

FILE NO: 180145

Petitions and Communications received from January 29, 2018, through February 5, 2018, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 13, 2018.

**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 will not be redacted.**

From the Office of the Mayor, pursuant to Charter, Section 3.100(18), making the following reappointment. Copy: Each Supervisor. (1)

Stephen Adams - Small Business Commission - term ending January 6, 2022

From the Office of the Controller, submitting two audit reports regarding Citywide Employee Separations. Copy: Each Supervisor. (2)

From the Office of the Controller, pursuant to Administrative Code, Section 21A.3, submitting the Controller's Office Review of 2017 Managed Care Contracts. Copy: Each Supervisor. (3)

From Cecilia de Leon, of Reuben, Junius & Rose, LLP, submitting a Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption and supporting documents for 1526 Wallace Avenue. Copy: Each Supervisor. (4)

From Svetlana Savchuk, regarding trees on Mt. Davidson. Copy: Each Supervisor. (5)

From Sandy Shapero, regarding the state of the streets in San Francisco. Copy: Each Supervisor. (6)

From Jessica Lehman, Executive Director of Senior & Disability Action, regarding the proposed legislation amending the Housing Code for all gender SRO bathrooms. File No. 171285. Copy: Each Supervisor. (7)

From Laurance Mathews, regarding homelessness and crime around 245 South Van Ness. File 180032. Copy Each Supervisor. (8)

From Sandy Hebert, regarding 3550 3<sup>rd</sup> Street. Copy: Each Supervisor. (9)

From Tim Frye, regarding Mills Act Amendments. Copy: Each Supervisor. (10)

From concerned citizens, regarding syringes in the playground at Phoebe Hearst Preschool. 4 letters. (11)

From Lori Livingston, regarding opening a small business in San Francisco. Copy: Each Supervisors. (12)

From Allen Jones, regarding the Mayor. Copy: Each Supervisor. (13)

From Neil Ornstein, regarding fleeing felons. Copy: Each Supervisor. (14)

From Ahimsa Porter Sumchai, M.D., regarding the Hunters Point Shipyard. 2 articles. (15)

From the Superior Court of the State of California, submitting Notice of Posting Court Reporter Fee for Petition for Relief From Claim Requirement. Copy: Each Supervisor. (16)

From the Office of the City Administrator, pursuant to Administrative Code Section 4.10-2, submitting an Annual Telematics Report between January and November 2017. (17)

From Mr. Michael Decarlo Wright, regarding 440 Turk Street. Copy: Each Supervisor. (18)

From Abdalla Megahed, regarding homelessness in San Francisco. Copy: Each Supervisor. (19)

From concerned citizens, regarding Indigenous Peoples Day. 2 letters. Copy: Each Supervisor. (20)

From Adam Mehis, Executive Director of the San Francisco Democratic Party, regarding an approved resolution regarding 1979 Mission Street from their January 24, 2018 meeting. Copy: Each Supervisor. (21)

From Rosy Leyva, Commission Secretary for the Bay Area Toll Authority, regarding a Resolution adopted at their January 24, 2018 meeting. Copy: Each Supervisor. (22)

From concerned citizens, regarding the proposed project at 1526 Wallace Avenue. 28 letters. File No. 180013. Copy: Each Supervisor. (23)



OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

January 22, 2018

Angela Calvillo  
Clerk of the Board, Board of Supervisors  
San Francisco City Hall  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Calvillo,

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following reappointment:

Stephen Adams to the Small Business Commission for a term ending January 6, 2022

I am confident that Mr. Adams, an elector of the City and County, will continue to serve our community well. Attached is his qualifications to serve, which will demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to these reappointment, please contact my Deputy Chief of Staff, Francis Tsang, at 415-554-6467.

Sincerely,

A handwritten signature in cursive script that reads "London Breed".

London Breed  
Acting Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JAN 22 PM 1:29  
BY [signature]

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**From:** Reports, Controller (CON)  
**Sent:** Thursday, February 01, 2018 2:38 PM  
**To:** Calvillo, Angela (BOS); Mchugh, Eileen (BOS); BOS-Supervisors; BOS-Legislative Aides; Elliott, Jason (MYR); Howard, Kate (MYR); Tsang, Francis; Hussey, Deirdre (MYR); Canale, Ellen (MYR); Tugbenyoh, Mawuli (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); Docs, SF (LIB); CON-EVERYONE; MYR-ALL Department Heads; CON-Finance Officers; Callahan, Micki (HRD); Gard, Susan (HRD); Jeff Littlefield (AIR); Wallace Tang (AIR); Ivar Satero (AIR); Ian Law (AIR); Richard Frattarelli (AIR); Garcia, Barbara (DPH); Wagner, Greg (DPH); Price, Basil (DPH); Weigelt, Ron (DPH); Jung, Kathy (DPH); Martinez, Maria (DPH); Kim, Bill (DPH)  
**Subject:** Issued: Citywide Employee Separations: Combined Report of Two Audits—Departments Need to Improve Controls Over Employee Separations

The Office of the Controller's City Services Auditor Division (CSA) today issued a report summarizing the results of two audits conducted in fiscal years 2015-16 and 2016-17 related to the adequacy of controls over employee departures at two departments. The audits found that the lack of citywide policies and procedures for some employee separation processes may have contributed to the fact that both the Airport and Department of Public Health lack critical controls around employee separation, including controls to ensure that:

- Badges and keys are collected from departing employees in a timely manner.
- Information Technology access of departing employees is terminated in a timely manner.
- City property issued to and collected from employees is tracked.

To view the report, please visit our website at:  
<http://openbook.sfgov.org/webreports/details3.aspx?id=2536>

This is a send-only e-mail address. For questions about the report, please contact Chief Audit Executive Tonia Lediju at [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org) or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

Follow us on Twitter @SFController.

### **CITYWIDE EMPLOYEE SEPARATIONS:**

**Combined Report of Two Audits—  
Departments Need to Improve  
Controls Over Employee  
Separations**



February 1, 2018

**OFFICE OF THE CONTROLLER  
CITY SERVICES AUDITOR**

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that voters approved in November 2003. Charter Appendix F grants CSA broad authority to:

- Report on the level and effectiveness of San Francisco's public services and benchmark the City to other public agencies and jurisdictions.
- Conduct financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operate a whistleblower hotline and website and investigate reports of waste, fraud, and abuse of city resources.
- Ensure the financial integrity and improve the overall performance and efficiency of city government.

CSA may conduct financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

CSA conducts audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office. These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

For questions regarding the report, please contact Chief Audit Executive Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or CSA at 415-554-7469.

Audit Team: Mamadou Gning, Principal Auditor  
Massanda D'Johns, Lead Supervising Auditor  
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Dandy Wong, Senior Auditor  
Joanna Zywno, Senior Auditor



## City and County of San Francisco

### Office of the Controller - City Services Auditor

Citywide Employee Separations: Combined Report of Two Audits—  
Departments Need to Improve Controls Over Employee Separations

February 1, 2018

#### Why We Conducted These Audits

The Office of the Controller's City Services Auditor Division (CSA) audited the adequacy of controls over employee departures at two departments of the City and County of San Francisco (City): the Airport Commission (Airport) and Department of Public Health (Public Health). The two audits determined whether employee separation processes at the departments adequately mitigate risks to the City by recovering city-owned assets from departing employees and deactivating access to city facilities and electronic systems.

#### What We Found

Both the **Airport** and **Public Health** lacked critical controls around employee separation.

**Neither department deactivated all badges and Information Technology (IT) accounts in a timely manner.**



**The departments did not have appropriate mechanisms for tracking and collecting city property issued to employees.**



The lack of citywide policies and procedures for some employee separation processes may have been a contributing factor, including:



Collecting badges in a timely manner.



Collecting keys at separation.



Terminating IT access in a timely manner.



Tracking of city property issued to and collected from employees.

By not implementing or enforcing existing policies and best practices, the City increases the **risk that**:

- Departments may not handle employee separations **appropriately** and **within a reasonable period**.
- Departmental confidential information or restricted-access premises may be **accessed improperly**.
- Departments may incur **unnecessary costs** to replace property.

#### What We Recommend

CSA's recommendations include that the Office of the Controller, in collaboration with the Department of Human Resources and Department of Technology, create policies to guide city departments and agencies in conducting employee separations, including policies that require departments to:

- Track and collect city property issued to employees.
- Revoke access to buildings within a stated timeframe.
- Track and revoke system access within a stated timeframe.

*Copies of the full report may be obtained at:*

Office of the Controller • City Hall, Room 316 • 1 Dr. Carlton B. Goodlett Place • San Francisco, CA 94102 • 415.554.7500  
or on the Internet at <http://www.sfgov.org/controller>





CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CONTROLLER

Ben Rosenfield  
Controller

Todd Rydstrom  
Deputy Controller

February 1, 2018

City Departments and Agencies:

The Office of the Controller's City Services Auditor Division (CSA) presents its combined report on the audits of citywide controls over employee separations. CSA audited the adequacy of employee separation processes and controls at the Airport Commission and Department of Public Health. The audits' objective was to assess the departments' processes for handling employee separations, including recovery of city-owned assets and preventing unauthorized access to city facilities and electronic systems.

The audits resulted in 17 recommendations, including requiring units to deactivate access badges shortly after an employee's separation, track and collect items issued to employees, and notify those responsible for deactivating information technology (IT) system accounts when an employee separates. The departments concurred with all of CSA's findings and agreed to implement all of the recommendations.

The City's lack of comprehensive policies to guide departments in conducting certain aspects of employee separations, including revoking physical and IT access and collecting city property that had been issued to the employee, may have been a contributing factor for these control weaknesses. Therefore, CSA recommends that the Office of the Controller, in collaboration with the Department of Human Resources and Department of Technology, establish such separation policies for the City.

CSA appreciates the assistance and cooperation provided during the audits by the management and staff of the departments audited. CSA will work with the Airport and Department of Public Health to follow up every six months on the status of the open recommendations made in this report. Also, CSA will work with the Office of the Controller to follow up on the creation of citywide employee separation policies.

For questions about the report, please contact me at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or CSA at 415-554-7469.

Respectfully,

Tonia Lediju  
Chief Audit Executive

cc: Board of Supervisors  
Budget Analyst  
Citizens Audit Review Board  
City Attorney  
Civil Grand Jury  
Mayor  
Public Library

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## GLOSSARY OF TERMS

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Airport	Airport Commission
City	City and County of San Francisco
Controller	Office of the Controller
CSA	City Services Auditor Division of Office of the Controller
DT	Department of Technology
Human Resources	Department of Human Resources
IT	Information Technology
NIST	National Institute of Standards and Technology of the U.S. Department of Commerce
Public Health	Department of Public Health



## INTRODUCTION

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### Background

As part of their job duties, employees of the City and County of San Francisco (City) may be granted access to buildings and information technology (IT) systems containing confidential information. Also, city property, such as computers and mobile phones, may be issued to some employees for the performance of their duties. As employees separate, it is important for the security of city operations and safeguarding of confidential information that departments revoke access formerly granted to the separating employee and collect city property previously assigned to the separating employee.

The Office of the Controller (Controller), City Services Auditor Division (CSA), used a risk-based approach to select two departments for audit of their separation procedures. In selecting departments, CSA considered the degree of risk to the public if a breach of operations, information systems, or premises were to occur or if a department's property was not returned or was stolen. Based on this risk assessment, CSA selected the Airport Commission (Airport) and Department of Public Health (Public Health) for audit.

As described in Finding 2, the two departments lacked some of the necessary controls and processes to minimize risks to the City. In some cases, the lack of citywide guidance to state requirements for separation procedures may contribute to the insufficient processes.

Sound internal controls over employee departures ensure that:

- Former employees' physical access to city premises is appropriately revoked through measures such as badge termination and/or key collection.
- Former employees' access to city IT systems and accounts is deactivated in a timely manner.

- Any valuable city property issued to employees during their employment is collected from them upon separation and appropriately tracked.

Exhibit 1 summarizes further controls in the separation process and the risks they mitigate.

EXHIBIT 1 Controls Over Employee Separations Mitigate Several Risks		
Control		Mitigates Risk That:
Revoke physical access in a timely manner.		Premises can be accessed improperly, which could put city property, information, or clients at greater risk.
Revoke IT accounts and system access in a timely manner.		Former employees may improperly access systems, putting confidential data at risk.
Collect city property from separating employees.		Departments may incur unnecessary costs to replace items and compromise confidential data on devices that had been issued.
Track city property issued to employees.		Those charged with collecting items from separating employees may not know all the items that had been issued to the employee, so could fail to collect them.
Track system access granted to employees.		IT units will not know an employee has access to one or more systems and, thus, will not deactivate all accounts when the employee separates, putting confidential data at risk.
Create and enforce policies and procedures for conducting employee separations.		Staff responsible for parts of the separation process may be unaware of their responsibilities or the appropriate way to conduct the process.

Source: Auditor's analysis of best practices and legal requirements.

#### Objectives

The objectives of the audits were to assess the departments' processes for handling employee separations, including recovery of city-owned assets, and preventing unauthorized access to city facilities and electronic systems.

**Scope and  
Methodology**

CSA audited the processes for handling employee separations, including testing of recovery of city-owned assets and preventing unauthorized access to city facilities and electronic systems at the Airport from July 1 through December 31, 2014, and at Public Health during calendar year 2014.

In fiscal year 2014-15 Public Health had 6,284 budgeted full-time equivalent positions and in calendar year 2014, 803 employees separated from the department. The Airport had 1,473 budgeted full-time equivalent positions in fiscal year 2014-15 and, during the six-month audit period of July through December 2014 used for the Airport, 103 Airport employees separated and 117 transferred from the Airport to another city department or changed jobs within the Airport.

For each department, the team:

- Interviewed key departmental personnel about the procedures for handling employee departures.
- Tested a sample of employee separations to ensure physical access and IT access were deactivated in a timely manner.
- Tested a sample of employee separations to determine whether departments retained documentation indicating that items issued to employees had been collected upon separation.

## Findings

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### Finding 1

The City does not have comprehensive policies for conducting employee separations.

The City lacks policies to guide departments in some employee separation processes, including:

- Deactivating badges in a timely manner.
- Tracking key issuances and collecting keys at separation.
- Deactivating IT accounts and system access in a timely manner.
- Tracking city property issued to and collected from employees.

The Department of Human Resources (Human Resources) provides services to city departments regarding employment and personnel matters. The lack of a comprehensive citywide policy concerning employee separations may have contributed to control weaknesses in these areas at the department level, as described in Finding 2.

#### *Best practices for employee separations*

Best practices<sup>1</sup> identified by CSA indicate that agencies should have separation policies, often documented as a checklist for staff to complete, to ensure all procedures are carried out.

The best practices indicate that such policies include:

- Each process that must be performed in separating an employee from service.
- When each process must be completed (often before or on the day of the employee's departure).
- Who is responsible for each process.
- A requirement that employees—the employee who is separating, the employee's supervisor, and a manager or managers from the units that monitor city property and access to premises assigned to

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<sup>1</sup> To determine best practices for employee separations, CSA reviewed separation procedures from the U.S. General Services Administration, National Institutes of Health, Michigan Department of Licensing and Regulatory Affairs, and San Francisco Department of Public Health's Community Behavioral Health division.

employees—must sign the checklist, certifying that property was collected and access to premises was terminated when required.

- Special guidance on handling dismissals.
- Guidance on steps managers can take if they cannot execute the required procedures before the employee separates.

Best practices also indicate the need for specific procedures for processing employee separations, which are summarized in Exhibit 2.

EXHIBIT 2 Employee Separation Best Practices at Surveyed Organizations			
Best Practice (by Management)	When	Backup Control	Considerations for Dismissals
<b>Revoking Access to Premises</b>			
Certify that badges and keys have been collected and returned to unit that tracks them.	On or before employee's last day	Consider changing the locks.	Terminate access immediately.
Terminate physical access by collecting keys, access card, and photo ID.	On or before employee's last day	Confirm with security unit that access has been terminated.	Restrict area to which dismissed employees have access between dismissal and actual departure from the premises.
<b>Revoking IT Access</b>			
Certify that request for account termination was submitted to unit controlling IT access.	Before employee's last day	Periodically check that all separated employees' accounts have been terminated.	Disable system access as soon as possible, preferably just before employee is notified of dismissal. Immediately inform appropriate security officials and IT managers of time that employee was notified.
Terminate IT access by deleting or disabling user account.	In a timely manner		
<b>Collection of City Property</b>			
Certify that city property has been collected.*	On or before employee's last day	Continue to pursue collection of items.	Same process for all separations.
* Note: Another best practice is that the manager of a separating employee should contact all units responsible for tracking and collecting items at least ten days before the employee separates to allow the units to collect any items for which they are responsible.			

Source: Auditor's analysis

*Best practices for tracking  
of access and property*

The City should ensure that physical and IT access and property issued to employees is tracked so that this access can be revoked and property can be collected when employees separate. Additional best practices and city policies require that departments track what access and property is assigned to employees:

- The Controller's Accounting Policies & Procedures 2016 Edition (Controller's Accounting Policies) require that departments maintain inventory records of all their equipment and reconcile those records and the equipment yearly. This includes recording the locations of equipment (such as laptop computers) and to whom they were issued.
- According to the National Institute of Standards and Technology's *Framework for Improving Critical Infrastructure Cybersecurity* (NIST Cybersecurity Framework), identities and credentials must be managed for authorized devices and users, physical access to assets must be managed and protected, and remote access to systems must be managed.

By not implementing a comprehensive citywide separation policy that includes guidance for tracking access and property, the City increases the risk that departments will not handle employee separations appropriately and within a reasonable timeframe, which, in turn, increases the risk that former employees will improperly access confidential information or premises and that the City will incur unnecessary costs to replace property.

*The systems for tracking  
assets vary across  
departments.*

In addition to not having clear guidelines on tracking assets issued to employees, departments do not use one system for tracking assets issued to employees, and some units do not have a tracking system at all. These units could benefit from having a single, citywide system.

The Department of Technology (DT) and Airport use a system for tracking items issued to employees, ServiceNow, which is available to other city departments, according to DT management.

