please move forward with this project. As a long time San Francisco resident and design professional, I know how much this housing is needed and how San Francisco has suffered through the extracted permitting process. We need to support this now for our city and our people. Good thoughtful design is good for everyone. It brings the whole community up! Please move this forward!

254. Nicholas Hemenway (*ZIP code: 94158)*

255. Steve Hoffman (*ZIP code: 94114)*

256. Sabeek Pradhan (*ZIP code: 94107)*

257. Sage Vanden Heuvel (*ZIP code: 94110)*
Dear Board of Supervisors,

You have completely failed to address the housing crisis in San Francisco. Upzone the entire city, allow by-right construction of apartment buildings with no setbacks, no parking requirement, no height limits, and no FAR limits. Defund and disband the Planning Commission. Eliminate discretionary review. Reduce the permitting process for new businesses to allow operating permits within two months of application, maximum.

The citizens of San Francisco and the Bay Area are suffering from your inaction and complicity. If you are unable or unwilling to take the steps necessary to bring San Francisco into the 21st century,

resign.

Best,
Sage V.H.

258. Sam Wrightson (*ZIP code: 94110)*

259. Sam Miller (*ZIP code: 94102)*

260. Sara Ogilvie (*ZIP code: 94110)*

261. Sara Maamouri (*ZIP code: 94110)*

262. Sarah Berger (*ZIP code: 94114)*

263. Scot Conner (*ZIP code: 94704)*

264. Scott Cataffa (*ZIP code: 94112)*

265. sean lundy (*ZIP code: 94110)*
San Francisco needs more of this type of housing, please approve this badly needed project.

266. Ansh Shukla (*ZIP code: 94114)*
Resident of the Lower Haight who would love to see this cute little courtyard of homes built.

267. SENALEE KAPELEVICH (*ZIP code: 94127)*

268. Edward Shoikhet (*ZIP code: 94122)*

269. Anthony Fox (*ZIP code: 94109)*

270. Shahin Saneinejad (*ZIP code: 94117)*

271. Shannon Hee (*ZIP code: 94610)*

272. Shannon DeLong (*ZIP code: 946131)*
Dear Sandra,

It is unacceptable to assume everyone can afford multi million dollar houses. Where are these people supposed to live?

273. Dmitry Shapiro (*ZIP code: 94117)*
How is more housing on unused available land not a good thing for the neighborhood? the businesses servicing the neighborhood? the tax base of the neighborhood?

274. Michelle Birch (*ZIP code: 94114)*
This is a sustainable, thoughtful, beautiful design that preserves privacy and the existing old growth trees.

275. ed sidawi (*ZIP code: 94110)*

276. Sidharth Kapur (*ZIP code: 94612)*

277. Steve Marzo (*ZIP code: 94112)*

278. Sean Murphy (*ZIP code: 94123)*

279. Sonja Trauss (*ZIP code: 94607)*
Legalize Housing! Building housing is part of what we need, if housing is going to be a human right.

What's that land doing now, that is so great? Why is having it be an inaccessible meadow in the middle of a big city better than having it be a place for people to live.

If you think the problem with the project is that it is too small, then please feel free to help make it bigger.

280. Sophie Constantinou (*ZIP code: 94110)*
Build more housing!

281. Brian Stechschulte (*ZIP code: 94122)*

282. Tyler Stegall (*ZIP code: 94122)*
I'm incredibly disappointed that the San Francisco Board of Supervisors continues to endorse historically racist and exclusionary housing policy by delaying and denying new housing in historically exclusionary neighborhoods. Obstructing these projects is antithetical to progressive values and doesn't help San Francisco to become a more equitable city to live in. Let this housing get built!

283. Steven Buss (*ZIP code: 94102)*

284. Rachel Langdon (*ZIP code: 94110)*

285. Anjelika Plotitsa (*ZIP code: 94121)*

286. Stephen Fiehler (*ZIP code: 94131)*
We need more housing in SF to make living here more affordable

287. Timothy Bauman (*ZIP code: 94117)*

288. Michael Terndrup (*ZIP code: 94301)*

289. Becky Simmons (*ZIP code: 85611)*
Say no to NIMBY-ism! We need more housing!

290. Brian Ito (*ZIP code: 94117)*
This is really disappointing that we have to sign this petition. Dean Preston is my supervisor and I'm not sure why he wouldn't be in support of a project like this. This seems like a great way to introduce more housing in the neighborhood so not sure why he'd be against this.

291. Ryan Booth (*ZIP code: 94117)*
Stop these racist exclusionary housing policies.

292. Theo Gordon (*ZIP code: 94115)*

293. Theresa Runkle (*ZIP code: 94127)*
I like be in District 7, and I support infill development of new housing in SF. People need places to live!

294. Tom Meyer (*ZIP code: 60610)*

295. Troy Kashanipour (*ZIP code: 94107)*

296. Tom Buehler (*ZIP code: 94110)*

297. Thomas Webster (*ZIP code: 94109)*

298. Thomas POWERS (*ZIP code: 94158)*

299. Truc Nguyen (*ZIP code: 94109)*

300. Tara Killebrew (*ZIP code: 94131-2941)*
I've yet to read a good argument why more housing in a dense city shouldn't be encouraged.

