



August 9, 2023

Joanne Park, Principal Real Estate Development Analyst
San Francisco Department of Homelessness and Supportive Housing
440 Turk Street
San Francisco, CA 94102

Re: Temporary Shelter at 2177 Jerrold Avenue
Planning Department / Environmental Review Officer Concurrence
California Environmental Quality Act (CEQA) Exemption per AB 101

To Whom It May Concern:

This memorandum is in response to correspondence from the Department of Homelessness and Supportive Housing dated August 8, 2023, requesting Planning Department confirmation that no environmental review is required for the use of the existing parcel at 2177 Jerrold Avenue as a temporary low-barrier, non-congregate shelter for adults experiencing homelessness. The proposed shelter would consist of 60 “tiny cabins” and 20 parking spaces for individuals and couples living in their vehicles, as well as restrooms and showers, lobby and front desk, elevator, office spaces, meeting rooms, warming kitchen, clinic, and community room/dining space in an existing building. The program will accept couples and pets and provide guests with storage facilities for their possessions.

This memorandum confirms that the temporary shelter at 2177 Jerrold Avenue is not subject to the California Environmental Quality Act (CEQA) under the terms California Government Code Sections 65660 – 65668, also known as AB 101. AB 101 provides that a low barrier navigation center that meets certain criteria and is located in a mixed-use zoning district or a non-residential zone that permits multifamily uses is a “use by right” and is not subject to CEQA. (See Government Code Section 65660(b)). A “use by right” is defined in Government Code Section 65583.2(i) to mean that the local government’s review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of CEQA.

The zoning designation for 2177 Jerrold Avenue is PDR-2 District: Core Production, Distribution, and Repair. The district allows a mix of uses, including automotive, entertainment, industrial, institutional uses, and certain retail sales uses. The intent of this District is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. The district prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators. A homeless shelter that is owned, operated, or leased by the City and County of San Francisco is a principally permitted use in the PDR-2 District pursuant to Planning Code Section 210.3. During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be principally permitted and may

be permanent. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted. A “Homeless Shelter” under Government Code section 8698.4 is defined as “a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. A “homeless shelter” shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.” The shelter program at 2177 Jerrold meets this definition under the Government Code.

We have reviewed the correspondence dated August 8, 2023, from the Department of Homelessness and Supportive Housing explained how the temporary shelter at 2177 Jerrold Avenue complies with the criteria set forth in AB 101 and concur in its findings. The temporary shelter meets the definition of a low barrier navigation center set forth in Government Code Section 65660(a) and meets the criteria set forth in Government Code Section 65662. Accordingly, the temporary shelter at 2177 Jerrold Avenue is not subject to CEQA.