*Contractor separations should also be tracked.*

In addition to monitoring employee separations, contractor separations must also be tracked. For example, Public Health did not always track or deactivate contractor access to buildings and systems, which could lead to unauthorized access by contractors to systems and premises where records are kept. The lack of city policy guidance for separations may have been a contributing factor.

**Recommendation**

1. The Office of the Controller should collaborate with the Department of Human Resources and Department of Technology to create a comprehensive policy that is consistent with best practices to guide departments and agencies in conducting employee separations, including policies on how to:

- a. Track and collect city property issued to employees.
- b. Revoke access to buildings within a stated timeframe.
- c. Track and revoke system access within a stated timeframe.

The policy should also provide guidance for aspects of contractor separations, including revoking access to buildings and systems.

The comprehensive policy should serve as a checklist to city departments and include:

- Each process that must be performed to separate an employee.
- When each process must be completed (often before or on the day of the employee's departure).
- The party or parties responsible for each process. The policies should require employees—the employee who is separating, his or her supervisor, and a manager from each of the units that track property and access to premises—to sign the checklist, certifying that property was

collected and access to premises was terminated in the timeframe required.

- Special guidance regarding handling “unfriendly” separations or dismissals.
- Guidance on steps management can take in case it cannot execute the necessary processes before the employee separates.

**Finding 2**

**Employee separation processes at the Airport and Public Health need improvement.**

The audits of the Airport and of Public Health, issued in April and October 2016, respectively, revealed that employee separation processes at the departments need improvement. The lack of comprehensive citywide employee separation policies may have been a contributing factor for the noted control weaknesses in the departments’ processes, as discussed in Finding 1. Neither department deactivated all badges and IT accounts in a timely manner, and Public Health did not have appropriate mechanisms for tracking and collecting city property issued to employees.

Exhibit 3 summarizes the control deficiencies identified and the corresponding recommendations made to the two departments.



EXHIBIT 3	Weaknesses in Employee Separation Processes Must Be Remedied to Mitigate a Variety of Risks				
Finding	Department		Risk	Best Practice or City Requirement	Recommendation
	Airport	Public Health			
Badges are not deactivated in a timely manner, and/or key issuances and returns are not tracked.	X	X	Premises can be accessed improperly, which could put city property, information, or personnel at greater risk.	Keys, access cards, and photo IDs must be returned before or on the employee's separation date.	<p>Departments should:</p> <ol style="list-style-type: none"><li>2. Ensure that badge access for separated employees is terminated on the day the employee separates.</li><li>3. Create and update procedures to ensure that staff involved in the separation process understands its responsibilities and the timeframe within which they must be accomplished.</li><li>4. Track to whom each key was issued and document that it was collected when the key holder separated.</li><li>5. Ensure that a process exists to notify those who deactivate building access of separations no later than 24 hours after the employee's separation.</li></ol>
Insufficient policy or no policy exists on physical access termination.	X	X		Require managers to certify that they have collected badges and keys before or on the employee's separation date and confirm that access badges have been terminated.	
No process exists to notify those responsible for badge deactivation that the employee is separating.		X			
In some cases, written policies exist, but those responsible for carrying them out do not follow or are unaware of them.		X			

Finding	Department		Risk	Best Practice or City Requirement	Recommendation
	Airport	Public Health			
IT accounts are deactivated in an untimely manner.	X	X	Former employees may improperly access systems, putting confidential data at risk.	Require managers to certify that they submitted a request for account termination to the unit controlling IT access before the employee's last day and that access is terminated in a timely manner.	<p>6. Ensure that a process exists to notify those who deactivate IT access of separations no later than 24 hours after the employee's separation.</p> <p>7. Implement a policy that the departments must deactivate employees' system accounts after notification of an employee separation and ensure that the policy is followed. In the case of an employee's removal under involuntary or adverse circumstances, ensure that access is deactivated at the time the employee is advised of the dismissal.</p>
IT accounts are not deactivated at all.		X			
No policy exists on when IT access should be terminated, and/or no processes exist to notify those responsible for deactivation of IT accounts that the employee is separating. In some cases, written policies exist, but those responsible for executing them do not follow them or are unaware of them.	X	X		For dismissals, disable system access as quickly as possible, preferably just before the employee is notified of his or her dismissal. Immediately inform the appropriate security officials and IT managers of the time the employee was notified of dismissal.	
Departments do not have lists of the systems to which each employee has been given access.		X	IT units will not know an employee has access to one or more systems and, thus, will not deactivate all accounts when the employee separates, putting confidential data at risk.	According to the NIST Cybersecurity Framework, identities and credentials must be managed for authorized devices and users.	

Finding	Department		Risk	Best Practice or City Requirement	Recommendation
	Airport	Public Health			
No process exists requiring managers to check what items were issued to employees to ensure the items are collected.	X		Those charged with collecting items from separating employees may not know all the items that had been issued to the employee and, therefore, fail to collect them.	City property should be collected before or on the employee's separation date.	8. Create and enforce a policy instructing managers on the tasks they must perform in the separation process, including obtaining an inventory of items that had been issued to the separating employee before the employee's departure and using this inventory to ensure that the items have been collected.  9. Ensure that managers follow separation procedures for each separating employee, including filling out and retaining any required forms.  10. Require every unit to track the items it issues to each employee in sufficient detail to identify the individual item and track whether the item was collected.  11. Require managers to collect the items from the employee before the employee separates and provide the collected items to the unit in charge of tracking issuance and collection.
Managers do not consistently follow the required procedure for documenting the collection of city property.	X		Departments may unnecessarily incur costs to replace items and compromise confidential data on devices that had been issued to the employee.	The Controller's Accounting Policies require that departments maintain records of all equipment and reconcile the inventory of their equipment once a year. This includes recording the locations of items and to whom they were issued.	
Items issued to and collected from employees are insufficiently tracked.		X			

Finding	Department		Risk	Best Practice or City Requirement	Recommendation
	Airport	Public Health			
Contractor access to buildings and systems is not tracked and is not always appropriately deactivated.	Not Applicable*	X	May lead to unauthorized access by contractors to systems and premises where records are kept.	Contractor access should be revoked in a timely manner, in keeping with the best practices for revoking access for employees. To facilitate this, departments need to track what contractors they employ and what access is given to them so that the access can be revoked appropriately.	<p>12. Track contractor access separately in all badging and information technology systems and check with contracting agencies monthly as to whether each of their employees should still have access to the premises and information technology systems.</p> <p>13. Ensure that, when each contractor badge is issued, it is assigned an expiration date.</p>

\*Note: Audit testing at the Airport covered employees only.  
Source: Audit reports

**Finding 3**

The Airport and Public Health concur with all of CSA's findings and agree to implement all 17 recommendations.

Both departments concurred with all of CSA's findings and agreed to implement all 17 recommendations, considering them feasible. The Controller will also collaborate with Human Resources to ensure that a comprehensive citywide policy regarding separation processes is created and made available to departments.

City departments should continue to focus on improving their employee separation procedures. Effective controls over employee separations are beneficial in every operation and help safeguard the City's confidential data, systems, premises, and property.

## APPENDIX A: LINKS TO PUBLISHED AUDIT REPORTS

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<u>Department</u>	<u>Issuance Date</u>	<u>Report Name and Web Link</u>
Airport Commission (San Francisco International Airport)	April 26, 2016	<i>The Airport's Employee Separation Process Needs Improvement to Minimize the Risk of Unauthorized Access to Premises or Data and to Ensure That Airport Property Is Collected</i>  <a href="http://openbook.sfgov.org/webreports/details3.aspx?id=2293">http://openbook.sfgov.org/webreports/details3.aspx?id=2293</a>
Department of Public Health	October 12, 2016	<i>Public Health's Employee Separation Process Needs Improvement to Minimize the Risk of Unauthorized Access to Buildings, Property, and Data</i>  <a href="http://openbook.sfgov.org/webreports/details3.aspx?id=2366">http://openbook.sfgov.org/webreports/details3.aspx?id=2366</a>

## APPENDIX B: DEPARTMENT RESPONSE

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**OFFICE OF THE CONTROLLER**  
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield  
Controller  
Todd Rydstrom  
Deputy Controller

January 30, 2018

Tonia Ledju  
Chief Audit Executive  
Office of the Controller, City Services Auditor Division  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Ledju:

I would like to thank you and the City Services Auditor Team for the important work on this audit.

The Controller's Office concurs with the recommendation and will move forward accordingly, collaborating with the Department of Human Resources and the Department of Technology on the creation of policies and checklist to guide city departments and agencies in conducting employee separations.

If you have any questions or need additional information, please contact me directly.

Respectfully,



Todd L. Rydstrom  
Deputy Controller

CC: Ben Rosenfield, Controller

For each recommendation, the responsible agency should indicate whether it concurs, does not concur, or partially concurs. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

## RECOMMENDATION AND RESPONSE

Recommendation	Agency Response	CSA Use Only Status Determination <sup>1</sup>
<p>1. The Office of the Controller should collaborate with the Department of Human Resources and Department of Technology to create a comprehensive policy that is consistent with best practices to guide departments and agencies in conducting employee separations, including policies on how to:</p> <ul style="list-style-type: none"> <li>a. Track and collect city property issued to employees.</li> <li>b. Revoke access to buildings within a stated timeframe.</li> <li>c. Track and revoke system access within a stated timeframe.</li> </ul> <p>The policy should also provide guidance for aspects of contractor separations, including revoking access to buildings and systems.</p> <p>The comprehensive policy should serve as a checklist to city departments and include:</p> <ul style="list-style-type: none"> <li>• Each process that must be performed to separate an employee.</li> <li>• When each process must be completed (often before or on the day of the employee's departure).</li> <li>• The party or parties responsible for each process. The policies should require employees—the employee who is separating, his or her supervisor, and a manager from each of the units that track property and access to premises—to sign the checklist, certifying that property was collected and access to premises was terminated in the timeframe required.</li> <li>• Special guidance regarding handling "unfriendly" separations or dismissals.</li> <li>• Guidance on steps management can take in case it cannot execute the necessary processes before the employee separates.</li> </ul>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The Controller's Office concurs with the recommendation and will move forward accordingly, collaborating with the Department of Human Resources and the Department of Technology on the creation of policies and checklist to guide city departments and agencies in conducting employee separations.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

<sup>1</sup> Status Determination based on audit team's review of the agency's response and proposed corrective action.



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**From:** Reports, Controller (CON)  
**Sent:** Thursday, February 01, 2018 12:45 PM  
**To:** Calvillo, Angela (BOS); Mchugh, Eileen (BOS); BOS-Legislative Aides; BOS-Supervisors; Elliott, Jason (MYR); Howard, Kate (MYR); Whitehouse, Melissa (MYR); Hussey, Deirdre (MYR); Canale, Ellen (MYR); Tugbenyoh, Mawuli (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); Docs, SF (LIB); Rosenfield, Ben (CON); Rydstrom, Todd (CON); Lane, Maura (CON); Garcia, Barbara (DPH); Wagner, Greg (DPH); Inouye, Valerie (DPH); Cao, Stella (DPH); Abanilla, Kathleen (DPH); ELIZONDO, VIRGINIA DARIO (CAT)  
**Subject:** Issued: Controller's Office Review of 2017 Managed Care Contracts

Pursuant to the Department of Public Health's Managed Care Contracts Ordinance approved by the Board of Supervisors in 2016, the Controller's Office provides a year-end review of term and reimbursement rates for contracts in which DPH provides health services in a managed care arrangement with insurers and which exceed \$1 million in revenue. During the 2017 calendar year this included two contract amendments with the San Francisco Health Plan. These amendments updated some of the reimbursement rates for the longstanding services DPH and local entities provide to San Francisco's low-income population, including Medi-Cal.

To view the full memorandum, please visit our Web site  
at: <http://openbook.sfgov.org/webreports/details3.aspx?id=2535>  
This is a send-only e-mail address.

For questions about the memorandum, please contact Michael Wylie at [michael.wylie@sfgov.org](mailto:michael.wylie@sfgov.org)

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**OFFICE OF THE CONTROLLER**  
**CITY AND COUNTY OF SAN FRANCISCO**

Ben Rosenfield  
Controller

Todd Rydstrom  
Deputy Controller

## MEMORANDUM

**TO:** Barbara Garcia, Director  
Greg Wagner, Chief Fiscal Officer  
Department of Public Health (DPH)

**FROM:** Carla Beak, Performance Analyst  
Michael Wylie, Project Manager  
City Performance Unit, City Services Auditor

**DATE:** February 1, 2018

**SUBJECT:** Controller's Office Review of 2017 Managed Care Contracts Pursuant to the Contracts Waiver Ordinance in Administrative Code Section 21A.3

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### Executive Summary

Under Administrative Code Section 21A.3, the Controller's Office is directed to provide a review of the terms of any contracts utilizing this code's waiver of the City and County of San Francisco's (the City's) regular contract approval process. This review includes conducting an analysis in coordination with the Department of Public Health (DPH) of the payment rates for health services in any new managed care contracts.

The Controller's Office review of managed care contracts negotiated by DPH in 2017 has found that they meet the terms and intent of Administrative Code Section 21A.3 (hereafter referred to as the "ordinance"). This memorandum summarizes these reviews. The Controller's Office has provided more detail of its reviews via a confidential memo to DPH, which includes negotiated contract rate specifics.

The contract changes occurring in 2017 only included contract amendments to the public plan between DPH (doing business as the SF Health Network or SFHN) and the San Francisco Health Plan (SFHP). There were no new contracts negotiated and concluded in 2017. Thus our review included SFHN-SFHP Amendment Number Forty-Six which updates rates applied to hospital services provided by SFHN as a part of the Community Health Network (CHN) medical group, and Amendment Number Eight which updates rates applied to hospital services provided by SFHN for the North East Medical Services (NMS) medical group.

The overall contract with SFHP is based on the longstanding relationship between various City entities and community providers to provide health services to the City's low-income population. The gross revenue from the contract in 2017 was \$155 million. The contract contains the provisions for both

capitated payments and fee-for-service arrangements. While the contract waiver ordinance was created to support and expedite new managed care contracts with commercial plans, the amendments with SFHP in general met the requirements for review outlined in the ordinance since they involved changes in rates.

The Controller's Office has completed its review of the SFHP contract amendments and found its terms and rates in compliance with ordinance 21A.3. The review's findings include:

- The contract is anticipated to generate over \$1 million in reimbursements or revenue to the City to provide health care services at DPH facilities (thus falling under the ordinance)
- The rates of reimbursement for health services contained in the agreement met the terms outlined in the ordinance
- As this agreement and relationship has no specified termination date the contract term does not fall within the timeframe of the ordinance (ending by December 31, 2020)

The Controller's Office considers the lack of a specified termination date immaterial to the review's conclusions because this contract represents the longstanding and ongoing relationship between SFHP, DPH, the Health Services Agency (HSA) and other organizations to provide health services to the City's low-income population via Medi-Cal and other programs, which serve their collective public mission (rather than the purposes of a commercial contract).

Please contact Michael Wylie (415-554-7570) or Carla Beak (415-554-7819) of the Controller's Office if you have any questions on this memorandum.

## Background

In 2014, acting under Charter Section 9.118, the Board of Supervisors delegated authority to the Director of Health to enter into managed care contracts with insurance companies or other health plans for services provided at DPH facilities. The Controller's Office is tasked with performing a review and approval of the term and rates in these managed care contracts as outlined in the enacted ordinance<sup>1</sup> (Administrative Code Section 21A.3).

The ordinance outlines three main conditions that should apply to contracts entered into under the waiver of the regular contract approval process:

- The waiver applies to contracts anticipated to generate over \$1 million in revenue.
- The rates of reimbursement in the contract should be equal to or higher than comparable California Department of Health Care Services (DHCS) Medi-Cal rates.
- The contracts shall terminate no later than December 31, 2020.

The ordinance requires that the Controller's Office report on the reviews that it performed in the preceding calendar year. This memorandum is being submitted to fulfill this reporting obligation.

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<sup>1</sup> [http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter21ahealth-relatedcommoditiesandse?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_21A.3](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter21ahealth-relatedcommoditiesandse?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_21A.3)



## Contract Rate Reviews

As stated above, during 2017 DPH amended its managed care contracts with SFHP, a relationship which in total grosses \$155 million in revenue and thus met the \$1 million threshold in the ordinance<sup>2</sup>.

The ordinance also required that new contracts processed under the waiver should terminate no later than December 31, 2020. The SFHP amendments of 2017 do not have end dates associated with them. Rather, the amendments are superseded by subsequent rate amendments, when the rates are changed by DHCS. The Controller's Office considers the lack of a term, in the amendments and in the underlying agreements, immaterial to the conclusions of its review due to the mutually established, long term relationship between SFHP, DPH, HSA and other organizations involved in administering health services to low-income residents of San Francisco via Medi-Cal and other programs<sup>3</sup>. See Table 1 below for a summary of these ordinance conditions.

**Table 1. Summary of Contract Value and Term**

Insurer	Gross Revenue (2017)	Greater than \$1 million	Term of Contract	Terminates by 12/31/2020
San Francisco Health Plan	\$153 million (capitation) \$2 million (fee-for-service)	✓	Effective January 1, 2018 No term end date	X (immaterial)

As required under the ordinance, the Controller's Office undertook a review of the contract reimbursement rates. The negotiated rates are considered confidential and not included in this public memorandum (the City Attorney has confirmed that under the California Welfare & Institutions Code § 14087.36(w), and San Francisco Administrative Code 67.24(e)(2), managed care rates are exempt from disclosure for three years). As such, this memorandum provides the following overview of the methodology used for the rate reviews and summarizes compliance with the ordinance.

### 1. Fee-for-Service Reimbursement

As stated above, per the ordinance the DHCS-published Medi-Cal fee-for-service rates are to be used as the benchmark for contract rates.

#### Inpatient Services

In fiscal year 2013-14, DHCS changed their inpatient rate payment system dramatically, implementing a diagnosis related group (DRG) inpatient payment methodology instead of a per diem rate. Effective January 2018, DPH has also adopted the DRG payment methodology in its contract with SFHP, allowing the Controller's Office to more directly compare contract rates to the Medi-Cal benchmark.