301. Vicki Wang (*ZIP code: 94115)*

302. VICTOR ZEPEDA RUIZ (*ZIP code: 94132)*

303. Vin Leger (*ZIP code: 94131)*
To: Supervisor Preston and the San Francisco Board of Supervisors
From: Vincent Leger

We are in the midst of a decades-long housing crisis. We need to be doing everything we can to build more housing. Small infill projects are critical to addressing our shortage. Exclusionary zoning in wealthy neighborhoods mean $5M McMansions are easily approved, but apartment buildings and missing middle housing are delayed and denied.

We ask the Board to immediately approve the four-unit project at 1846 Grove St. It's time to say YES

to infill projects like this one. When we drive up costs, we drive up prices. Housing delayed is housing denied.

As a San Francisco Supervisor, it is your responsibility to fix our housing crisis. Dismiss this unconscionable appeal. Stop prioritizing the concerns of wealthy homeowners and think about the families that could have access to good, stable housing in this great city. Spend less time arguing over 4 small units of housing and more time getting the stalled subsidized affordable housing developments in District 5 built. There is no excuse for not building more homes in San Francisco. San Francisco is not full.

304. Vadim Litvak (*ZIP code: 94116)*
Supervisor Mar
This city needs more housing projects like this, where multiple families can live on common ground. Since building up multi-family housing is problematic, it makes logical sense to subdivide land to create space within zoning limits.

305. John Kaufman (*ZIP code: 94131)*
I live in District 8 and support the possibility for multi unit housing as well as single family housing in all San Francisco neighborhoods due to the severe housing crisis that seems to be getting worse.

306. Vladimir Vlad (*ZIP code: 94102)*
There is absolutely no reason this shouldn't be built.

307. Charles Whitfield (*ZIP code: 94107)*

308. Jack Woodruff (*ZIP code: 94608)*

309. William Reeves (*ZIP code: 94117)*
Fewer units -> less supply -> higher prices -> people who can’t afford it anymore moving to lower income/cheaper neighborhoods.

310. Cole Wrightson (*ZIP code: 94115)*

311. yafah franco (*ZIP code: 94131)*

312. Bozo Cloone (*ZIP code: 06155)*
Yes to infill projects

313. Zack Subin (*ZIP code: 94112)*

314. Zach Klein (*ZIP code: 94110)*

first_name	last_name	zip_code	email
David	Broockman	94102	not published for privacy
Sam	Miller	94102	
Molly	Sun	94102	
Steven	Buss	94102	
Rebecca	Fedorko	94102	
Blake	Carpenter	94102	
Lenore	Estrada	94102	
Orchid	Bertelsen	94102	
Ramon	Iglesias	94102	
Riley	Avron	94102	
Vladimir	Vlad	94102	
christi	azevedo	94103	
Julia	Teitelbaum	94103	
Jeremy	Linden	94103	
juliana	raimondi	94103	
Nick	Lipanovich	94103	
Eugene	Brolly	94103	
Ken	Page	94103	
Jon	Bradley	94103	
David	Pieper	94105	
Ashley	Laws	94105	
hubert	hung	94105	
Paul	Breed	94107	
Hansen	Qian	94107	
Cliff	Bargar	94107	
Charles	Whitfield	94107	
Michael	Sizemore	94107	
peter	dennehy	94107	
Cary	Bernstein	94107	
Mario	Accordino	94107	
Sabeek	Pradhan	94107	
Nick	Noyes	94107	
Ana	Guerrero	94107	
Troy	Kashanipour	94107	
Ira	Kaplan	94108	
Fabian	Graf	94108	
Gabe	Zitrin	94109	
Charles	Carriere	94109	
Roan	Kattouw	94109	
Dana	Beuschel	94109	
Truc	Nguyen	94109	
Derrick	Low	94109	
Thomas	Webster	94109	
Anthony	Fox	94109	
Alex	Strader	94109	
Alim	Virani	94109	

Diana	Tseng	94109
Cacena	Campbell	94109
Sophia	Jiang	94109
Matthew	Janes	94110
Sophie	Constantinou	94110
Rachel	Langdon	94110
Kevin	Utschig	94110
	kvngao@gmail.com	94110
Sage	Vanden Heuvel	94110
James	Ausman	94110
John	Davis	94110
Dylan	Hulser	94110
Barak	Gila	94110
Aaron	Kanter	94110
Michael	Vladimer	94110
Zach	Klein	94110
Ethan	Schlenker	94110
David	Esler	94110
Mark	Colwell	94110
Cori	McElwain	94110
Jordan	Staniscia	94110
Andrew	Martone	94110
Jeff	Gard	94110
Anna	Rose	94110
Julie	Goldobin	94110
Sara	Maamouri	94110
Diana	Ripple	94110
frank	nolan	94110
Sara	Ogilvie	94110
ed	sidawi	94110
Chandra	Asken	94110
Tom	Buehler	94110
Jonathan	Mofta	94110
Jay	Donde	94110
Jordon	Wing	94110
Benedict	Donahue	94110
Jacob	Rosenberg	94110
Danielle	Kanclerz	94110
Sam	Wrightson	94110
sean	lundy	94110
Carol	Wai	94110
Peter	Liang	94110
Ben	Cook	94110
Paul	Espiniza	94110
Kaushik	Dattani	94110
Michelle	Mills	94112
Amy	Markowitz	94112

