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December 1, 2022

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

RE: Planning Case No. 2021-011352CUA
4835 Mission Street – Conditional Use Authorization Appeal
APN 6272 LOT 021

Dear Ms. Calvillo:

This letter is in response to November 23, 2022 letter from Samuel Ray of Colla & Ray, LLP, the law firm representing Mission Advisory Co. (“Sponsor”), the project sponsor in the above Conditional Use Authorization Appeal (“CUA Appeal”). In that letter, the Sponsor challenges the validity of the signatures on the CUA Appeal, and the Department’s conclusion that the signatures on the appeal satisfy the 20% requirement of Planning Code section 308.1. Sponsor requests that the Office of the City and County Surveyor confirm the validity of certain signatures, and its calculation of the percentage of property within a 300 foot radius of the proposed project represented by those signatures.

The Department of Public Works (“Public Works” or the “Department”) provides the following information in response to the Sponsor’s concerns.

Identification of Owners and Verified Tenants

First, the Department was able to verify the identities of owners and the number of units contained in each property within the 300 foot radius through the Assessor Recorder’s property records and property Tax Rolls, respectively. Second, Planning Code section 308.1(b)(5) provides that “Verified Tenants” are tenants who declare under penalty of perjury that they meet the requirements set forth in Planning code section 308.1. Public Works may, but is not required to, request proof of verified tenancy at the time of receipt of a Notice of Appeal. Because each signing tenant provided the required declaration under penalty of

perjury, Public Works did not require further proof of tenancy for this Notice of Appeal. The references in the exhibits provided by the Sponsor to “unverified tenants” do not indicate that the tenants who signed the notice fail to meet the definition of “Verified Tenant” under the Planning Code. Rather, the references were intended to indicate that Public Works did not separately require documentation in support of tenant status from these individuals. In the future, the Department and the Clerk of the Board’s Office will strive to use different terminology to avoid confusion.

In summary, Public Works followed the guidelines set forth under Planning Code section 308.1(b)(5), and counted only signatures meeting the definitions of owners or Verified Tenants as set forth in the code.

Calculation of the 20% Threshold

The Sponsor also argues that the Department has improperly calculated the percentage of property represented by the signatures on the Notice of Appeal. This assertion is also incorrect. The Department addresses each of the contentions of the Sponsor relating to its calculation methodology below.

- (1) Sponsor’s Comment: “Out of those 38 properties, one property – 579 London Street (APN: 6273/017B) – is outside the 300-foot radius.”**

Response: This confirms that Public Works did note that the referenced property was outside the 300-foot radius and did not include it in the original calculation.

- (2) Sponsor’s Comment: “A single tenant of 4828 Mission Street signed the Notice of Appeal. However, 4828 Mission Street is a four-unit building.”**

Response: 4828 Mission Street (APN: 6959-032) is not a four-unit building but rather a five-unit building per the Assessor Recorder’s Property Tax Rolls. Per the original calculations, the Notice of Appeal was signed by one Verified Tenant; therefore 20% of the total square footage was calculated into the total percentage.

- (3) Sponsor’s Comment: “One property owner of 522 Paris Street signed the Notice of Appeal. However, this property actually has two owners on title.”**

Response: 522 Paris Street (APN: 6273-001B) was not counted due to the fact that the signee was not a verified owner.

- (4) Sponsor’s Comment: “In fact, Section 308.1 empowers DPW to require that tenant signatories provide proof of residency ... ”**

Response: Sponsor misstates the requirements of Planning Code Section 308.1(b)(5), which provides:

“a ‘Verified Tenant’ is a residential or commercial tenant of a property who declares, under penalty of perjury of the laws of the State of California, that the tenant occupies the entire property or at least one separate unit on the property pursuant to a lease with a term exceeding 32 days. [...] A Verified Tenant who signs an appeal pursuant to this Section may be required by Public Works to provide such proof of tenancy.”
(Emphasis added.)

Per the Planning Code, there is no requirement for Public Works to pursue proof of tenancy where, as here, all tenant signatures are provided under penalty of perjury.

Following the requirements of Planning Code section 308.1, as amended, Public Works has confirmed that the verified owner signatures and the signatures of Verified Tenants (as that term is defined in section 308.1(b)(5)) total 27.18% of the property within the 300 foot radius of the project site, and no further verification is required.

Sincerely,

K. Anderson

Katharine Anderson
City & County Surveyor