#### Outpatient Services

<sup>2</sup> While the ordinance was written to create a process for DPH to enter into new managed care contracts more efficiently, the City Attorney's office confirmed that the ordinance should apply to the renewal or amendments of existing managed care contracts as well.

<sup>3</sup> <http://www.sfhp.org/us/>

#### 4 | Controller's Office Review of 2017 Managed Care Contracts

For outpatient services provided under the contract, the Medi-Cal Fee Schedule was used as the billing reference, so the rates listed in the contract were sufficient to review compliance with the ordinance.

Tables 2 below provides an overview of the services present in the contracts. A checkmark indicates that the contract rate is equal to or greater than the benchmark as stated under the ordinance. The Controller's Office found that the contract rates met the terms of the ordinance.

**Table 2. Summary of SFHP/SFHN-CHN and SFHP/SFHN-NMS Fee-For-Service Rate Review Results**

Service		Contract Equal to or Higher than Medi-Cal Benchmark	
		Amendment #46 – CHN	Amendment #8 – NMS
<b>Inpatient Services</b>	Inpatient Services	✓	✓
	Distinct-Part Skilled Nursing Facility (SNF) Services (if applicable)	✓	✓
	Subacute Services (if applicable)	✓	✓
	Acute Intensive Rehabilitation (AIR) Services (if applicable)	✓	✓
	Administrative Days	✓	✓
<b>Outpatient Services</b>	Outpatient Services	✓	✓
	Outpatient Services Not Listed or Valued by Medi-Cal	Note 1	Note 1

Note 1 = Services not listed by Medi-Cal would not have a benchmark. The rate is based on provider feedback and industry standards, according to SFHP.

#### 2. Capitated Reimbursement

The majority of revenue from the CHN and NMS amendments to the SFHP contract comes from capitated payments received for members enrolled to receive hospital and/or primary care services from SFHN. Members are enrolled in one of three programs: Medi-Cal, Healthy Kids or Healthy Workers.

#### Medi-Cal: Gross Rates

The managed care contract ordinance states that DHCS Medi-Cal rates are to be used as the benchmark for contract rates. The Controller's Office requested and SFHP provided the documentation it receives from DHCS when reimbursement rates and categories are updated at the state level. These rates represent the gross rates received for each member based on their Aid Category<sup>4</sup>. The Controller's Office confirmed that the gross rates used to develop the DPH-SFHP contract rates are based on the DHCS gross rates.

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<sup>4</sup> As of January 2017, DHCS Aid Categories include: Child, Adult, Seniors and Persons with Disabilities (SPD), SPD/Full-Dual, Breast and Cervical Cancer Treatment Program (BCCTP), Maternity, Affordable Care Act (ACA) Optional Expansion – Adult, and ACA Optional Expansion – Maternity.

### Medi-Cal: Net Rates

Gross rates entered into any contract would typically be certified by the state. Therefore, they would not serve as a rigorous benchmark for ensuring the net reimbursements received are equal to or higher than what SFHN would be reimbursed for an equivalent Medi-Cal member. As such, the Controller's Office also evaluated the Gross Premium Rates, which are the rate after accounting for taxes, carve-outs and administrative fees paid to SFHP. The Controller's Office confirmed that this rate was calculated and presented in the contract accurately. We also confirmed that the SFHP rates do not exceed a "Medical Loss Ratio" (MLR) of 15%<sup>5</sup>, which is a standard used in the Affordable Care Act for premium dollars not going directly to medical care.

### Healthy Kids HMO and Health Workers HMO

As the Healthy Kids and Healthy Workers are City-mandated and operated programs, the gross capitation rates are the result of negotiations between the City entities involved, rather than being set by DHCS. Thus there is no direct benchmark for comparison to these programs. The Controller's Office considers lack of a direct benchmark to be immaterial to the conclusions of this review of the amendments because of the shared public mission to serve low-income populations through these two programs, and the cooperative nature by which the rates have historically been generated between SFHP and various City agencies (including the HSA IHSS Public Authority for the Healthy Workers HMO).

The detailed findings of this portion of the review have been shared with DPH.

## **Conclusions**

The Controller's Office reviewed the contract amendments negotiated by DPH in 2017 and found that they met the terms and intent of Administrative Code Section 21A.3.

In the course of performing this review, the Controller's Office noted several key recommendations from last year that have been addressed in the 2017 addendums. Moving forward, we recommend DPH continue to prioritize data collection, analytical, and reporting improvements to best calculate DPH's costs of providing care, which can bridge the remaining gaps in knowledge between proposed reimbursements and actual costs, and thus be utilized in future contract negotiations.

The Controller's Office has provided DPH detailed reporting of this contract amendment review via confidential memo. That memo provides greater detail on the rate review and its findings, directly referencing the specific contract rates which constitute proprietary and confidential information<sup>6</sup> due to the competitive healthcare environment.

Please contact Michael Wylie (415-554-7570) or Carla Beak (415-554-7819) of the Controller's Office if you have any questions regarding this review.

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<sup>5</sup> The Affordable Care Act (ACA) requires health insurance issuers to submit data on the proportion of premium revenues spent on clinical services and quality improvement, also known as the Medical Loss Ratio (MLR). The ACA requires insurance companies to spend at least 80% or 85% of premium dollars on medical care.

<sup>6</sup> California Welfare & Institutions Code § 14087.36(w) and San Francisco Administrative Code 67.24(e)(2)

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 3:15 PM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: 1526 Wallace Avenue - Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption  
**Attachments:** Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption with Exhibits [020218].pdf

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**From:** Cecilia De Leon [mailto:cdeleon@reubenlaw.com]  
**Sent:** Friday, February 02, 2018 11:41 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Chandler, Mathew (CPC) <mathew.chandler@sfgov.org>; Daniel Frattin <dfrattin@reubenlaw.com>; Chloe V. Angelis <cangelis@reubenlaw.com>; Abdul Ahmed <Abdulgused@yahoo.com>  
**Subject:** 1526 Wallace Avenue - Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption

Dear Board of Supervisors:

Please find attached Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption and supporting documents regarding the project at 1526 Wallace Avenue, scheduled for hearing before the Board of Supervisors on February 13, 2018. Hard copy and a CD of the brief are forthcoming to your office by noon today.

Thank you for your assistance.

## REUBEN, JUNIUS & ROSE, LLP

Cecilia de Leon, Assistant to Daniel A. Frattin  
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[cdeleon@reubenlaw.com](mailto:cdeleon@reubenlaw.com)  
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San Francisco, CA 94104	Oakland, CA 94607



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# REUBEN, JUNIUS & ROSE, LLP

February 2, 2018

**Delivered via E-mail and Messenger**

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

**Re: 1526 Wallace Avenue, Saba Live  
Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption  
Hearing Date: February 13, 2018  
Our File No.: 10849.01**

Dear President Breed and Supervisors:

This office represents Abdul Mused, owner of Saba Live Poultry ("Saba Live"). In November, the Planning Commission unanimously approved a Conditional Use ("CU") for Mr. Mused to open San Francisco's first and only live Halal butcher shop on Wallace Avenue in the Bayview ("Project") (CU Authorization attached at **Exhibit A**). The 2,100-square-foot facility would provide direct-to-consumer sales of freshly processed poultry in a building that was, until recently, used as a 24-hour auto-and heavy-truck towing service with a fleet of five tow trucks.

The Animal Legal Defense Fund ("ALDF") appealed the CatEx for the Project, but did not appeal the CU. We urge the Board of Supervisors to reject the appeal, because:

- **A small-scale change of use is exactly what categorical exemptions are for.** At 2,100 square feet, the change of use from an automobile tow service to a livestock processing facility is exactly the type of project that is supposed to be exempt under CEQA. (See p. 9.)
- **Saba's Oakland shop has operated for five years next to a residence without complaint.** With approximately 600 birds and some larger animals, Saba Live's Oakland shop has already proven that its small-scale use does not result in significant impacts and has not received complaints from neighbors regarding noise or odors. (See p. 19.) The physical layout and nature of operations ensure that the Project will similarly be a good neighbor that is less intensive than the prior use of the site and the many industrial uses nearby. (See p. 4-7.)



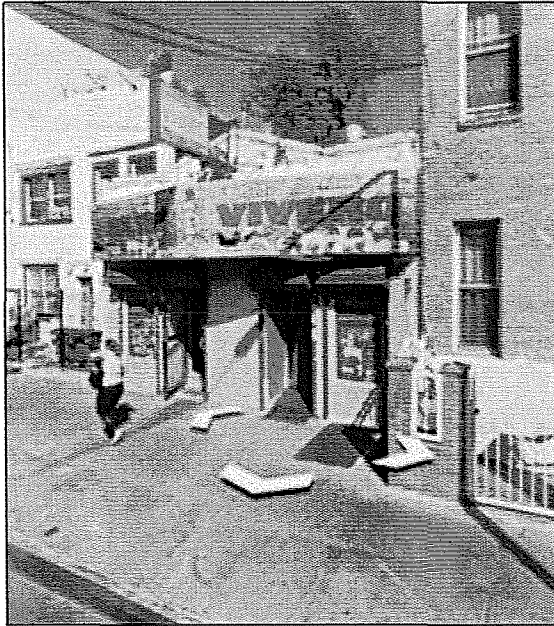
- **There are no unusual circumstances that defeat the exemption: facilities that handle live animals and/or process meat are common and operate without significant impacts throughout the City.** Saba Live's characteristics are similar to other uses—pet boarding facilities, butchers and grocery stores, live fish markets—that handle live animals, process meat and fish, and dispose of waste and byproducts in mixed-use settings throughout San Francisco. (See p. 9-12.)
- **No significant air quality impacts will occur.** The small volume of trucks that will serve Saba will reduce overall truck traffic compared to the prior use and are typical for a small business. (See p. 11-13.) Saba's Oakland facility has operated without odor complaints for five years. The design and operations proposed here ensure the same will be true of this facility. (See p. 4-7; 19.)
- **State, federal, and local regulations ensure a safe, sanitary operation that properly disposes of waste and wastewater.** Food processing facilities in San Francisco are comprehensively regulated. Animal waste and byproducts cannot be disposed of in the regular garbage, solid waste cannot be put into the municipal sewage system, and off-haul of animal byproducts is regulated for safety and hygiene. Permitting and inspection requirements are in place to enforce these regulations, as well as laws governing the humane treatment of animals and hygienic handling of food. (See p. 15-18.)
- **The inflated impacts alleged by the ALDF are based on studies of massive agribusinesses in loosely regulated environments.** The ALDF attempts to inflate the impacts of Saba Live by ignoring the more intensive use that preceded it and relying on studies of industrial scale operations. With 500 chickens, Saba Live will not be remotely similar to the 182,000-chicken facility or 10,000+ hog farm, which the ALDF uses to support its claims of significant environmental impacts. (See p. 13-15.)

#### A. Overview of Saba Live

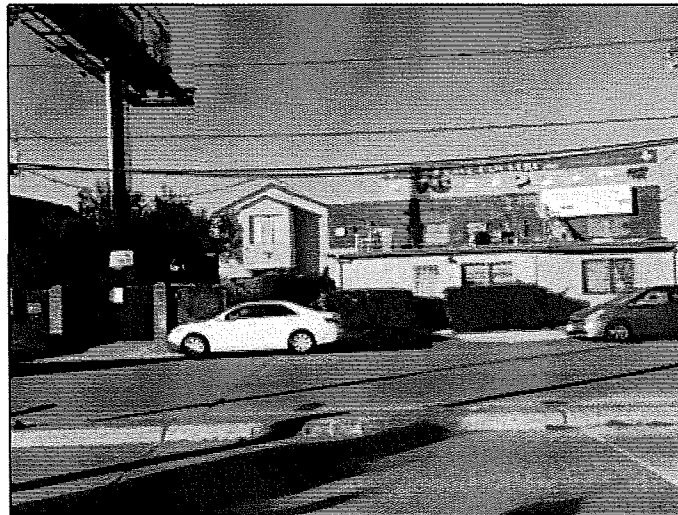
##### 1. Background

Saba Live is a family-owned business that currently operates nine Halal live butcher shops. These are small poultry processing shops that handle meat according to Islamic dietary traditions and have direct-to-consumer sales on site. The Project would be the only the live Halal butcher shop in San Francisco, and Saba's second in the Bay Area. Its Fruitvale shop in Oakland has been operating successfully for approximately five years. The San Francisco location would handle poultry exclusively.

**Examples Saba Live East Coast Facilities**



**Saba Live Oakland Facility**



Halal generally refers to what is permissible or lawful in Islamic tradition, and here, to animals raised and prepared specifically according to traditional practices, which are similar to those in the kosher tradition. While many consumers may want to keep their distance from what happens to animals between the farm and their kitchens, some consumers, both Muslim and non, prefer to see the conditions in which live animals are kept and how they are prepared for consumption. Saba Live takes a lifecycle approach to the final product it sells. While the chickens are being raised, they are fed on a vegetarian diet, treated humanely, have access to the outdoors,

and kept healthy. The chickens will be sourced from the Bay Area and Central Valley by Pitman Family Farms, which sells in supermarkets under the Mary's Free Range Chicken brand.

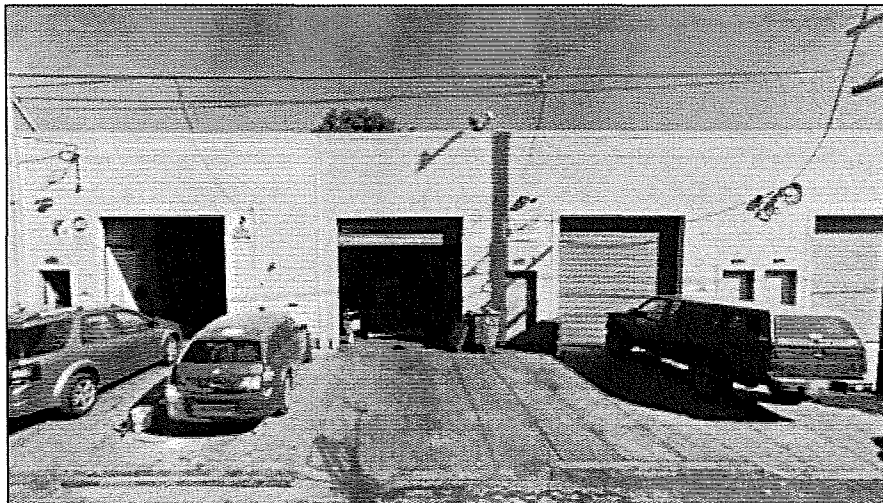
Saba Live's customers come primarily from immigrant communities—mostly Asians, Latinos, and Muslims—which make up about 80% of Saba Live's Oakland customers. The majority of patrons are not Muslim, but instead are people who prefer fresh meat from a small-scale facility where they can see into the processing area and select their own bird, versus a plastic-wrapped product from industrial scale production facilities. Many of Saba Live's 20-30 daily customers travel long distances and buy in bulk due to the dearth of Halal and live butchers. To our knowledge, Saba Live's facility in Oakland is the only live Halal butcher in the Bay Area.

## 2. The Wallace Avenue Property

### *a. Prior Use: Auto & Heavy Truck Towing*

The 2,100-square-foot Property was previously occupied by "Charles Tow Service," which offered auto and heavy truck towing services from the Property with a fleet of five tow trucks.<sup>1</sup> (See SFPD Police Permit, attached at **Exhibit B**.) The Project proposes to convert the existing space to a small-scale Halal poultry processing facility.

1526 Wallace Ave.



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<sup>1</sup> Police Permit No. 143897, San Francisco Police Department, Chief of Police Hearing Results for July 15, 2015.

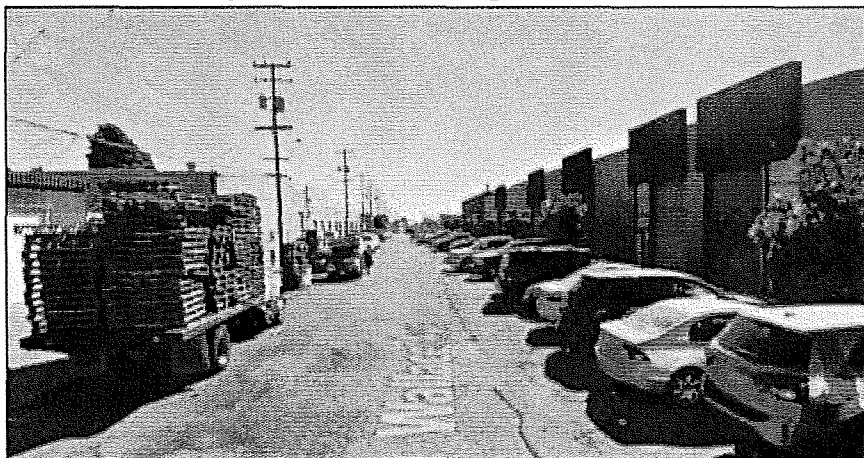
***b. Zoning & Nearby Uses***

The Wallace Avenue site is in a PDR-2 (Core Production, Distribution, and Repair) District within walking distance of MUNI's T-Third line. The PDR-2 District encourages:

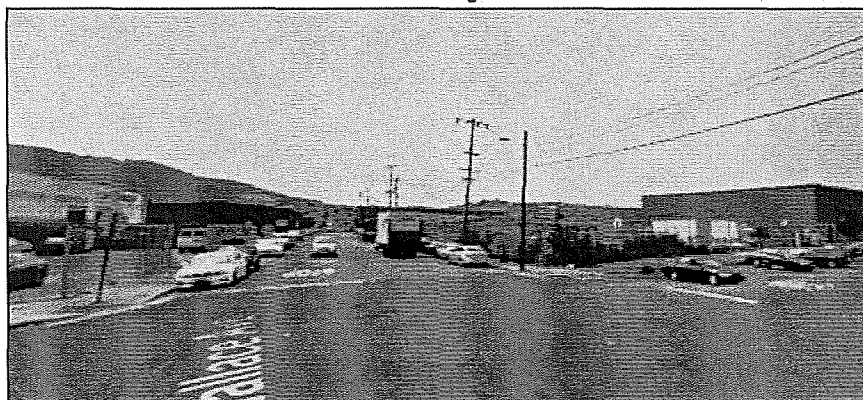
[T]he introduction, intensification, and protection of a wide range of light and contemporary industrial activities . . . Light industrial uses in this District may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. . . . As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law...<sup>2</sup>

Consistent with this designation, surrounding uses on the block include a number of noisy auto-body and metal-working shops, active storage yards, and buildings with high-volumes of truck traffic.