Zack	Subin	94112
Bruce	Cyr	94112
Kristy	Wang	94112
Scott	Cataffa	94112
Patrick	Otellini	94112
Theodore	Randolph	94112
Shahin	Saneinejad	94112
Steve	Marzo	94112
Nik	Kaestner	94112
Bob	Mills	94112
Bea	Batz	94112
Linda	Carter	94112
Anthony	Malson	94112
Adam	Breon	94112
Rebecca	Gates	94114
Fred	von Lohmann	94114
Michelle	Birch	94114
Martin	Guerra	94114
Avery	Pickford	94114
Dane	Miller	94114
Rodrigo	Garcia-Uribe	94114
Laura	Fingal-Surma	94114
Kurt	Nangle	94114
Molly	Turner	94114
Alex	Gripshover	94114
Sarah	Berger	94114
Sarah	Keizer	94114
Matt	Brezina	94114
Emily	Johnston	94114
Brent	Hores	94114
Eduardo	Jasso	94114
Ansh	Shukla	94114
Hannah	Schwartz	94114
David	Kanter	94114
Madelaine	Boyd	94114
Alexandra	Nangle	94114
David	Kanter	94114
Steve	Hoffman	94114
Beaudry	Kock	94114
Dawn	Ma	94114
Laurence	Griffin	94115
Michael	Ducker	94115
KaylÃ©	Barnes	94115
Vicki	Wang	94115
Darius	Zubrickas	94115
Gerald	Kanapathy	94115
Marty	Cerles Jr	94115

Jason	Jervis	94115
Cole	Wrightson	94115
Jayme	Brown	94115
Garner	Kropp	94115
Theo	Gordon	94115
Roy	Leggitt	94115
Matt	Coelho	94115
Amanda	Par	94115
Reed	Schwartz	94115
Amir	Afifi	94115
Philip	McKay	94115
Vadim	Litvak	94116
Michael	Hom	94116
Matthew	Gerring	94117
Andrew	Sullivan	94117
Michael	Dillon	94117
Cyd	Harrell	94117
Kyle	Cooper	94117
Derrick	Roorda	94117
Dan	Toffey	94117
Jeff	Lale	94117
Lawrence	Li	94117
Eric	Wooley	94117
Aaron	Johnson	94117
Timothy	Bauman	94117
James	Hooker	94117
Elliot	Onn	94117
Jonathan	Tyburski	94117
Constance	Bernstein	94117
Emily	Schell	94117
Eric	Marcus	94117
Robert	Fruchtman	94117
Chris	Hansten	94117
Brian	Ito	94117
Justin	Brickell	94117
Paul	Tucker	94117
June	Kwon	94117
Ryan	Booth	94117
Andrew	Wooster	94117
robin	kutner	94117
Robin	Kutner	94117
Ann	Belden	94117
Corey	Smith	94117
Chris	Hallacy	94117
Joshua	Ehrlich	94117
Dan	Federman	94117
Ryan	Barrett	94117

Michael	Gaines	94117
Maria	Danielides	94117
William	Reeves	94117
Chris	Masterson	94117
Margaret	Bonner	94117
Megan	Padalecki	94117
Hui	Lin	94117
Gordon	Mohr	94117
Cynthia	Chapman	94117
Dmitry	Shapiro	94117
Mike	Donnelly	94117
Ben	Ewing	94118
Nadia	Rahman	94118
Kanishka	Cheng	94118
Caroline	Bas	94118
Erin	Thompson	94118
Jonathan	Quinteros	94118
Jonathan	Quinteros	94118
Noah	Kouchekinia	94118
Bobak	Esfandiari	94121
Livesey	Pack	94121
Desmond	Niegowski	94121
Gabriela	Kaufman	94121
Katie	Seitelman	94121
Anjelika	Plotitsa	94121
Eugene	Katz	94121
Michael	Plotitsa	94121
Josh	Ellinger	94122
Asheem	Mamoowala	94122
Katy	Briggs	94122
Tyler	Stegall	94122
Edward	Shoikhet	94122
Colin	Downs-Razouk	94122
Caleb	Krywenko	94122
Brian	Stechschulte	94122
Lysa	Ayres	94122
john	farhat	94123
Sarah	Boudreau	94123
GenÃ¨ve	Campbell	94123
Maria	Trinh	94123
Bora	Ozturk	94123
Alex	Walker	94123
Sean	Murphy	94123
Judith	Yang	94123
Lauren	Knight	94123
Matt	Larson	94124
George	Chikovani	94127