**Wallace Ave., Project Site Block looking East**



**Intersection of Wallace Ave. and Jennings St.**



<sup>2</sup> Plan. Code § 210.3.

**Intersection of Wallace Ave. and Ingalls St.**



### **3. The Project and Operations**

#### ***a. Physical Changes to the Building***

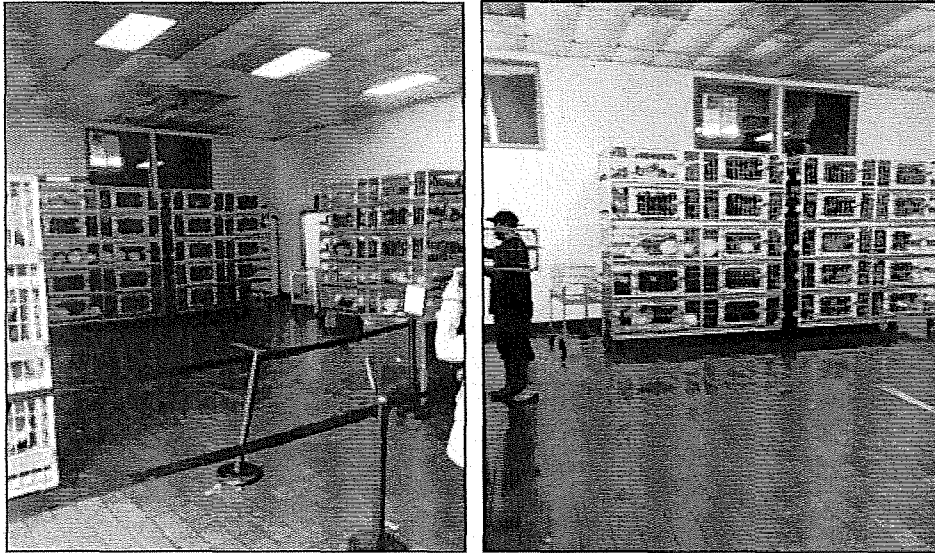
The existing building is an enclosed structure without windows and a loading bay fronting the street. The Project will make minimal exterior alterations, and has been designed to minimize noise and odors. Noise from the chickens will be minimal, as the animals are stored at the rear of the building with no openings to the exterior and will be separated from the customer service area by a solid wall. The customer service area, in turn, is separated from the street by a steel door and enclosed entry hall.

Air will be exhausted from the facility with a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney. Air is discharged from the fan at 3,000 feet per minute, sufficient velocity to send it more than 50 feet above ground level before it dissipates into the atmosphere. The ventilation system will minimize any perceptible odor in the immediate vicinity of the site. Other tenant improvements include the installation of grease traps to capture solids before they enter the sewer system, installation of sinks and electrical machinery to clean, de-feather, and butcher chickens, and construction of a walk-in cooler for temporary storage of animal waste and byproducts.

#### ***b. Operations***

Saba Live anticipates storing approximately 500 birds on-site on a typical day, slightly fewer than their Oakland facility pictured below. This will support daily sales of 200-400 birds, with higher numbers during peak holiday sales. There will be no other animals on-site besides poultry. The company plans to hire their 5 to 10 employees locally by advertising in the local newspaper as well as with nearby mosques—a practice they use successfully at their Oakland location, where nearly all of their employees are local residents.

Poultry at Saba Live, Oakland



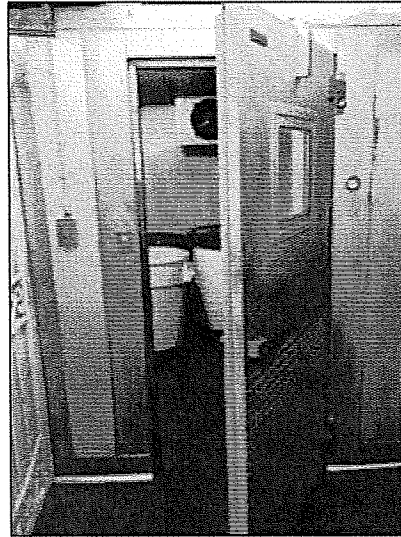
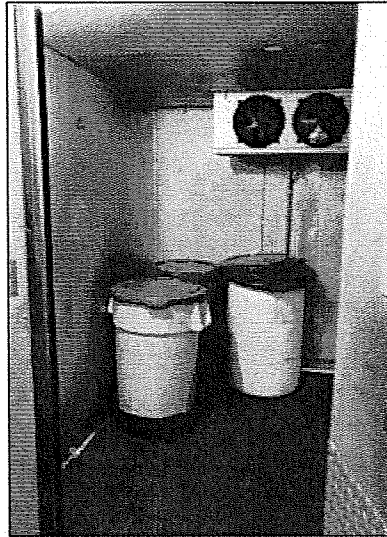
Trucking to and from the facility will be typical for, or less than that of, any other small industrial use. Poultry will be sourced from the outer Bay Area and Central Valley (not Pennsylvania, as ALDF repeatedly claims). The chickens will be supplied by Pitman Family Farms, which is well-known for Mary's Free Range Chicken. The chickens are raised on a vegetarian diet and most of the poultry sold by Saba Live is organic. From the farm, the chickens are trucked to the Property in a box truck, with 2-4 deliveries per week. Saba Live anticipates another 3-5 trucks per week to remove waste products. **At the busiest times of year, two trucks total are expected to serve the facility per day.**

When customers come to Saba Live, they identify a chicken for purchase, and the chicken's leg is identified with a number attached to a wire. Half of the ticket goes to the customer, the other half is attached to the chicken leg. The chicken is weighed for pricing before being transferred to the slaughter room. In accordance with Halal tradition, slaughters are conducted out of sight of the other animals. Prayers are said and then the chicken's throat is cut. Just as fast, it is transferred to a tank, which collects the blood. The chicken is then transferred to a hot water bath to ease plucking before it is placed in a large drum with rubber paddles that carry the chicken in a circle that removes the feathers. After plucking, the bird is taken to a cleaning room where its internal organs are removed quickly and delicately. The organs are put into a lined drum and the chicken is quickly chilled in a tank of water and ice before butchering according to customer specifications.

All drains within the building will have grease traps and filters to capture solids before they enter the sewer system. Animal waste will be collected in a tray of shallow water underneath the chicken cages. The trays are then collected and emptied daily into airtight drums that are then disposed of by an offsite vendor. All biodegradable materials are stored in sealed containers in a walk-in cooler. The drums housing internal organs are also sealed and stored in the walk-in cooler. Blood will be sealed in five-gallon packets and stored in the cooler as well. All waste would be collected and recycled by Darling International, Inc.



Waste Storage Containers



#### B. Legal Standard for Categorical Exemptions

Certain categories of projects are exempt from environmental review under CEQA, because they generally do not have significant effects on the environment. Where a project is exempt, no further environmental evaluation is required unless a recognized exception applies (e.g. there is a reasonable possibility of significant environmental effects due to unusual circumstances).<sup>3</sup>

The ALDF misstates the standard of review for a categorical exemption. **In order to prove that unusual circumstances defeat a categorical exemption, a challenger must demonstrate two things: (1) that there are unusual circumstances that distinguish a project from others in the exempt class, and (2) that there is a fair argument that a project will have significant environmental impacts due to those unusual circumstances.**<sup>4</sup>

The first step is to determine whether substantial evidence supports the agency's determination that there are no unusual circumstances. Contrary to ALDF's assertion, **there is a presumption in favor of the agency's determination**, and it must be upheld "if there is any substantial evidence, contradicted or uncontradicted, to support it."<sup>5</sup> Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument

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

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

<sup>5</sup> *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393; see also *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1128 ["when an agency has determined that a project falls within an exempt category, the project enjoys a considerable procedural advantage . . . When an agency finds that a project is subject to a categorical exemption, it impliedly finds that it has no significant environmental effect, and the burden shifts to the challengers of the proposed project to produce evidence that the project will have a significant effect."].

can be made to support a conclusion, even though other conclusions might be reached.”<sup>6</sup> “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”<sup>7</sup>

**The second inquiry is made only if there is no substantial evidence of unusual circumstances.** Here, the ALDF has the burden to demonstrate not just that the project could have a significant environmental effect, but that some feature of the project differs from the general circumstances of projects covered by a particular categorical exemption, and that those circumstances create a risk of environmental impacts that does not exist for the general class of exempt projects.<sup>8</sup> “Evidence that a project *may* have a significant effect is not alone enough to remove it from a class consisting of similar projects that the Secretary has found ‘*do not* have a significant effect on the environment.’”<sup>9</sup>

### **C. The Project Is Categorically Exempt from CEQA**

The ALDF mischaracterizes Saba Live’s operations, conflates the impacts of a small-scale facility with those of an industrial-scale operation, and misstates the standard of review that applies to a categorical exemption and an assertion of unusual circumstances. As demonstrated here, the 2,100-square-foot change of use from a tow service to a Halal poultry slaughterhouse is well within the parameters for a Class 1 and Class 3 exemption. The ALDF has not demonstrated that any unusual circumstances are present, nor, for that matter, has it made a fair argument that significant impacts would be caused by them.

#### **1. Project Falls Squarely within the Parameters for a Categorical Exemption.**

The Project qualifies for a Class 1 (existing facilities) and Class 3 (new construction or conversion of small structures) exemption. Class 1 applies to a project that “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing . . . structures.”<sup>10</sup> “The key consideration is whether the project involves negligible or no expansion of an existing use.”<sup>11</sup> (See CEQA Exemption Types, attached at **Exhibit C**.) Saba Live proposes a change of use from an automobile tow service to a livestock processing facility-1. It does not propose additional square footage or entail substantial construction, and is less intensive in terms of truck traffic volume than the prior use.

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

<sup>7</sup> CEQA Guidelines § 15384.

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

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

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

<sup>11</sup> SF Planning, CEQA Exemption Types (printed January 23, 2018).



The Project also qualifies for a Class 3 exemption. A Class 3 exemption will apply to a project that “consists of . . . the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”<sup>12</sup> In an urban area, a Class 3 exemption is available for up to four commercial buildings up to 10,000 square feet on sites zoned for the proposed use.<sup>13</sup> San Francisco is considered an urban area for the purposes of a Class 3 exemption, and the Planning Department’s own categorical exemption guidelines explicitly state that “New construction and **changes of use of industrial uses are also included when 10,000 square feet or less.**”<sup>14</sup> Saba Live proposes to occupy only 2,100 square feet of an existing industrial structure in an urbanized area, it therefore also qualifies for a Class 3 exemption.

**2. There are no unusual circumstances.**

The ALDF has not demonstrated that unusual circumstances are present, i.e. that “the circumstances of a particular project differ from the general circumstances of the projects covered by a particular categorical exemption.”<sup>15</sup> In fact, there is nothing at all unusual about a small-scale butcher shop in an industrial district. Similar food-processing facilities operate in numerous locations throughout the City, and there are large numbers of businesses that handle or store live animals. Most small businesses in the City involve some amount of trucking; Saba is not an outlier in this regard, and will reduce truck volumes compared to the prior tow-truck operation.

***a. A Small Industrial Use Is Not Unusual.***

As shown in preceding pictures, the area surrounding the Property is industrial in character with a number of industrial businesses, including auto-body repair shops, active storage yards, and metal-working shops. In fact, industrial uses comprise over one quarter of the land in Bayview Hunters Point.<sup>16</sup> (See Bayview Hunters Point Area Plan, attached at **Exhibit D.**)

Industrial uses are not only typical in the area, it is the City’s express policy to promote industrial development in the area. The PDR-2 Zoning District:

“[E]ncourage[s] the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. . . . Light industrial uses in this District may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. . . . As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law...”<sup>17</sup>

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

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

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

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

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

<sup>17</sup> Plan. Code § 210.3.

Similarly, objective 8 of the Bayview Hunters Point Area Plan (Industry Element) calls for strengthening “the role of the Bayview’s industrial sector in the economy of the district, the city, and the region.” Policy 9.2 of the plan encourages “the local business community to play a larger role in Bayview’s industrial sector.”

Given both the physical and policy context, the Project is not at all unusual, and if anything, is less intensive than many other surrounding industrial uses.

***b. Light Volumes of Truck Traffic Are Not Unusual.***

The Planning Code states that the light industrial uses permitted within the PDR-2 District “may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night.”<sup>18</sup> Even outside of industrial areas, most businesses in the City will receive or send several truck deliveries over the course of a day.

Saba Live expects to generate 1-2 service/delivery trucks per day, with 2-4 poultry deliveries per week, and 3-5 trucks per week to remove contained waste products. Given that an automobile tow service with a fleet of five trucks previously occupied the Property, this will be a net decrease in truck traffic over the prior business. This level of truck travel is much less intensive than what is contemplated by zoning, and typical or lower than the truck trips to serve most typical retail or light industrial businesses of a similar size. This is not an unusual circumstance.

***c. Air Quality Conditions Are Not Unusual and Will Not Be Worsened.***

One of ALDF’s key contentions is that the Project’s location near residences and other business, in a neighborhood that “already suffers disproportionately from air pollution” is an unusual circumstance that disqualifies the Project from a categorical exemption.<sup>19</sup>

However, the San Francisco Department of Public Health’s (“SFPDPH”) Air Pollutant Exposure Zone maps show that much of the eastern side of the City is within an Air Pollutant Exposure Zone (“APEZ”). While unfortunate, heightened air pollution is not an unusual circumstance.<sup>20</sup> (See Citywide Air Pollutant Exposure Zone Map, attached at **Exhibit E.**)

More to the point, however, the Project itself is not within an APEZ and will result in a net reduction of truck trips compared to the prior towing operation.<sup>21</sup> (See Inset Air Pollutant Exposure Zone Map, attached at **Exhibit F.**)

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<sup>18</sup> Plan. Code § 210.3.

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

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

<sup>21</sup> SFPDPH Air Pollutant Exposure Zone Map, Inset 4 (April 10, 2014).

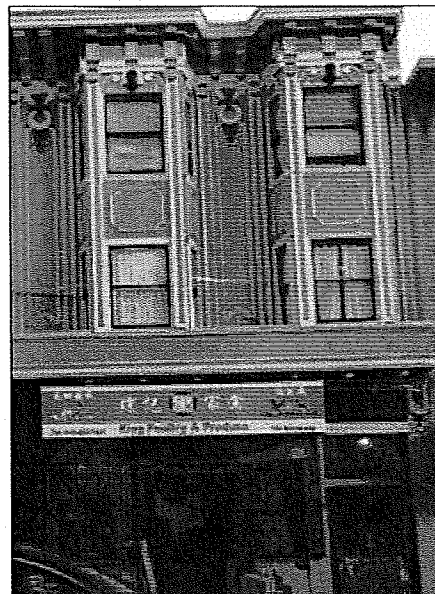
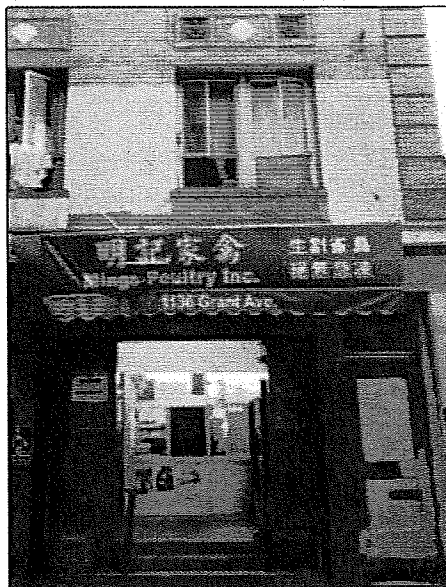
***d. Businesses that Generate and Dispose of Animal Waste are not Unusual***

Animal shelters, pet stores, groomers, doggie daycares, and pet boarding facilities across the city all deal with animal waste on a daily basis. A search for “pet boarding” in San Francisco on Yelp returns 595 results, and a search for “pet groomers” yields 237 results. Each of these businesses collects and disposes of feed, fur, animal waste, and cleaning materials without significantly impacting the surrounding environment. That Saba Live will also dispose of the kinds of solid waste generated by live chickens does not preclude it from eligibility for a categorical exemption.

***e. Businesses that Process Food and Poultry are not Unusual***

While livestock processing facilities may not be as prevalent as they historically were, there are facilities throughout the city that handle and process animal products and the resulting waste. Live seafood markets are commonplace in mixed-use settings—Fisherman’s Wharf ranks among the City’s top tourist attractions. Grocery stores, butcher shops, and restaurants all handle meat products and byproducts, control odor, and properly dispose of waste without issue. There also appear to be at least two live poultry markets in Chinatown situated on the ground floor immediately below upper floor residences.

Live Poultry Markets, Chinatown



Commissioner Fong made this same point at the November 30 Planning Commission hearing:

“I happen to be a graduate of a cooking school, as well as a certified food handler in sanitation, and to the point, Whole Foods doesn’t get bulk meat wrapped up. They cut it

down, and dispose of it in the proper way, using sanitary chemicals and hot water.”<sup>22</sup> (See Planning Commission Caption Notes, attached at **Exhibit G.**)

Even where animals are not slaughtered on site, the processing of raw meat and poultry is not at all unusual. There are numerous state and local regulations in place to guide the proper handling and disposal of such material, as discussed in more detail below.

### **3. The ALDF Has Not Made a Fair Argument that Significant Impacts Would Occur.**

The ALDF has failed to make a fair argument that Project could have potentially significant environmental impacts due to unusual circumstances. In arguing that the Project could have impacts, the ALDF relies on speculative arguments, erroneous evidence, and flawed interpretations of the law. Specifically, it:

- Misrepresents Saba Live’s operations;
- Ignores the numerous laws and regulations that will govern Saba’s activities;
- Fails to acknowledge the environmental baseline, i.e. the trucking associated with the prior tow-truck operation; and
- Relies on studies of industrial-scale agribusiness operations, not small-scale operations like Saba Live.

#### ***a. ALDF Overstates Impacts by Ignoring the Tow-Truck Operation that Saba Replaces.***

An overarching flaw in ALDF’s arguments is that it fails to acknowledge a baseline condition, instead suggesting that any noise, air emissions, or other effects generated by the Project are significant impacts under CEQA. But “the baseline for an agency’s primary environmental analysis under CEQA must ordinarily be the *actually* existing physical conditions.”<sup>23</sup>

Class 1 and Class 3 categorical exemptions are predicated on the concept of an environmental baseline. If one use vacates and a different use takes over the same space, then CEQA assumes that the one-for-one replacement will not result in significant environmental impacts. In other words, we assume that every use has some level of impact, but the continuation of existing or similar conditions from one type of use to another is not a significant impact under CEQA.

Up until recently, the Property was occupied by an automobile tow service that operated on a 24-hour basis with a fleet of five tow trucks—a use which undoubtedly generated truck traffic, vehicle traffic, traffic-related air emissions, noise, and waste. Nowhere in its Planning Commission Letter or Appeal Letter has ALDF acknowledged the existing conditions at the site or the impacts of the prior tow service use. Without doing so, ALDF cannot demonstrate a likelihood that Saba

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

<sup>23</sup> *POET, LLC v. State Air Res. Bd.* (2017) 12 Cal. App. 5th 52, 78; CEQA Guidelines § 15125.

Live will be so much more impactful than the tow service that such impacts would be deemed significant under CEQA, particularly when Saba's operation will reduce the number of truck trips.

***b. The ALDF Inflates the Scale of the Project and Relies on Studies of Massive Agribusinesses.***

ALDF relies on a laundry list of studies of large-scale, industrial agribusiness and confined animal feeding operations ("CAFOs") to allege environmental impacts. In fact, we were not able to identify a single source cited by appellant in either its Appeal Letter or Planning Commission Letter that studies the potential impacts of a small-scale urban poultry operation like Saba Live, and the ALDF makes no effort at quantification. For example:

- **500 Chickens, not 182,000.** To support its allegation of greenhouse gas emissions, the ALDF cites a USDA Draft Environmental Assessment for a proposed 16-acre facility in Arkansas where 182,000 chickens would be raised for a period of months at any given time.<sup>24</sup>
- **500 Chickens, not 10,000+ Hogs.** To support its contention of air quality emissions from animal waste, the ALDF relies on a declaration related to large-scale hog CAFOs in rural North Carolina where animal feces is collected in large open-air cesspools. This has no relevance to an enclosed operation where waste from 500 chickens is collected daily, stored in closed containers in a walk-in cooler, then picked up for use as compost.
- **No Wastewater Dumping.** The ALDF notes that wastewater from slaughterhouses is "one of the largest sources of nitrate pollution in drinking water nationwide."<sup>25</sup> This is a re-statement of content on a website that notes these discharges are from some of the nation's largest industrial polluters who "dump" waste directly into waterways. While these problems may occur where large-scale slaughterhouses operate in loosely regulated areas, there is no indication these problems will occur here. Per City regulations discussed further below, solids, including chicken waste, will be collected and recycled off-site. Wastewater from the facility will discharge into the municipal sewage system for treatment.
- **No Long-Haul Trucking.** ALDF refers to an article titled "The Long Haul: Risks Associated with Livestock Transport."<sup>26</sup> While the article does not define "long haul" transport, it opens with a statistic that "U.S. livestock may travel an average of 1,000 miles."<sup>27</sup> The article goes on to explain that "[l]ong-distance animal

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

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

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

<sup>27</sup> Michael Greger, "The Long Haul: Risks Associated with Livestock Transport," pg. 301 (2007), available at: [http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1001&context=acwp\\_faafp](http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1001&context=acwp_faafp).

transport is restricted in Europe to a duration ranging from 9 to 24 hours, with either continuous access to water or watering every 8 to 14 hours, depending on species.”<sup>28</sup> The conclusions this article draws about the impacts of long distance animal transport cannot be reasonably applied to Saba Live, which will source its chickens from the outer Bay Area and Central Valley—requiring no more than a few hours of travel time.

The potential impacts of large scale agribusiness operations are not comparable to those of the small scale neighborhood Halal facility proposed by Saba Live. The distinction is key—as ALDF cannot reasonably argue that a facility with a few hundred chickens on site for a few days at a time will have environmental impacts comparable to a large scale industrial farm or feeding operation. As the Oakland Planning Department staff explained in evaluating an expansion of Saba Live’s Oakland facility, Saba Live’s operation “is different than the large industrial slaughterhouses in the San Joaquin Valley and elsewhere.”<sup>29</sup> (See Oakland City Planning Commission Staff Report, attached at **Exhibit H.**)

Seemingly acknowledging the lack of factual evidence to support its claims of significant impacts, Appellant argues that “Relevant personal observations by local residents as to the impact a facility will have on them can constitute substantial evidence.”<sup>30</sup> However, residents’ speculation is not substantial evidence—as conjectural assertions have no evidentiary value. (See *Jennings v. Palomar Pomerado Health Sys., Inc.*<sup>31</sup> [Even an expert “does not possess a carte blanche to express any opinion within the area of expertise. For example, an expert’s opinion based on assumptions of fact without evidentiary support, or on speculative or conjectural factors, has no evidentiary value and may be excluded from evidence.”]; see also *Wollmer v. City of Berkeley*<sup>32</sup> [“Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence.”].) Members of a community may have sincere concerns about a project, but if not adequately founded in fact, their concerns do not amount to substantial evidence of likely environmental impacts under CEQA.

***c. The ALDF Ignores Comprehensive Environmental Laws and Regulations.***

ALDF practically ridicules the Planning Commission for considering existing laws and regulations when assessing the likelihood that significant environmental impacts would occur. They assert that “other agencies’ regulatory actions have no bearing on whether the project requires CEQA analysis.”<sup>33</sup> Under this bizarre formulation, CEQA would require an agency to find significant environmental impacts for nearly any project. If Building Code requirements are ignored, virtually any new building could be a safety hazard. If the state laws regulating sewage

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

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

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

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

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

<sup>33</sup> Appeal Letter, p. 4.

discharges are disregarded, all projects would be potential health risks. And each environmental review would have to recreate comprehensive regulatory schemes as project-specific mitigation.

That is not how CEQA works. **It is well-settled that a reviewing agency can rely on other generally-applicable laws and regulations to determine that impacts will be less than significant.** (See *San Francisco Beautiful v. City & Cty. Of San Francisco*<sup>34</sup> [“An agency may rely on generally applicable regulations to conclude an environmental impact will not be significant and therefore does not require mitigation.”].) In this case, a number of State, Federal and local regulatory schemes apply to the Project and will avoid the very impacts ALDF alleges.

#### **i. SFPUC Regulations: Water and Wastewater**

ALDF’s Planning Commission Letter asserts that “poultry operations, specifically, may generate effluents from various sources, including poultry housing, feeding, and watering, as well as from waste storage and management.”<sup>35</sup> However, under the National Pollutant Discharge Elimination System (“NPDES”), the City is required to implement a Pretreatment Program, which must comply with the Clean Water Act and the General Pretreatment Regulations.<sup>36</sup>

Enforcement of the City’s Pretreatment Program by the SFPUC requires the regulation of discharges from non-domestic sources into the City’s sewage system.<sup>37</sup> Non-domestic sources include discharges from industrial and commercial sources, including food processing facilities.<sup>38</sup> Regular users who discharge non-domestic sources must obtain an Industrial Use Wastewater Discharge Permit.<sup>39</sup> In accordance with this Program, solids must be captured before entering the sewer system.

As required by these regulations, the drains at the Property will have grease traps and will filter out grease and other waste before entering the municipal sewage system, where treatment will prevent discharges of contaminated water. Thus, existing laws and regulations are sufficient to ensure less-than-significant impacts; ALDF has not made a fair argument to the contrary.

#### **ii. CalRecycle, SFPUC, and SFPUC Regulations: Food-handling and Waste Disposal**

In its Planning Commission Letter, the ALDF states that “solid waste generated during poultry production includes waste feed, animal waste, carcasses, wastewater, contaminated ventilation filters, and used cleaning materials.”<sup>40</sup> However true this claim may be as to “poultry

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

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

<sup>36</sup> See SFPUC, Wastewater Discharge Overview, <https://sfwater.org/index.aspx?page=498> (last accessed January 25, 2018); 33 U.S.C., § 1251 et seq; C.F.R., Title 40, Part 403.

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

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

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

<sup>40</sup> Planning Commission Letter, p. 9.



*production* facilities,” Saba Live does not propose a poultry production facility. The chickens temporarily held at the Property prior to sale would be raised offsite in the outer Bay Area and Central Valley, by Pitman Family Farms.

More to the point, state and local regulations ensure that no significant impacts could occur.<sup>41</sup> The California Integrated Waste Management Board (referred to as CalRecycle) regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease and protect the environment.<sup>42</sup> Under CalRecycle’s supervision, local solid waste enforcement agencies (“LEAs”) enforce regulations for proper storage and transportation of solid waste.<sup>43</sup> In San Francisco, SFPDPH is the LEA.<sup>44</sup> As such, SFPDPH is responsible for ensuring that all residences and businesses in San Francisco subscribe to adequate and licensed refuse collection service and that refuse collection is handled in a manner that protects health and safety.<sup>45</sup> The SFPUC also enforces regulations for waste haulers, which include vendors who transport food processing refuse.<sup>46</sup> Commercial operations that generate a certain amount of animal waste are prohibited from disposing of it in the regular garbage.<sup>47</sup>

As noted above, Saba’s facility is designed to comply with these regulations. All animal waste generated by the Project will be collected daily and sealed in airtight drums in a walk-in cooler before being collected and disposed of or recycled by off-site vendors. No animal material or byproducts will be disposed of in the regular garbage.

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

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

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

<sup>44</sup> See SFPDPH, *Solid Waste Program Overview*, <https://www.sfdph.org/dph/EH/refuseLiens/default.asp> (last accessed January 25, 2018); see SFPUC *Biosolids Management System Manual*, <http://sfwater.org/Modules/ShowDocument.aspx?documentID=6641> (last accessed January 25, 2018).

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

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

<sup>47</sup> SF Health Code, art. 6 § 3 [“Refuse consisting of . . . animal and vegetable matter . . . shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided.]; See also (AB 1826; CalRecycle *Mandatory Commercial Organics Recycling (MORE)*, available at <http://www.calrecycle.ca.gov/recycle/commercial/organics/FAQ.htm> (last accessed February 2, 2018) [State law “requires businesses that generate a specified amount of organic waste [including meat, bones, and poultry] per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.”].

### iii. Federal, State and Local Food Safety and Hygiene Regulations

All three levels of government have an oversight role to ensure that livestock/poultry processing facilities comply with state, federal, and local standards for human and animal health, sanitation, pest control, and the humane treatment of livestock.

The United States Department of Agriculture (“USDA”) enforces the Poultry Products Inspection Act to ensure the safety of poultry.<sup>48</sup> In addition to these food safety laws, the USDA also implements the Humane Methods of Slaughter Act of 1958, which requires that livestock are handled and slaughtered humanely.<sup>49</sup> These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food. The USDA inspectors generally visit facilities at least annually to ensure compliance with these federal provisions.

At the State level, the California Department of Agriculture’s (“CDFA”) Meat, Poultry, and Egg Safety Branch (“MPES”) licenses and inspects meat, poultry, and egg production establishments, including retail poultry plants that sell live poultry and slaughter them for customers.<sup>50</sup> The MPES Branch reviews operational plans prior to issuing a license to a new facility and trains, licenses, and evaluates Poultry Meat Inspectors (“PMIs”).<sup>51</sup>

PMIs are employed by the facility owner, but receive their training and requisite licensing from the CDFA. PMIs are state-certified inspectors who are required to be on site at all times to enforce state regulations, including sanitation standards, pest control measures, and the humane treatment of poultry. Every PMI is subject to oversight by CDFA-certified inspectors who generally visit facilities under their jurisdiction two to four times per month.<sup>52</sup>

SFDPH also monitors compliance with local and state food safety regulations.<sup>53</sup> Because Saba Live will include a retail component, SFDPH District Inspectors will inspect the facility prior to commencing operation.<sup>54</sup> Once Saba Live receives the requisite Food Permit to Operate from the District Inspector, the facility will generally be subject to at least two unannounced inspections per year.<sup>55</sup> The District Inspectors will examine the facility for cleanliness, safe food storage,

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<sup>48</sup> 21 U.S.C., Title 21, Chapter 10, Section 454; see USDA, FSIS Mission Book, <https://www.fsis.usda.gov/wps/wcm/connect/7a35776b-4717-43b5-b0ce-aeec64489fbd/mission-book.pdf?MOD=AJPERES>.

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

<sup>50</sup> (C.C.R., Title 3, Division 2, Chapter 5, Subchapter 1; see CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (last accessed January 25, 2018).

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

<sup>52</sup> C.C.R., Title 3, Division 2, Chapter 5, Subchapter 1; see CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (last accessed January 25, 2018).

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

<sup>54</sup> See SFDPH, Retail Food Safety Program Overview, SFDPH, Restaurant Permits Overview, <https://www.sfdph.org/dph/EH/Food/Permits/default.asp>; SFDPH, Food Safety Program: Inspection Overview, <https://www.sfdph.org/dph/EH/Food/Inspections.asp>.

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

vermin, adequate equipment, regular refuse collection, and good employee hygiene and work habits.<sup>56</sup> SFDPH also enforces state law requiring every retail food facility to employ a Certified Food Handler. A "food handler" is anyone involved in the "preparation, storage, or service of food in a food facility."<sup>57</sup> Food handlers must obtain a food handler card from the American National Standards Institute (ANSI), an accredited training provided upon completion of a food handler training course and exam.<sup>58</sup>

*d. ALDF has not made a fair argument of significant air quality impacts.*

The ALDF argues that the Project will generate truck trips that will cause significant air emissions impacts from diesel emissions and "pathogens and other matter from the animals, themselves."<sup>59</sup> But ALDF has not provided any quantifiable evidence illustrating the alleged significance of such emissions.

The ALDF's Planning Commission Letter includes citations to two documents in support of its air emissions claim. Neither demonstrates that the Project would result in significant air emissions impacts. The first, the San Francisco Department of the Environment's "Bayview Hunters Point Community Diesel Pollution Reduction Project Final Report" focuses on diesel emissions "due to the community's proximity to heavily-traveled truck routes, including Hwy. 101 and I-280."<sup>60</sup> The second, the "Environmental Justice Analysis for Bayview-Hunters Point" analyzes "the potential effects of the proposed Biosolids Digester Facilities Project (BDFP)."<sup>61</sup> ALDF relies on this report for the claim that traffic densities in this neighborhood are higher than in the rest of the City.<sup>62</sup> But the prior tow service use generated both consumer and truck traffic, and ALDF has not pointed to any evidence that (1) Saba Live will result in more traffic than the prior use, or that (2) such an increase will rise to the level of a significant impact.

Appellant suggests that air emissions and odor from the Project will negatively impact nearby residents. However, off-site odor from a small operation will not be noticeable. Air from inside the facility will be vented up through a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney at a sufficient velocity to send it 50 feet above ground before dissipating into the atmosphere. And while ALDF's Planning Commission Letter details the broad dangers and effects of air emissions in general, it has not presented any evidence quantifying emissions from this particular proposal or illustrating what significant impacts such emissions could have.

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

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

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

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

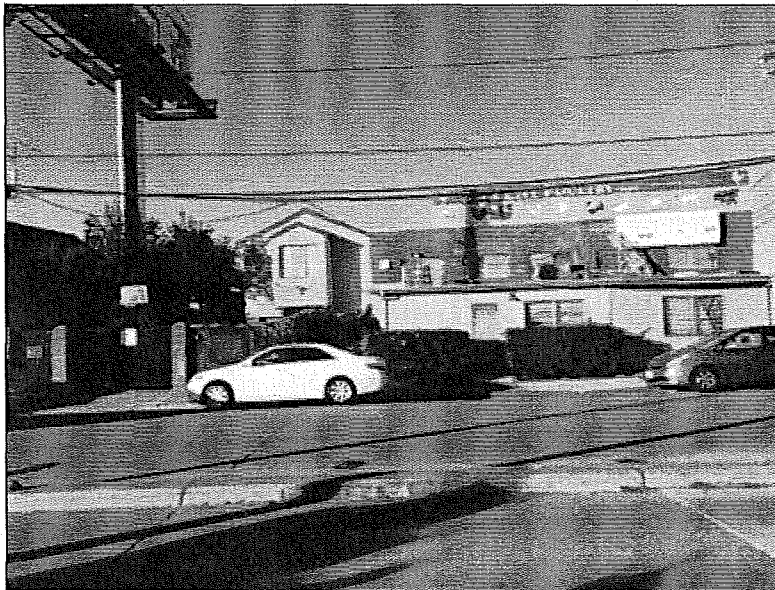
<sup>60</sup> Feb. 2009, p. 7.

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

<sup>62</sup> Planning Commission Letter, p. 5.

Saba Live's Oakland facility is illustrative here. The Oakland location at 845 Kennedy Street is in a similarly industrial area, but it also abuts several residences. The proximity to residential use has not been an issue. When the Oakland Planning Department considered increasing the capacity at that facility to include goats, sheep, and rabbits, it noted that there have been no complaints in recent years from the operation of this business.<sup>63</sup> (See Oakland Planning Commission Staff Report, attached at **Exhibit I**.) Additionally, we confirmed with the Oakland Planning Department that there have been no enforcement matters filed against Saba Live in Oakland. Based on records dating back to 2000, there have been two complaints regarding the Oakland property, but both pre-date Saba Live's occupancy. (See Email from Staff Planner and Records Summary, attached at **Exhibit J**.)