Theresa	Runkle	94127
Matthew	Klenk	94127
Charmaine	Curtis	94127
Kurt	McCulloch	94127
SENALEE	KAPELEVICH	94127
Deepak	Jagannath	94129
Lori	Anderson	94131
Miranda	Dietz	94131
Erik	Shilts	94131
Angelica	Cupat	94131
Jack	Thompson	94131
Stephanie	Oh	94131
Joseph	DiMento	94131
Richard	Ballard	94131
Margaret	Kammerud	94131
Kathy	Keller	94131
Stephen	Fiehler	94131
Mitch	Conquer	94131
Lisa	Wan	94131
Hilary	Clark	94131
Allen	Arieff	94131
Rajiv	Batra	94131
Laura	Tepper	94131
Katie	Byers	94131
yafah	franco	94131
Irene	Malatesta	94131
Phillip	Kobernick	94131
alexandra	akopova	94131
Olga	Milan-Howells	94131
bryan	burkhart	94131
Tara	Killebrew	94131
Mike	Schiraldi	94131
Inaki	Longa	94131
Vin	Leger	94131
Hilary	Schiraldi	94131
John	Kaufman	94131
Elizabeth	Olson	94131
Heather	Olinto	94131
Michael	Brown	94132
Kenneth	Russell	94132
VICTOR	ZEPEDA RUIZ	94132
Kwang	Ketcham	94133
Anika	Steig	94133
Nicholas	Marinakis	94133
David	Cumby	94133
Nancy	Lenvin	94133
Laura	Foote	94133

Allison	Arieff	94141
Nathaniel	Furniss	94158
Adam	Buck	94158
Thomas	Powers	94158
Rishi	Bhardwaj	94158
Nicholas	Hemenway	94158
Michael	Terndrup	94301
ALEXANDER	LANDAU	94404
Sonja	Trauss	94607
Elika	Etemad	94608
Perry	Wexelberg	94608
Jack	Woodruff	94608
Rachel	Fehr	94609
Joseph	Mente	94609
Shannon	Hee	94610
Edward	Giordano	94611
Joe	Igber	94611
Sidharth	Kapur	94612
Shannon	DeLong	94613
Scot	Conner	94704
Noah	Christman	94705
Homer	Simpson	94774
Amanda	Ryan	95124
Justine	Tamaro	95124
RIA	BRIGMANN	95476
Dori	Ganetsos	95819
Philip	Crone	
Tom	Meyer	60610
Ima	Arse	65733
Ryan	Natividad	78705
Becky	Simmons	85611
Ben	Phelps	90026
Jeremy	Smith	94062
Auros	Harman	94066

From:	BOS Legislation, (BOS)
To:	Brian Kingan; "Malinda Kai Tuazon"; Troy Kashanipour
Cc:	PEARSON, ANNE (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Varat, Adam (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); Dito, Matthew (CPC); Rosenberg, Julie (BOA); Sullivan, Katy (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	PLANNING DEPARTMENT RESPONSE: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020
Date:	Monday, July 20, 2020 12:14:05 PM
Attachments:	image001.png

Hello,

The Office of the Clerk of the Board received the following appeal responses from the Planning Department, regarding the appeals of the Categorical Exemption under the California Environmental Quality Act and Conditional Use Authorization for the proposed project at 1846 Grove Street.

Planning Department Response - CEQA Appeal - July 27, 2020
Planning Department Response - CUA Appeal - July 27, 2020

NOTE: The President may entertain a motion to continue the following appeal hearings to the Board of Supervisors' meeting of Tuesday, August 25, 2020.

I invite you to review the entire matter on our Legislative Research Center by following the links below:

Board of Supervisors File No. 200746
Board of Supervisors File No. 200750

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.
Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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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.

San Francisco Planning

1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103
SFPLANNING.ORG / 415.575.9010

Categorical Exemption Appeal

1846 Grove Street

DATE:	July 27, 2020
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Lisa Gibson, Environmental Review Officer – (415) 575-9032 Matthew Dito – (415) 575-9164
RE:	Board File No. 200746, Planning Record No. 2018-011441APL-02 Appeal of Categorical Exemption for 1846 Grove Street
HEARING DATE:	July 28, 2020

PROJECT SPONSOR:	Troy Kashanipour, Troy Kashanipour Architecture, 2325 3rd Street, Suite 401, San Francisco, CA 94107
APPELLANT(S):	Brian Kingan, 627 Masonic Avenue, San Francisco, CA 94117

DEPARTMENT'S RECOMMENDATION: Uphold the exemption and deny the appeal.

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the board) regarding the Planning Department's (the department) issuance of an exemption under the California Environmental Quality Act (CEQA determination) for the proposed 1846 Grove Street project.

The department, pursuant to Article 19 of the CEQA Guidelines, issued an exemption for the project on November 21, 2019 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 3 (New Construction) categorical exemption and a common sense exemption.

The decision before the board is whether to uphold the department's decision to issue an exemption and deny the appeal, or to overturn the department's decision to issue an exemption and return the project to the department staff for additional environmental review.

SITE DESCRIPTION AND EXISTING USE

The project site is located on the block surrounded by Fulton Street to the north, Masonic Avenue to the east, Grove Street to the south, and Ashbury Street to the west in the Haight Ashbury neighborhood. The lot is an undeveloped "flag lot". It includes a 3.5-foot-wide opening along Fulton Street (despite its Grove Street address) and widens at the rear to between approximately 90 and 100 feet and shares a property line with 16 adjacent lots. The 3.5-foot-wide opening along Fulton Street is the sole access point to the lot from the public right-of-way, and there is no access from the adjacent lots. The lot slopes upward approximately 10 percent from the east to the west.

PROJECT DESCRIPTION

The project proposes construction of four two-story, 18-feet 5-inch-tall buildings including four dwelling units (two two-bedroom dwellings and two three-bedroom dwellings) in the rear yard of the vacant lot. The units range from 1,026 to 1,407 square feet in size. The project proposes no off-street parking. Project residents and emergency providers would access the property through the 3.5-foot-wide access path on Fulton Street. The project sponsor may be required to apply to the SFMTA for a red color curb along Fulton Street for emergency provider use. The new color curb would not interfere with the existing bus stop along Fulton Street.

BACKGROUND

On August 20, 2018, Troy Kashanipour (hereinafter project sponsor) filed an application with the department for Conditional Use Authorization to allow four dwelling units to be constructed at the subject property.

On November 21, 2019, the department determined that the project, which then included construction of five buildings including five dwelling units, was categorically exempt under CEQA Class 3 – New Construction and a common sense exemption and that no further environmental review was required.

On April 9, 2020, the Planning Commission held a duly noticed public hearing and approval the Conditional Use Authorization application for the proposed project which reduced the project to the construction of four buildings including four dwelling units.

In accordance with Chapter 31 of the San Francisco Administrative Code, approval of the Conditional Use Authorization by the Planning Commission on April 9, 2020 was considered the approval action for the project.

On May 11, 2020, Brian Kingan filed an appeal with the Office of the Clerk of the Board of Supervisors of the categorical exemption determination for 1846 Grove Street.

On July 13, 2020, the department determined that the appeal of the CEQA determination was filed in a timely manner.

CEQA GUIDELINES

Categorical Exemptions
In accordance with CEQA section 21084 CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), or 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 when 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.

Additionally, CEQA Guidelines section 15061(b)(3) states a project is exempt if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

In determining the significance of environmental effects caused by a project, CEQA 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 Guidelines section 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."

PLANNING DEPARTMENT RESPONSES

The concerns raised in the appeal letter are addressed in the responses below.

Response 1: **The project meets the conditions outlined in CEQA Guidelines 15061(b)(3), qualifying it as exempt from further CEQA review. The exemption is the appropriate level of environmental review for the proposed project.**

Background: Class 3 Categorical Exemption and Common Sense Exemption
CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), or Class 3, consists of construction and location of limited numbers of new, small facilities or structures. The class lists of examples of this exemption including "[i]n urbanized areas, up to three single-family residences…[and] apartments, duplexes, and similar structures designed for not more than six dwelling units."

CEQA requires public agencies to list those specific activities which fall within each of the categorical exemption classes within the CEQA Guidelines (CEQA Guidelines section 15300.4). On August 17, 2000, the Planning Commission adopted such a list as part of resolution number 14952. The 2000 resolution states in its introduction that projects "may be excluded from the application of CEQA under Section 15061 [Review for Exemptions] of the CEQA Guidelines." The 2000 resolution states that the Class 3 categorical exemption "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 proposed project consists of four buildings including four dwelling units. The project meets the definition of Class 3 categorical exemption for dwelling unit size, but does not meet the definition of the Class 3 categorical exemption for number of structures. However, as demonstrated below and consistent with CEQA Guidelines section 15061(b)(3), the project meets the definition of a common sense exemption that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The appellant has not demonstrated otherwise.

Background: 1997 Certificate of Determination

In 1997, based on CEQA Guidelines section 15061(b)(3), the department issued a common sense exemption (then known as a general rule exclusion) for case file number 1997.304E, Small Projects in an Urban Context. The department determined in that exemption that six dwelling units would have essentially the same impact whether they are provided in one structure or six.

1846 Grove Street is Appropriately Exempt

The department exemption determination checked the box that indicated the project was categorically exempt under the Class 3 categorical exemption and also cited the 1997 certificate of determination. The department intended to rely on the logic in the 1997 certificate of determination and the common sense exemption, not the 1997 certification of determination itself. As demonstrated below, the project would not have significant effects on environment, despite the project including four buildings instead of one building.

- Transportation. The appellant incorrectly states that the department did not assess the project's impact on a major transit stop. The exemption process requires a determination that no adverse impacts to transit, or the adequacy of nearby transit, would occur. The project site is near numerous Muni transit lines, including the 5 Fulton. The project includes four dwelling units without any vehicular parking that, if provided, could delay public transit but likely not to a significant level. Thus, the project would not have a significant effect on transportation.