**Saba Live Oakland Facility**



*e. Socioeconomic and Environmental Justice*

ALDF states that CEQA requires the City to consider the effects on the particularly economy in which it will operate.<sup>64</sup> We agree that the Planning Department must consider the impacts of a particular use on the surrounding community, but CEQA is clear that “evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence” of significant environmental impacts.<sup>65</sup>

The 2,100-square-foot facility proposed, with one to two truck trips anticipated each day, is considerably less intense than other uses that would be permitted at the Property. And rather than acting as a detriment on the neighborhood's economic growth, the hybrid PDR/retail use

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

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

<sup>65</sup> CEQA Guidelines § 15384.

proposed will provide job opportunities and drive foot traffic. Saba Live's Oakland location sees approximately 20-30 customers each day, many of whom travel to the store on foot. Saba Live will also hire locally, modeling its hiring tactics on those utilized in Oakland, where employees are found through advertisements in local newspapers at local mosques.

*f. Animal Health and Welfare*

ALDF's "mission is to protect the lives and advance the interests of animals through the legal system." CEQA aims to "inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities" and "identify ways that environmental damage can be avoided or significantly reduced."<sup>66</sup> While CEQA certainly protects animals in the wild, it does not protect livestock raised for consumption. In San Francisco, animal welfare is protected by the Commission of Animal Control and Welfare, which is charged with recommending measures regarding animal control and welfare to the Board of Supervisors and the City Administrator and with studying and recommending requirements for the maintenance of animals in public, private, and commercial care.<sup>67</sup>

**D. Conclusion**

The ALDF is an animal rights organization attempting to use CEQA as a means to prevent the lawful operation of a small-scale Halal poultry slaughterhouse. Appellant claims that the proposed use and location constitute usual circumstances that will have significant environmental impacts. But it has not met its burden of putting forth substantial evidence to support its claims. Rather, the ALDF relies on conjecture about the nature of the proposed operation, conflates the small neighborhood facility with large industrial agribusiness, fails to acknowledge the environmental baseline set by the prior tow service use, and ignores the numerous regulatory schemes in place that ensure

The Project is exactly the sort of small-scale change of use that Class 1 and Class 3 exemptions are meant to cover. As an industrial use in a PDR-2 zoning district, Saba Live's proposal is consistent with the Planning Code and its location cannot reasonably be considered an unusual circumstance. A contrary conclusion would essentially close the door to the growth of industry and manufacturing in San Francisco.

Accordingly, we respectfully request that the Board of Supervisors uphold the CatEx. Please contact me at 415-517-9395 if you have any questions.

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

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

President London Breed  
Board of Supervisors  
February 2, 2018  
Page 22

Thank you.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in black ink, reading "Daniel A. Frattin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel A. Frattin

Enclosures

cc: Supervisor Malia Cohen  
Supervisor Sandra Lee Fewer  
Supervisor Jane Kim  
Supervisor Aaron Peskin  
Supervisor Hillary Ronen  
Supervisor Ahsha Safai  
Supervisor Sheehy  
Supervisor Catherine Stefani  
Supervisor Katy Tang  
Supervisor Norman Yee  
Angela Calvillo, Board of Supervisors Clerk  
Matthew Chandler, Planning Department  
Cristina Stella, Animal Legal Defense Fund  
Saba Live, Project Sponsor

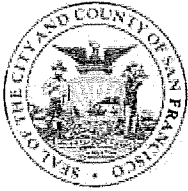
## **EXHIBIT LIST**

- Exhibit A..... Planning Commission Motion No. 20070 – CU Authorization (Nov. 30, 2017)
- Exhibit B..... SFPD Police Permits Hearing Results (Jul. 15, 2015)
- Exhibit C..... Planning Department – List of CEQA Exemption Types (Printed Jan. 23, 2018)
- Exhibit D..... Bayview Hunters Point Area Plan – Industry (Printed Jan. 24, 2018)
- Exhibit E ..... SFDPH Air Pollutant Exposure Zone Map – Citywide (Apr. 10, 2014)
- Exhibit F..... SFDPH Air Pollutant Exposure Zone Map – Inset 4 (Apr. 10, 2014)
- Exhibit G..... Planning Commission Caption Notes (Nov. 30, 2017)
- Exhibit H..... Oakland Planning Department Staff Report (cited by ALDF) (Jul. 1, 2015)
- Exhibit I ..... Oakland Planning Department Staff Report (Jul. 15, 2015)
- Exhibit J ..... Oakland Zoning Email and Records Summary (Feb. 1, 2018)



**Exhibit A**

**Planning Commission Motion No. 20070 – CU Authorization (Nov. 30,  
2017)**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Project Summary and Motion No. 20070

COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM  
HEARING DATE: NOVEMBER 30, 2017

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Case No.:* 2017-010819CUA  
*Project Address:* 1526 Wallace Ave  
*Zoning:* PDR-2 (PDR Production, Distribution, and Repair)  
40-X Height and Bulk District  
*Plan Area:* Bayview Hunters Point  
*Block/Lot:* 4829/004  
*Project Sponsor:* Harvey Hacker  
528 Bryant Street  
San Francisco, CA 94107  
*Staff Contact:* Mathew Chandler – (415) 575-9048  
[Mathew.chandler@sfgov.org](mailto:Mathew.chandler@sfgov.org)

### PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization (CUA) to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). Direct sales to customers is proposed on site. All activities are proposed within and to be contained in a completely enclosed building, with no opening, other than fixed windows or exits required by law. The structure is a hard shelled building to prevent any noxious or offensive emissions. There is currently one roll-up door on the existing west façade to be used for loading functions. The project has qualified for review under the Planning Commission's Community Business Priority Processing Program ("CB3P").

### REQUIRED COMMISSION ACTION

In the PDR-2 Processing, Distribution, and Repair Zoning District, Planning Code Section 210.3 requires a Conditional Use Authorization for Livestock Processing 1, which by definition includes the processing and sale of small animals including chickens and rabbits.

### DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2017-010819CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated August 9, 2017, and stamped "EXHIBIT B."

CB3P CHECKLIST


	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
CB3P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			
Planning Code §303(o) findings for Eating and Drinking Uses			X	
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals			X	
Photographs of the site and/or context	X			Photographs of the site and other locations for reference, the applicant has also submitted a map of adjacent land uses
Scaled and/or dimensioned plans	X			
Clearance under California Environmental Quality Act ("CEQA")	X			

Additional Information	
Notification Period	20 day mailing, 300' owner radius, 20 day newspaper, 20 day posting
Number and nature of public comments received	One member of public has inquired about procedure
Number of days between filing and hearing	100 days

Generalized Basis for Approval (max. one paragraph)
<p>The Commission finds that this Project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in the Section 101.1 and 303(c) findings submitted as part of the application. The proposed livestock processing, sales and service business (d.b.a Saba Live Poultry) will occupy 2,100 square feet of an existing structure within a PDR Production Distribution, and Repair Zoned Parcel. The operations will be completely contained within a hard-shell structure to prevent any noxious or offensive emissions. The site is well suited for livestock processing and is surrounded by compatible uses. To the west, east, and south are other PDR-2 Zoned Parcels, with a PDR-1B Light Industrial Buffer to the north, separating the industrial from residential zoned parcels by approximately 50 linear feet. The proposed project is on balance consistent with General Plan Policies by creating additional retail and industrial services and jobs within the City.</p>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 30, 2017.

AYES: Richards, Fong, Koppel, Johnson, Melgar, Moore  
NAYS: None  
ABSENT: Hillis  
ADOPTED: November 30, 2017

  
\_\_\_\_\_  
Jonas P. Ionin  
Commission Secretary

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors.

PROTEST OF FEE OR EXACTION: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development. If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections 210.3 and 303 to authorize Livestock Processing and Sales (d.b.a. Saba Live Poultry ) at an existing 2,100 square-foot tenant space of an existing one-story metal commercial building, within the PDR-2 (PDR Production, Distribution, and Repair) Zoning District and 40-X Height and Bulk District; in general conformance with plans, dated **August 9, 2017**, and stamped "EXHIBIT B" included in the docket for Record No. **2017-010819CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 30, 2017** under Motion No. **20070**. This authorization and the conditions contained herein run with property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 30, 2017** under Motion No. **20070**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20070** shall be reproduced on the Index Sheet of construction plans submitted with the site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the design, including signs and awnings. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Signs and Awnings.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code. Any awnings or canopies must have a permit and shall comply with the requirements of Planning Code Section 136.1 and be reviewed by the Department's historic preservation staff for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application if any rooftop mechanical equipment is proposed as part of the Project. Any such equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the Project is operational, the Building Permit Application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



## MONITORING - AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

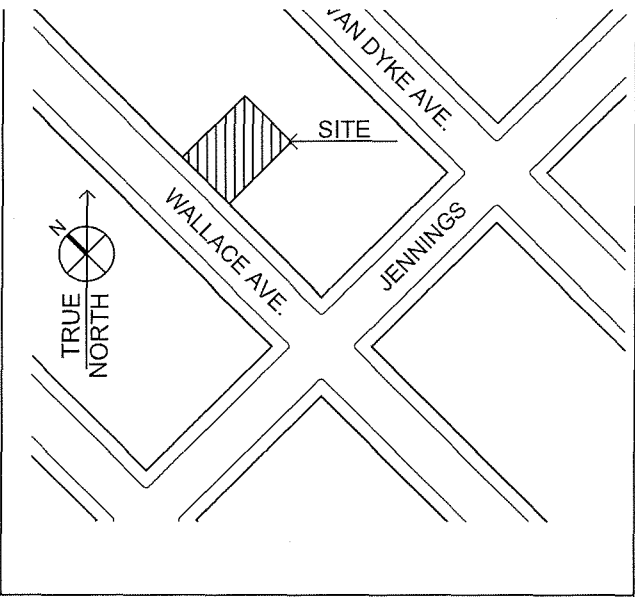
17. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

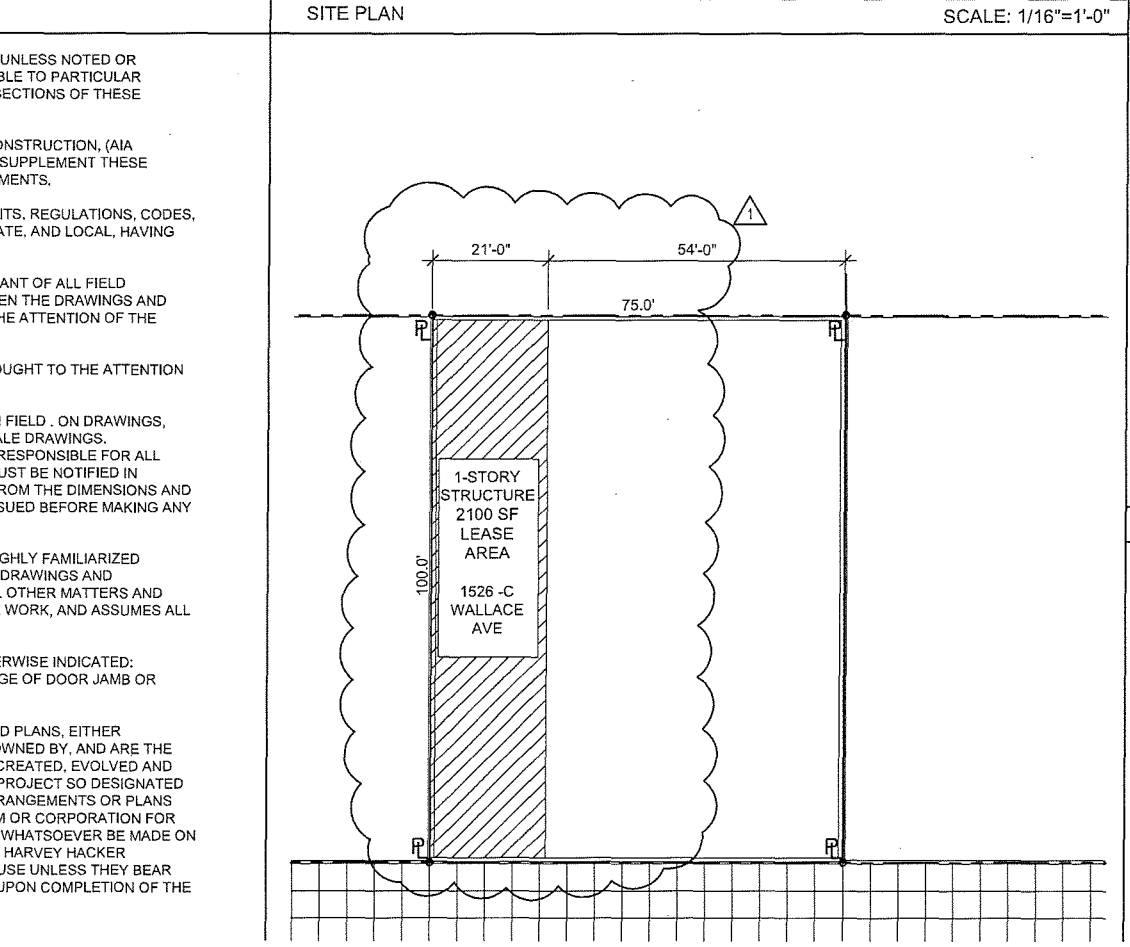
18. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

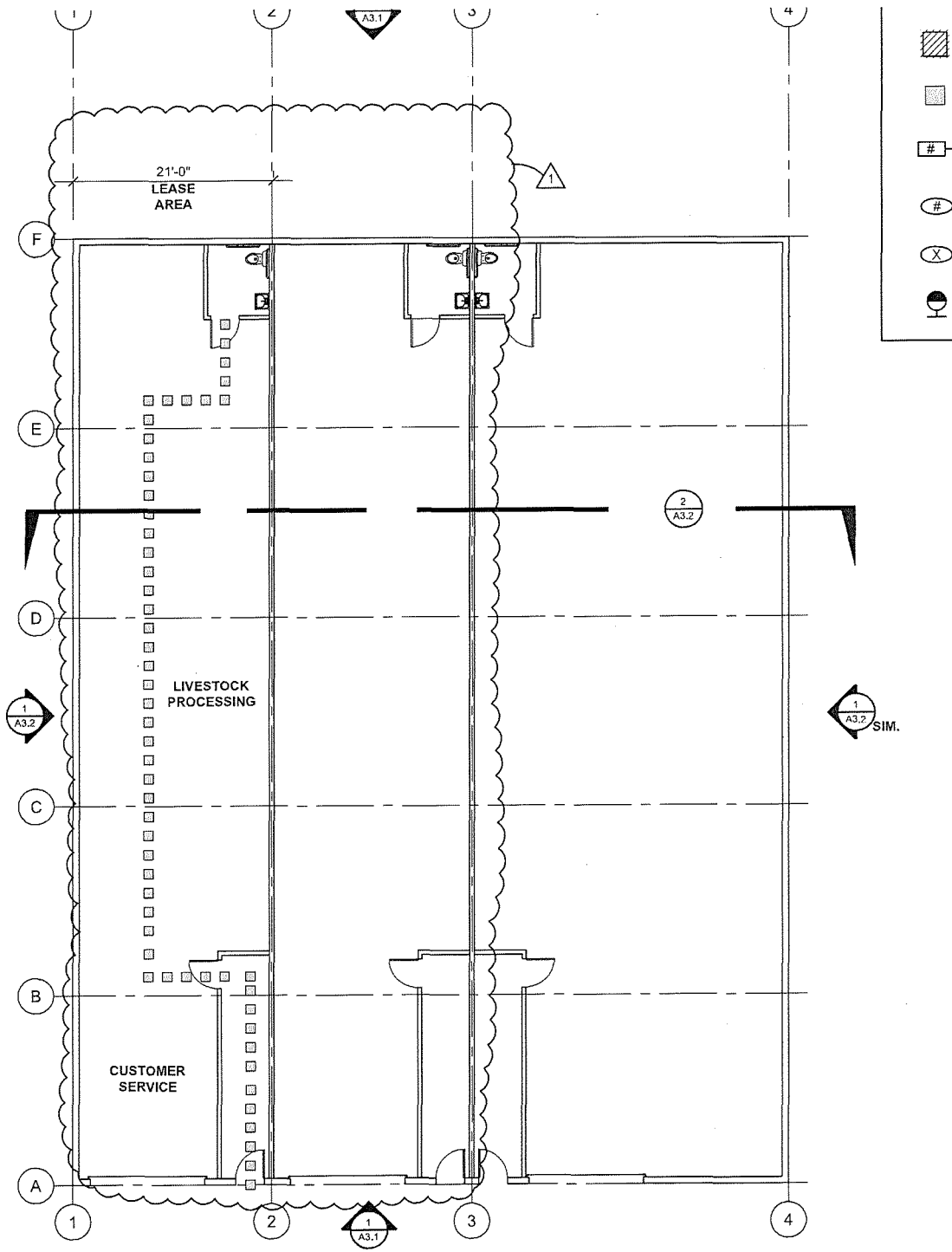
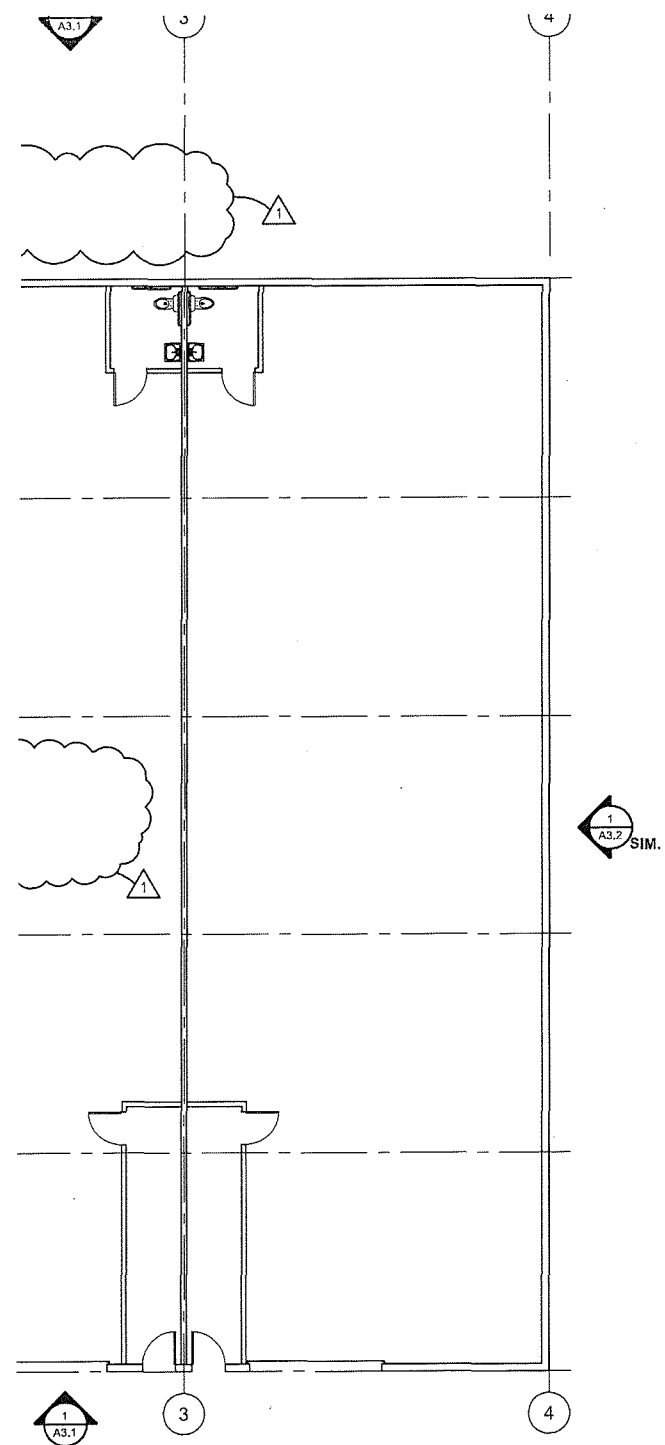
MANUFACTURER	RM.	ROOM
MINIMUM	S.S.D.	SEE STRUCTURAL
MISCELLANEOUS		DRAWINGS
METAL	SHT.	SHEET
	SIM.	SIMILAR
NEW	SQ.	SQUARE
NORTH	STD.	STANDARD
NOT IN CONTRACT	STL.	STEEL
NOT TO SCALE	SYM.	SYMMETRICAL
NOMINAL		
	T	TREAD
	T & G	TONGUE & GROOVE
	T.B.	TOWEL BAR
	T.O.	TOP OF
	T.O.S.	TOP OF SLAB
	T.O.W.	TOP OF WALL
	T.P.D.	TOILET PAPER
		DISPENSER
	TEL.	TELEPHONE
	TYP.	TYPICAL
	U.O.N.	UNLESS OTHERWISE
		NOTED
	V.C.T.	VINYL COMPOSITE
		TILE
	V.I.F.	VERIFY IN FIELD
	VAR.	VARIES
	VERT.	VERTICAL
		WEST
	W.O.	WINDOW OPENING
	W/	WITH
	W/O	WITHOUT
	WD.	WOOD
	WT.	WEIGHT