- Geology and Soils. The appellant incorrectly states that a geotechnical report is required due to the amount of excavation included in the project. A geotechnical report is required when 50 cubic yards of soil are removed and the project is located in a landslide zone, a liquefaction zone, or the lot has a slope greater than or equal to 25 percent[1]. The project includes approximately 310 cubic yards of soil excavation. 1846 Grove Street is not located in a landslide zone or a liquefaction zone, and the lot does not have a slope greater than or equal to 25 percent[2]. Therefore, although the project includes excavation of greater than 50 cubic yards of soil, a geotechnical report is not required and the project would not have a significant effect on geology and soils.

- Other environmental topics. The appellant does not state any other environmental topics that the project would have a significant effect on the environment. Nonetheless, the department assessed if the project would have environmental impacts on the impact topics included in the exemption determination, including hazardous materials, archeological resources, and air quality. The department determined that the project would not have significant effects in these topics.

  Since the department determined the project was exempt from CEQA in November 2019, the San Francisco Department of Public Health updated the air pollutant exposure zone on March 30, 2020. It was the public health's first update of the zone since 2014 and in compliance with San Francisco Health Code, article 38. The 2014 air pollutant exposure zone mapping did not identify the project

[1] As stated in the San Francisco Planning Department's "CEQA Categorical Exemption Determination" checklist.
[2] Property-specific environmental information can be found on the San Francisco Planning Department's "Property Information Map" (PIM).

site or surrounding areas as in the zone. The 2020 air pollutant exposure zone mapping identifies the project site and surrounding areas in the zone due to update methodologies and data.

The updated 2020 zone does not change the determination that the project would not have significant air quality effects. This project would require limited off-road construction equipment and limited excavation. The project site is also constrained in the size of equipment that would be able to access it due to the 3.5-foot-wide opening along Fulton Street, and thus this equipment would be smaller and produces less emission than for larger construction projects. Project construction is anticipated to last 12 months.

CONCLUSION

The department has determined that the proposed project is exempt from environmental review under CEQA on the basis that the project would have no possibility of resulting in a significant effect on the environment (CEQA Guidelines section 15061(b)(3). The appellant has not demonstrated that the department's determination is not supported by substantial evidence in the record.

For the reasons stated above and in the November 21, 2019 CEQA exemption determination, the CEQA determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The department therefore respectfully recommends that the board uphold the CEQA exemption determination and deny the appeal of the CEQA determination.

From:	BOS Legislation, (BOS)
To:	Brian Kingan; "Malinda Kai Tuazon"
Cc:	PEARSON, ANNE (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Varat, Adam (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); Dito, Matthew (CPC); Rosenberg, Julie (BOA); Sullivan, Katy (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	HEARING NOTICE: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020
Date:	Tuesday, July 14, 2020 2:26:27 PM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board has scheduled remote hearings for Special Order before the Board of Supervisors on Tuesday, July 28, 2020, at 3:00 p.m., to hear the appeals of the Exemption Determination under CEQA and Conditional Use Authorization for a proposed project at 1846 Grove Street.

Please find linked below letters of appeals filed against the proposed project for 1846 Grove Street, as well as a direct link to the Planning Department's Timeliness for appeal, and an information letter from the Clerk of the Board.

CEQA Appeal - 1846 Grove Street - May 9, 2020
Conditional Use Authorization Appeal - 1846 Grove Street - May 11, 2020
Planning Department Memo - July 13, 2020
Clerk of the Board Letter - July 14, 2020

Please find the following link to the hearing notice for these matters.

Public Hearing Notice - July 14, 2020

NOTE: The President may entertain a motion to continue the following appeal hearings to the Board of Supervisors' meeting of Tuesday, August 25, 2020.

I invite you to review the entire matter on our Legislative Research Center by following the links below:

Board of Supervisors File No. 200746
Board of Supervisors File No. 200750

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.
Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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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, CA 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
Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote 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:

NOTE:	**The President will entertain a motion to continue these Hearings to the Board of Supervisors meeting of August 25, 2020. Public Comment will be taken on the continuance only.**

Date: **Tuesday, July 28, 2020**

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

Location: **REMOTE MEETING VIA VIDEOCONFERENCE**
Watch: www.sfgovtv.org
SF Cable Channel 26 once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.
Public Comment Call-In: https://sfbos.org/remote-meeting-call

Subject: **File No. 200746.** 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 February 12, 2019, for the proposed project at 1846 Grove Street, Assessor's Parcel Block No. 1187, Lot No. 003H; for the construction of four two-story single-family dwelling units on a vacant lot within an RH-2 (Residential, House - Two Family) and RH-3 (Residential, House - Three Family) Zoning District and a 40-X Height and Bulk District. (District 5) (Appellant: Brian Kingan) (Filed May 9, 2020)

File No. 200750. Hearing of persons interested in or objecting to the certification of Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, and 303, for a proposed project at 1846 Grove Street, Assessor's Parcel Block No. 1187, Lot No. 003H, identified in Planning Case No. 2018-011441CUA, issued by the Planning Commission by Motion No. 20681, dated April 9, 2020, for residential density of one unit per 1,500 square feet of lot area to permit the construction of four two-story single-family dwelling units on a vacant lot within an RH-2 (Residential, House - Two Family) and RH-3 (Residential, House - Three Family) Zoning District and a 40-X Height and Bulk District. (District 5) (Appellant: Malinda Kai Tuazon) (Filed May 11, 2020)

DATED ~ MAILED ~ EMAILED ~ POSTED: July 14, 2020

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment through teleconferencing. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN
WATCH: SF Cable Channel 26, once the meeting starts, and the telephone number and Meeting ID will be displayed on the screen; or
VISIT: https://sfbos.org/remote-meeting-call

Please visit the Board's website (https://sfbos.org/city-board-response-covid-19) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

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 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (https://sfbos.org/legislative-research-center-lrc). Agenda information relating to this matter will be available for public review on Friday, July 24, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew (lisa.lew@sfgov.org ~ (415) 554-7718)
Jocelyn Wong (jocelyn.wong@sfgov.org ~ (415) 554-7702)

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*

Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

DATED ~ MAILED ~ EMAILED ~ POSTED: July 14, 2020

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

PROOF OF MAILING

Legislative File No. 200746 and 200750

Description of Items: Hearing - Appeal of Determination of Exemption From Environmental Review - Appeal of Conditional Use Authorization - 1846 Grove Street - XXX Notices Mailed

I, John Bullock , 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: July 14, 2020

Time: 5:04 p.m.

USPS Location: Dropped off at 101 s van ness Repro office

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

Signature:

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

491 Notices

From:	BOS Legislation, (BOS)
To:	Ko, Yvonne (CPC)
Cc:	Yeung, Tony (CPC); BOS-Operations; BOS Legislation, (BOS)
Subject:	CHECK PICKUP: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020
Date:	Wednesday, July 15, 2020 8:06:37 AM
Attachments:	image001.png grove ceqa fee waiver.pdf grove cu fee waiver.pdf Appeal Check Pickup.doc

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Hi Yvonne,

Two checks for appeals filing fee for the CEQA Exemption Determination appeal and the Conditional Use Authorization appeal of the proposed project at 1846 Grove Street are ready to be picked up here in the Clerk's Office. Please coordinate with our BOS-Operations team copied here to set up a date and time for pickup.
Please be advised fee waivers were filed for these appeal as attached.

Operations,
These checks should be in your possession currently. Please attach each check with the attached fee waiver form for Planning to pick up. Lastly, kindly have Planning sign the attached appeal check pickup form.

Thank you all.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, July 14, 2020 2:26 PM

To: Brian Kingan <kinganb33@gmail.com>; 'Malinda Kai Tuazon' <malindakai@gmail.com>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lewis, Don (CPC) <don.lewis@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Dito, Matthew (CPC) <matthew.dito@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: HEARING NOTICE: Appeal of Conditional Use Authorization and CEQA Exemption Determination - Proposed 1846 Grove Street Project - Appeal Hearing on July 28, 2020

Greetings,

The Office of the Clerk of the Board has scheduled remote hearings for Special Order before the Board of Supervisors on Tuesday, July 28, 2020, at 3:00 p.m., to hear the appeals of the Exemption Determination under CEQA and Conditional Use Authorization for a proposed project at 1846 Grove Street.

Please find linked below letters of appeals filed against the proposed project for 1846 Grove Street, as well as a direct link to the Planning Department's Timeliness for appeal, and an information letter from the Clerk of the Board.

CEQA Appeal - 1846 Grove Street - May 9, 2020
Conditional Use Authorization Appeal - 1846 Grove Street - May 11, 2020
Planning Department Memo - July 13, 2020
Clerk of the Board Letter - July 14, 2020

Please find the following link to the hearing notice for these matters.

Public Hearing Notice - July 14, 2020

NOTE: The President may entertain a motion to continue the following appeal hearings to the Board of Supervisors' meeting of Tuesday, August 25, 2020.

I invite you to review the entire matter on our Legislative Research Center by following the links below:

Board of Supervisors File No. 200746
Board of Supervisors File No. 200750

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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TDD/TTY No. 554-5227

July 14, 2020

Brian Kingan
627 Masonic Avenue
San Francisco, CA 94117

Malinda Kai Tuazon
613 Masonic Avenue
San Francisco, CA 94117

Subject: File Nos. 200746 and 200750 - Appeals of CEQA Exemption Determination and Conditional Use Authorization - 1846 Grove Street Project

Dear Mr. Kingan and Ms. Tuazon:

The Office of the Clerk of the Board is in receipt of a memorandum dated July 13, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 1846 Grove Street.

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

The conditional use appeal was filed with the subscription of five members of the Board of Supervisors, and therefore meets the filing requirements of Planning Code, Section 308.1.

Pursuant to Administrative Code, Section 31.16, and Planning Code, Section 308.1, a remote hearing date has been scheduled for **Tuesday, July 28, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please provide to the Clerk's Office as soon as possible, names and addresses of interested parties to be notified of the hearing, in spreadsheet format. If there is supporting documentation you wish to include for the hearing, please email an electronic copy by Thursday, July 23, 2020, at noon to bos.legislation@sfgov.org. Any materials received after this date, will still be distributed to all parties and be included as part of the official file.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554 7712.