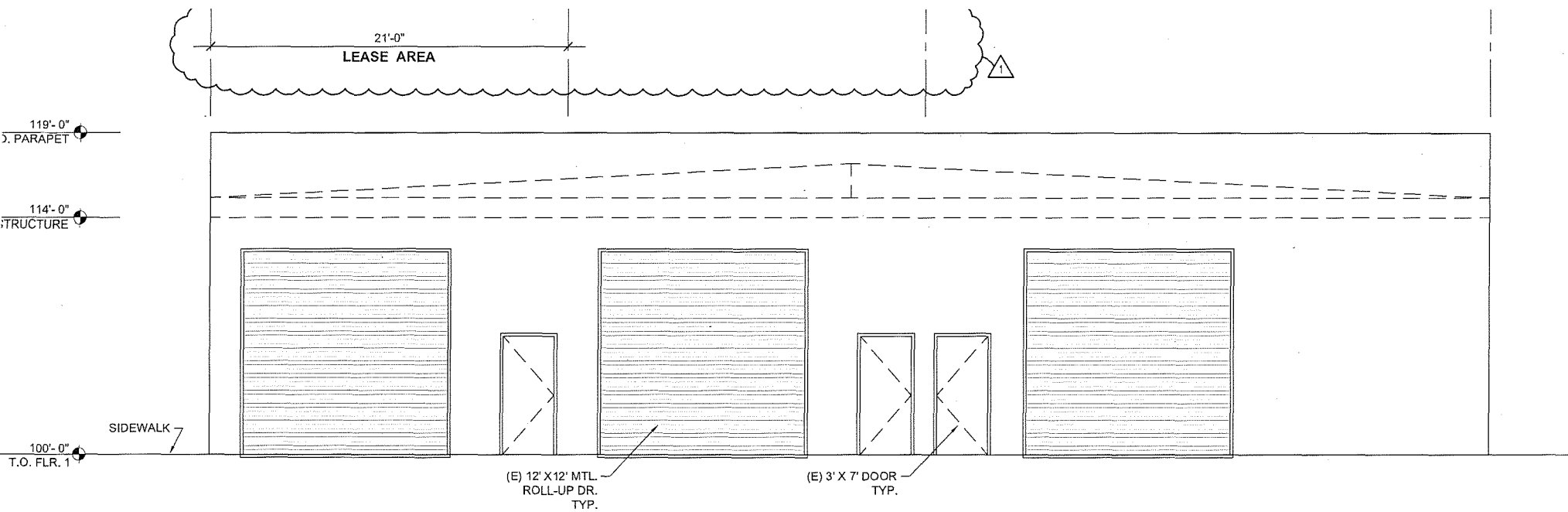


1526-C WALLACE AVENUE OAKLAND, CA 94606 PHONE: (510) 535-1111 EMAIL: SAPSELLS@GMAIL.com CONTACT: MR. SMITH	A2.1 EXISTING & PROPOSED FIRST FLOOR A3.1 EXISTING & PROPOSED EXTERIOR ELEVATION A3.2 EXISTING EXTERIOR ELEVATION
ARCHITECT: HARVEY HACKER ARCHITECTS 528 BRYANT STREET SAN FRANCISCO, CA 94107 TEL: (415) 957 0579 FAX: (415) 957 5851 EMAIL: HARVEY@HARVEYHACKER.COM CONTACT: HARVEY HACKER	
SCOPE OF WORK	
1. TENANT IMPROVEMENTS FOR LIVESTOCK PROCESSING	
PLANNING CODE	



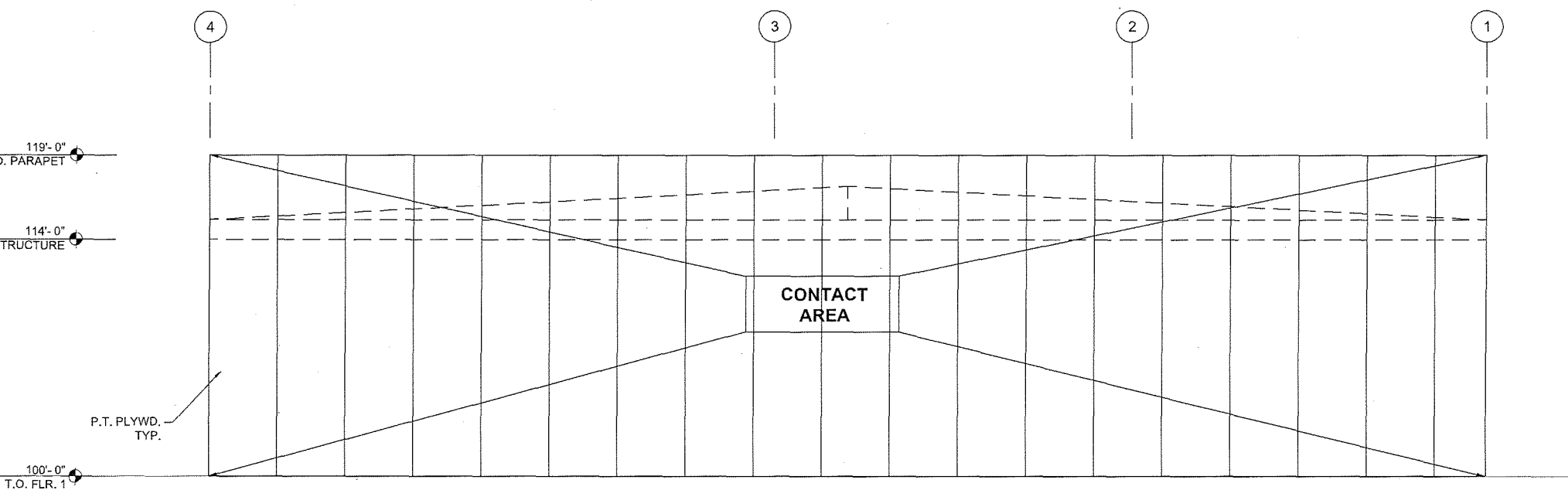
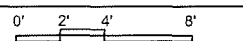
PLANNING CODE:	SAN FRANCISCO PLANNING CODE
STREET ADDRESS:	1526-C WALLACE AVENUE, SAN FRANCISCO CA 94124
BLOCK / LOT:	BLOCK / LOT 4829 / 004
USE DISTRICT:	PDR-2 PRODUCTION DISTRIBUTION REPAIR
HEIGHT LIMIT:	40-X
STORIES:	1 STORY
FLOOR AREA SUMMARY:	FIRST FLOOR 7500 SF (LOT AREA ALSO)
EXISTING USE:	WAREHOUSE
PROPOSED USE:	LIVESTOCK PROCESSING
LEASE AREA:	2100 SQUARE FEET (21 FT. X 100 FT.)
BUILDING CODE	
CODES: CALIFORNIA BUILDING CODE, 2016 EDITION CALIFORNIA ELECTRICAL CODE, 2016 EDITION CALIFORNIA FIRE CODE, 2016 EDITION CALIFORNIA MECHANICAL CODE, 2016 EDITION CALIFORNIA PLUMBING CODE, 2016 EDITION CALIFORNIA GREEN BUILDING CODE, 2016 EDITION SAN FRANCISCO CODE AMENDMENTS TO ALL OF THE ABOVE 2013 SAN FRANCISCO HOUSING CODE CALIFORNIA ENERGY CODE, 2016 EDITION	
CONSTRUCTION TYPE: EXISTING: V-B, FULLY SPRINKLERED	
EXISTING OCCUPANCY: S-1 (MODERATE-HAZARD STORAGE)	
PROPOSED OCCUPANCY: F-1 MODERATE-HAZARD FACTORY INDUSTRIAL (FOOD PROCESSING)	

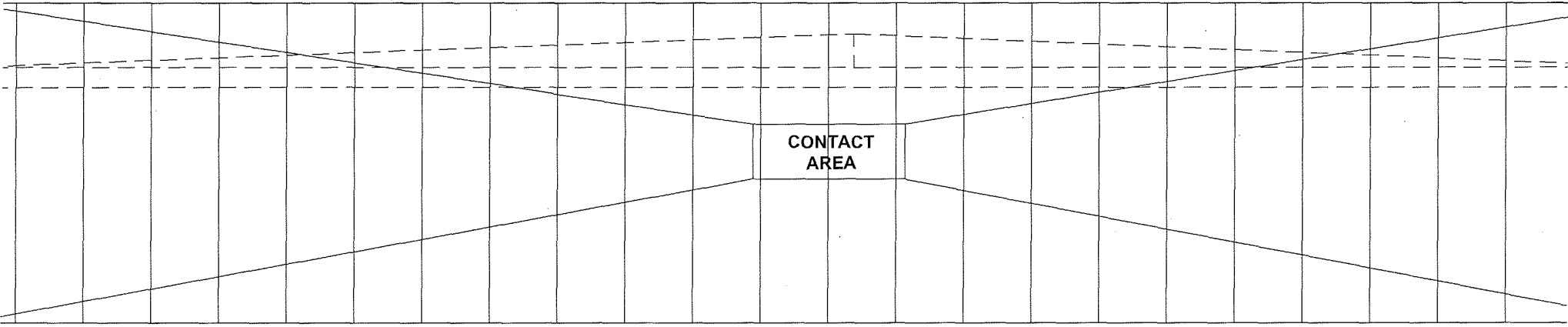




1 EXISTING WEST ELEVATION ( NO CHANGE )

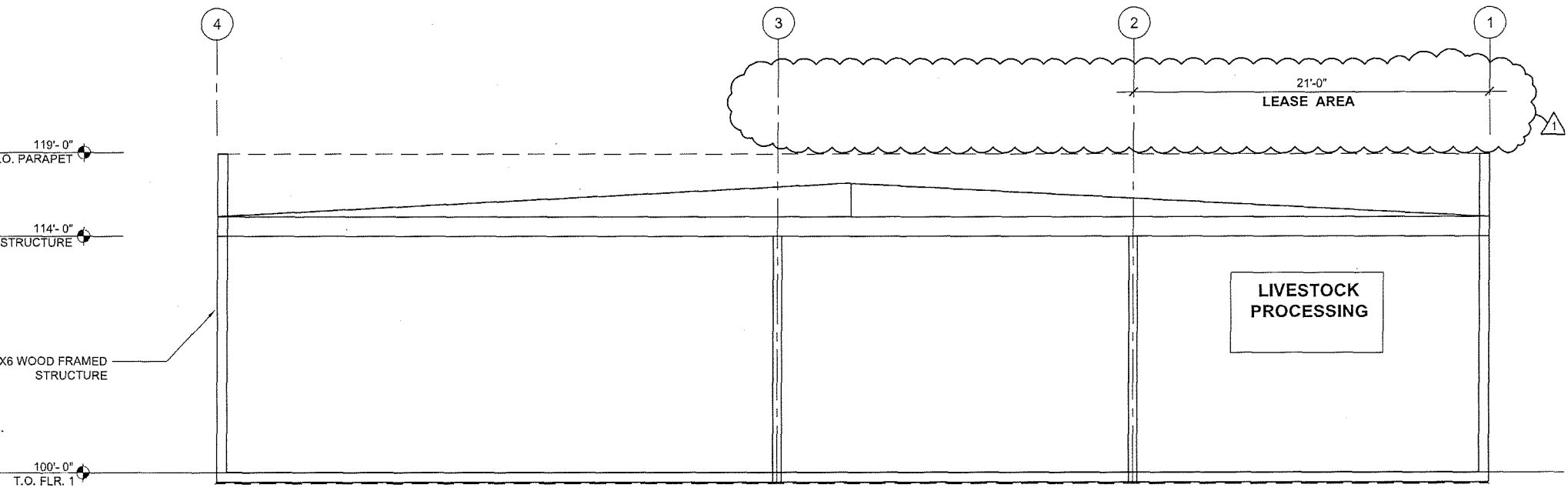
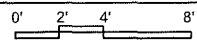
SCALE: 1/4" = 1'-0"





1 EXISTING NORTH ELEVATION (SOUTH SIMILAR)

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



**Exhibit B**

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

# Police Department

## July 15, 2015

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*San Francisco Police Department*

*Chief of Police Permits*

*Hearing Results for*

**Wednesday, July 15, 2015**

**Room 551 at 1:00 PM**

**1** **Alonso, Joel**

1526C Wallace Street

**District:** U

Tow Car Firm

**Permit #:** 143897

OK TRAFFIC, PERMIT.

dba "Charles Tow Service"

Adding two (2) tow trucks, for a total of five (5).

06/24/15 - Corrected DBA---from "Charles Tow" to "Charles Tow Service".

Continued from 06/24/15 to 07/08/15 to 07/15/15.

Original permit granted 11/12/14, expires 11/12/15.

**Decision:** GRANTED

**2** **Bechard, Thomas**

101 California Street

**District:** A

Commercial Parking Garage Renewal

**Permit #:** 110263

OK Co. A, CP, RISK MANAGEMENT, SECURITY PLAN, SFFD, TAX COLLECTOR, BID, PERMIT.

dba "Propark"



## **Exhibit C**

**Planning Department – List of CEQA Exemption Types (Printed Jan. 23,  
2018)**

## Planning Department

### List of CEQA Exemption Types

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**[Revised and Adopted by the San Francisco Planning Commission  
Resolution No. 14952, August 17, 2000]**

## CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) and the Guidelines for implementation of CEQA adopted by the Secretary of the California Resources Agency require that local agencies adopt a list of categorical exemptions from CEQA. Such list must show those specific activities at the local level that fall within each of the classes of exemptions set forth in Article 19 of the CEQA Guidelines, and must be consistent with both the letter and the intent expressed in such classes.

In the list that follows, the classes set forth in CEQA Guidelines Sections 15301 - 15332 are shown ***in bold italics***, with further elaboration or explanation for applying these exemptions in San Francisco shown in normal upper- and lower-case type. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA. The following exceptions, however, are noted in the State Guidelines.

First, Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant. Therefore, these classes will not apply where the project may impact an area of special significance that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. These classes have been marked with an asterisk (\*) as a reminder.

Second, all classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant -- for example, annual additions to an existing building under Class 1. Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project, it is not exempt even if it clearly fits one of the categories. Additionally, small projects which are part of a larger project requiring environmental review generally must be reviewed as part of such larger project, and are not exempt.

Finally, exemptions shall not be applied in the following circumstances: (1) A categorical exemption shall not be

used for a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. (This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.) (2) A categorical exemption shall not be used for a project located on a site which is included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code. (3) A categorical exemption shall also not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

It must be observed that categorical exemptions are to be applied only where projects have not already been excluded from CEQA on some other basis. Projects that have no physical effects, or that involve only ministerial government action, are excluded; such projects are shown on a separate list. Feasibility and planning studies and certain emergency projects also are excluded, and private activities having no involvement by government are not "projects" within the meaning of CEQA. Some projects not included in this list of categories of projects determined to be exempt from CEQA nevertheless clearly could not possibly have a significant effect on the environment and may be excluded from the application of CEQA under Section 15061 of the CEQA Guidelines. Projects that are initially screened and rejected or disapproved by a public agency are excluded from any CEQA review requirements.