Very truly yours,

Angela Calvillo
Clerk of the Board of Supervisors
City and COunty of San Francisco

c: Anne Pearson, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Don Lewis, Environmental Planning, Planning Department
Adam Varat, Acting Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
AnMarie Rodgers, Legislative Affairs, Planning Department
Jonas Ionin, Planning Commission Secretary, Planning Department
Matthew Dito, Staff Contact, Planning Department
Julie Rosenberg, Executive Director, Board of Appeals
Katy Sullivan, Legal Assistant, Board of Appeals
Alec Longaway, Legal Process Clerk, Board of Appeals

San Francisco Planning

1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103
SFPLANNING.ORG / 415.575.9010

Categorical Exemption Appeal Timeliness Determination

DATE: **July 13, 2020**

TO: **Angela Calvillo, Clerk of the Board of Supervisors**

FROM: **Devyani Jain, Acting Environmental Review Officer**

RE: **Appeal Timeliness Determination – 1846 Grove Street Categorical Exemption; Planning Department Case No. 2018-011441PRJ**

On May 11, 2020, Brian Kingan (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Categorical Exemption for the proposed project at 1846 Grove Street (letter dated May 8, 2020). As explained below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open for Remote Business)	Date of Appeal Filing	Timely?
Thursday, April 9, 2020	Saturday, May 9, 2020	**Monday, May 11, 2020**	Monday, May 11, 2020	Yes

Approval Action: On November 21, 2029, the Planning Department issued a Categorical Exemption for the proposed project. The Approval Action for the project was the Planning Commission's issuance of a conditional use authorization, which occurred on April 9, 2020 (Date of the Approval Action).

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a CPE) to the Board of Supervisors during the time period beginning with the date of the exemption determination (including a CPE) and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, May 9, 2020. The next day when the Office of the Clerk of the Board of Supervisors was open for remote business was Monday, May 11, 2020 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Monday, May 11, 2020 prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

From:	BOS Legislation, (BOS)
To:	Hillis, Rich (CPC)
Cc:	PEARSON, ANNE (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Varat, Adam (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); Dito, Matthew (CPC); Rosenberg, Julie (BOA); Sullivan, Katy (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - Proposed Project - 1846 Grove Street
Date:	Friday, July 10, 2020 7:24:11 PM
Attachments:	COB Ltr 071020.pdf CEQA Appeal Ltr 050920.pdf

Good afternoon Director Hills,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Categorical Exemption for the proposed project at 1846 Grove Street. The appeal was filed by Brian Kingan.

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. It would be greatly appreciated if we could receive the determination as soon as possible. If the appeal is timely, we are looking to send out public hearing notices by July 14, 2020. Thank you.

Regards,

Brent Jalipa
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 | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

From:	BOS Legislation, (BOS)
To:	Brian Kingan
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Gibson, Lisa (CPC); BOS Legislation, (BOS); Mchugh, Eileen (BOS)
Subject:	RE: CEQA CED Appeal - 2018-011441CUAVAR (1846 Grove Street)
Date:	Monday, May 11, 2020 3:10:58 PM
Attachments:	image001.png

Dear Mr. Kingan,

I am writing to confirm receipt of the appeal for CEQA Categorical Exemption Determination for the proposed project at 1846 Grove Street, received on May 11, 2020.

In an emergency order dated March 11, 2020, Mayor London N. Breed suspended all local deadlines imposed on policy bodies to the extent that the policy body cannot meet and comply with the deadline due to the public health emergency. Because the Board of Supervisors cannot currently meet to hold hearings on appeals in a way that ensures access by all interested parties, local deadlines for scheduling and acting on such appeals have been suspended by the mayoral order. Upon expiration of the health emergency order, our office will provide appellants with updates regarding the statuses of their appeals.

Please do not hesitate to contact us if there are any questions. Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org


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From: Brian Kingan <kinganb33@gmail.com>
Sent: Saturday, May 9, 2020 10:57 AM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>
Subject: CEQA CED Appeal - 2018-011441CUAVAR (1846 Grove Street)

Clerk of the Board of Supervisors:
Please find attached a CEQA Categorical Exemption Determination Appeal pertaining to the the above referenced project and whether it satisfies CEQA criteria to obtain a Class 3 categorical exemption.
Please confirm receipt and let me know if you'd like any additional information.
Thank you,
Brian Kingan
415-244-5033

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. Topic 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 1846 Grove Street

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 February 12, 2019, for the proposed project at 1846 Grove Street, Assessor's Parcel Block No. 1187, Lot No. 003H; for the construction of four two-story single-family dwelling units on a vacant lot within an RH-2 (Residential, House - Two Family) and RH-3 (Residential, House - Three Family) Zoning District and a 40-X Height and Bulk District. (District 5) (Appellant: Brian Kingan) (Filed May 9, 2020)

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only