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

### **CLASS 1: EXISTING FACILITIES**

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

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

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

***Examples include but are not limited to:***

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

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

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

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

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

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

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

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

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

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

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

1. Cleaning and other maintenance of all facilities.
2. Resurfacing and patching of streets.
3. Street reconstruction within existing curb lines.
4. Replacement of existing drainage facilities.
5. All work on sidewalks, curbs and gutters without changes in curb lines, including lowering of curbs for driveways, and additions of sidewalk bulbs when not in conjunction with a program for extensive replacement or installation.
6. Replacement of stairways using similar materials.
7. Repair and replacement of bicycle ways, pedestrian trails, and dog exercise areas, and signs so designating, where to do so will not involve the removal of a scenic resource. (Creation of bicycle lanes is covered under Class 4(h) below.)
8. Replacement of light standards and fixtures, not including a program for extensive replacement throughout a

district or along an entire thoroughfare.

9. Changes in traffic and parking regulations, including installation and replacement of signs in connection therewith, where such changes do not establish a higher speed limit along a significant portion of the street and will not result in more than a negligible increase in use of the street.

10. Installation and replacement of guide rails and rockfall barriers.

11. Installation and removal of parking meters.

12. Painting of curbs, crosswalks, bus stops, parking spaces and lane markings, not including traffic rechannelization.

13. Installation, modification and replacement of traffic signals, where no more than a negligible increase in use of the street will result.

14. Replacement of transit vehicle tracks and cable car cables, with no alteration of grade or alignment.

15. Rechannelization or change of traffic direction, where no more than a negligible increase in use of the street will result.

16. Installation of security fencing and gates.

17. Minor extension of roadways within the Port of San Francisco container terminals.

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

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

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

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

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

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

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

***(2) 10,000 square feet if:***

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

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

Where public services are already available for the maximum development allowable and where the area is not historically significant, or subject to landslide hazard, the 10,000-square-foot addition will normally apply in San Francisco. In an area where services are not available for maximum permitted development, the 50 percent or 2,500-square-foot limitation will apply. Note that the latter is whichever is less" and that 50 percent means 1/2 of the existing structure's floor area -- the building may not be doubled in size.

Work under this Class may be related to the construction and reconstruction included in Classes 2, 3, 11, and 14. However, it normally cannot be accumulated together with the maximum work stated in those Classes in a single exempt project.

Addition of dwelling units to an existing building that does not involve a mere partitioning of existing space (see Class 1(a) above for coverage of the latter) is included in this item. Also included are additions of new decks, where they are not accessory structures covered under Class 3(e), and enclosures of existing decks or patios.

***(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.***

Devices used during construction under this item include temporary shoring, temporary sanitary facilities, barriers, and covered pedestrian walkways in street areas.

Certain work for protection of health and safety is excluded from CEQA as emergency projects.

Lighting in parks and playgrounds and around buildings may be regarded as a safety or health protection device under this item, provided such lighting does not produce excessive glare. Replacement of street lighting may be exempted under Class 1(c)(8) above.

***(g) New copy on existing on- and off-premise signs.***

Installation and alteration of signs are ministerial and therefore exempt from CEQA, except for signs on designated landmarks or in historic districts, signs on sites regulated by prior stipulations under the City Planning Code, and signs that are part of a larger project requiring environmental review.

***(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code).***

Such maintenance pertains primarily to existing landscaping, but when combined with Classes 2 and 4(b), this item includes replacement with similar landscaping.

Landscaping includes walls, fences, walkways, irrigation systems and similar features as well as plant materials.

Water supply reservoirs under this item supplement the water systems under Class 1(b) above.

"Economic poisons," as defined by State law, are substances used for defoliating plants, regulating plant growth, and controlling weeds, insects, fungi, bacteria, animals, and other pests.

***(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.***

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

***(j) Fish stocking by the California Department of Fish and Game.***

This item is not applicable to activities of the City and County of San Francisco.

***(k) Division of existing multiple-family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.***

This is a form of subdivision involving no new construction.

***(l) Demolition and removal of individual small structures listed in this subsection;***

***(1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.***

***(2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where no more than six dwelling units will be demolished.***

***(3) A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.***

***(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

The definition of individual small structures under this Class is similar to but not exactly the same as that found under Class 3, below.

Demolition is not exempt where a structure is a historic resource as defined in CEQA Section 21084.1.

Grading in connection with demolition is categorically exempt only as stated under Class 4.

Demolition of any structure determined by the San Francisco Fire Department to be a health and safety hazard is statutorily exempt as an emergency project (Guidelines Section 15071(c)).

Although occupant loads are not specified for all small commercial uses by local ordinances and regulations, the capacity of 30 persons or less shall be calculated on the basis of the type of use and the floor space available for customers and employees, using the standards of the San Francisco Building Code where applicable.

Note that the limitation on size and number of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an "urbanized area" (CEQA Guidelines Section 15387).

***(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.***

This item applies only to property owned by the City and County of San Francisco outside its borders.

***(n) Conversion of a single-family residence to office use.***

Note that this Class concerns one single-family residence. It includes one of any kind of dwelling unit.

***(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no off-site waste.***

***(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.***

## **CLASS 2: REPLACEMENT OR RECONSTRUCTION**

***Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:***

When considered together with Classes 1(d), 3, and 11, it must be deemed to include replacement and reconstruction of industrial, institutional, and public structures and facilities within the limitations stated, including construction undertaken to meet seismic safety standards.

The "same site" shall be deemed to mean the same lot or lots as were occupied by the original structure(s).

Siting of the replacement structure(s) may not result in land alterations other than those necessary to remove the old structure(s) and to provide new foundations in compliance with present building and seismic safety codes.

Note that if only part of a structure is to be replaced or reconstructed, such activity may be exempt under Class 1(a) or (d).

***(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake-resistant structures which do not increase capacity more than 50 percent.***

This item is applicable to many instances of proposed school and hospital replacement and reconstruction in San Francisco.

***(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.***

This exemption does not cover expansions in use or capacity of the facility to be replaced or reconstructed. If expansion is contemplated or made possible by the replacement or reconstruction, this Class is not applicable, although Class 3(c) may apply.



***(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.***

Replacement of utility and transit power lines and equipment in existing locations and capacities is included in this item. As a general rule, such replacements will not involve any increase in size of a structure or facility. However, sewers are an exception to this rule where the size increase is solely for the purpose of carrying storm water runoff in order to prevent flooding in the immediate area. Water mains are also an exception where the size increase is necessary to bring old mains up to the current minimum standard to serve existing development, or to provide adequate capacity for fire protection for such development.

This item includes short extensions of water mains for the purpose of eliminating dead-end mains to improve circulation and water quality in service to existing development.

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

***(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.***

**\* CLASS 3: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES**

***Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.***

When considered together with other classes, it must be construed to include small structures and facilities for industrial, institutional, and public use.

Note that the limitation on size and numbers of facilities is different for different categories of uses. The City and County of San Francisco meets the definition of an "urbanized area" (CEQA Guidelines Section 15387).

***Examples of this exemption include but are not limited to:***

***(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.***

***(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.***

This section is limited to dwelling units and to no more than one building even when the number of units in two or more buildings totals less than six. The term "dwelling unit" or "residential structure" shall also include live/work or loft-style housing units. Motels and commercial structures are covered in Class 3(c) below.

***(c) A store, motel, office, restaurant and/or similar small commercial structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.***

This item is deemed to include both new construction and changes of use of all retail, service, and office uses of the types permitted in C-1 and C-2 zoning districts, within the size limitations stated. New construction and changes of use of industrial uses are also included when 10,000 square feet or less. Changes of use are included because to provide otherwise would place greater restriction upon existing buildings than upon new buildings (see also Class 1(a) regarding changes of use).

This exemption, when applicable, shall apply among other things to the issuance of permits by the Central Permit Bureau; the Police, Fire, Public Health, and Social Services Departments; and the Port of San Francisco Building Inspection and Permits Division. This exemption shall also apply to leases and concessions of all departments, boards, and commissions.

***(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.***

The types of utilities covered under this item are indicated under Class 1(b).

These utilities are exempt if they are to serve any construction or use included in this Class.

The utility extensions may serve a number of new structures built separately.

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

Certain utilities under the jurisdiction of the State Public Utilities Commission are not subject to local control and therefore do not require local environmental review.

***(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.***

This item covers accessory structures for both existing and new residential structures. Accessory structures covered by this item may be either separate or attached to the main structure, although attached structures are also covered by Class 1(e) in many cases.

This item also covers accessory structures for new nonresidential structures included in this Class. Accessory structures for existing nonresidential structures are covered by Class 11. School additions are further covered by Class 14.

***(f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite***

**waste.**

**\* CLASS 4: MINOR ALTERATIONS TO LAND**

***Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.***

Stabilization of shorelines in areas that are not environmentally sensitive is also included in this item.

***Examples include but are not limited to:***

***(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an Official Seismic Hazard Zone, as delineated by the State Geologist.***

If grading is part of a larger project requiring environmental review, the grading will be considered as part of such project, regardless of slope. In such cases any special permit for grading will not be reviewed separately.

Where grading is done for construction of a building exempted by Class 3, and is covered by the construction permit, such grading is exempt under that Class even if on a slope of 10 percent or more. Grading on land with a slope of 10 percent or more for more buildings than are exempted under Class 3 will not be exempt, however.

Blasting used in excavation and grading is not exempt.

***(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water-efficient or fire-resistant landscaping.***

Addition and removal of trees and other plant materials on private property does not require a permit.

Landscaping includes walls, fences, walkways, placement of statues and similar commemorative objects, irrigation systems, and similar features, as well as plant materials.

This item includes landscaping of parks, rights-of-way, and other public areas, except for grading that is otherwise limited by this Class. This item also includes development activities involved in the creation of new parks when the creation of a new park is not outside standards for exemption set forth in this or other classes. Development of parks and open space on undeveloped streets within Port of San Francisco jurisdiction would be included in this item.

Removal of dead, seriously damaged, and incurably diseased trees is exempt under this Class.

Movement of trees in planter boxes is not deemed to be tree removal or installation.

Under certain exceptional circumstances involving hazards to health and safety, removal of healthy trees may be considered an emergency project.

***(c) Filling of earth into previously excavated land with material compatible with the natural features of the site.***

Permits for private filling of this kind are ministerial and are therefore not subject to CEQA.

The term "earth" normally means natural materials, but it may include other materials such as demolition debris at locations where they have the required compatibility.

The term "filling" does not include operation of a dump.

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

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

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

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

Uses under this item include:

Fire Department permits: public fireworks display, tent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***(b) Issuance of minor encroachment permits.***

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

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

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

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

### **\* CLASS 6: INFORMATION COLLECTION**

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

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

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

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

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

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

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

This Class includes:

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

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

Transfer of portions of undeveloped streets to the Recreation and Park Department for development as a park is

exempt under this Class. Class 25 includes open space acquisition in some special circumstances.

## **CLASS 9: INSPECTIONS**

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

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

## **CLASS 10: LOANS**

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

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

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

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

## **\* CLASS 11: ACCESSORY STRUCTURES**

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

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

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

*(a) On-premise signs.*

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

*(b) Small parking lots.*

Parking lots are in many cases subject to conditional use review, as either independent or accessory uses. Lots

not requiring such review, whether small or not, are ministerial projects and are therefore not subject to CEQA review. In the downtown area, parking lots of up to approximately 50 parking spaces are considered small and are therefore exempt.

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

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

## **CLASS 12: SURPLUS GOVERNMENT PROPERTY SALES**

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

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

***(b) Any of the following conditions exist:***

***(1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or***

***(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or***

***(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.***

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

Leases of government property are not included in this Class.

## **CLASS 13: ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES**

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

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



but may include natural shorelines and undeveloped natural areas.

#### **CLASS 14: MINOR ADDITIONS TO SCHOOLS**

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

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

#### **CLASS 15: MINOR LAND DIVISIONS**

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

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

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

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

- (a) The management plan for the park has not been prepared, or*
- (b) The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.*

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

#### **CLASS 17: OPEN SPACE CONTRACTS OR EASEMENTS**

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

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

### **CLASS 18: DESIGNATION OF WILDERNESS AREAS**

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

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

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

*Class 19 consists of only the following annexations:*

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.*
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.*

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

### **CLASS 20: CHANGES IN ORGANIZATION OF LOCAL AGENCIES**

*Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.*

*Examples include but are not limited to:*

- (a) Establishment of a subsidiary district.*
- (b) Consolidation of two or more districts having identical powers.*
- (c) Merger with a city of a district lying entirely within the boundaries of the city.*

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

### **CLASS 21: ENFORCEMENT ACTIONS BY REGULATORY AGENCIES**

*Class 21 consists of:*

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:*
  - (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.*
  - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license,*

***certificate, or entitlement for use or enforcing the general rule, standard, or objective.***

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

- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.***  
***(c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.***

## **CLASS 22: EDUCATIONAL OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES**

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

- (a) Development of or changes in curriculum or training methods.***  
***(b) Changes in the grade structure in a school which do not result in changes in student transportation.***

## **CLASS 23: NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS**

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

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

## **CLASS 24: REGULATIONS OF WORKING CONDITIONS**

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

- (a) Employee wages,***  
***(b) Hours of work, or***  
***(c) Working conditions where there will be no demonstrable physical changes outside the place of work.***

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

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

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.*
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.*
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.*
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.*
- (e) Acquisition, sale, or other transfer to preserve historical resources.*

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

## **CLASS 26: ACQUISITION OF HOUSING FOR HOUSING ASSISTANCE PROGRAMS**

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

## **CLASS 27: LEASING NEW FACILITIES**

*(a) Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:*

- (1) Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or negative declaration has been prepared,*
- (2) Shall be substantially the same as that originally proposed at the time the building permit was issued,*
- (3) Shall not result in a traffic increase of greater than 10% of front access road capacity, and*
- (4) Shall include the provision of adequate employee and visitor parking facilities.*

*(b) Examples of Class 27 include, but are not limited to:*

- (1) Leasing of administrative offices in newly constructed office space.*
- (2) Leasing of client service offices in newly constructed retail space.*
- (3) Leasing of administrative and/or client service offices in newly constructed industrial parks.*

## **CLASS 28: SMALL HYDROELECTRIC PROJECTS AT EXISTING FACILITIES**

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

- (a) The capacity of the generating facilities is five megawatts or less,*
- (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:*
  - (1) Rate and volume of flow,*

- (2) Temperature,
- (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
- (4) Timing of release.
- (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.
- (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
- (e) There will be no significant upstream or downstream passage of fish affected by the project.
- (f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
- (g) The project will not cause violations of applicable state or federal water quality standards.
- (h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and
- (i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

## **CLASS 29: COGENERATION PROJECTS AT EXISTING FACILITIES**

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

- (a) *At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:*
  - (1) *Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and*
  - (2) *Comply with all applicable state, federal, and local air quality laws.*
- (b) *At commercial and industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:*
  - (1) *Meet all the criteria described in Subsection (a),*
  - (2) *Result in no noticeable increase in noise to nearby residential structures,*
  - (3) *Be contiguous to other commercial or institutional structures.*

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

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

*water quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:*

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

### **CLASS 31: HISTORICAL RESOURCE RESTORATION/REHABILITATION**

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

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

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

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

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) The project site has no value as habitat for endangered, rare or threatened species.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.*

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









## **Exhibit D**

**Bayview Hunters Point Area Plan – Industry (Printed Jan. 24, 2018)**

## INDUSTRY

The principal objectives for industry are to maintain and fully utilize existing industrial areas to better meet the City's and Bayview's economic needs and to achieve a closer linkage between the employment and investment opportunities created in the industrial areas and the employment and entrepreneurial needs in the Bayview Hunters Point community.

### Background

Over one quarter of the land in Bayview Hunters Point is occupied by industrial uses, not including the Shipyard or Port property. The subareas that have industry as a primary land use include: Northern Industrial, India Basin Industrial Park, South Basin East, and South Basin West. Together these industrial areas contain over 1,000 establishments and provide almost 15,000 jobs. Maintaining the vitality and growth of these areas is crucial to the economic well-being and future of Bayview as well as the city as a whole.

The Northern Industrial area, India Basin Industrial Park, and the Port facilities at Piers 94 and 96 are oriented toward light and heavy industrial activities, maritime industry, and heavy commercial. Physically removed from Bayview's primary residential areas, India Basin Industrial Park and the Port's container terminals in particular are more directly linked to the adjacent maritime/heavy industrial uses in the Central Waterfront north of Cesar Chavez Street, immediately outside the boundaries of Bayview Hunters Point. Industrial growth in South Basin is circumscribed by surrounding residential areas and the Candlestick Point State Recreation Area. Future growth should be directed toward achieving more efficient utilization of space in already built-up industrial areas and improving compatibility with the State Park and surrounding residential areas.

The other previous industrial area is the Hunters Point Shipyard. Through special legislation under the federal Base Closure Act, it is being ceded to the city. Occupying over 500 acres, it was the single largest industrial area in the district, and has had determining influence on the overall economy of Bayview and the city as a whole, particularly when it was fully utilized by the Navy as a major ship repair facility from World War II to 1974. By physical location and characteristics and by citizen input, it is an appropriate location for a wide range of new uses, including housing, research and development, retail, commercial office and light industrial uses. The historical conflict between housing and industry in the Bayview and the need to achieve harmony between residential and industrial areas prompted the extensive community planning process to develop the Hunters Point Shipyard Redevelopment Plan, which designates land use throughout the Shipyard. Land uses include a variety of Research and Development Uses, Office Uses, Light Industrial Uses, Mixed Land Uses, residential and Cultural and Educational uses. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan and its accompanying Design for Development document.

### OBJECTIVE 8

### STRENGTHEN THE ROLE OF BAYVIEW'S INDUSTRIAL SECTOR IN THE ECONOMY OF THE

## **DISTRICT, THE CITY, AND THE REGION.**

### **POLICY 8.1**

***Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts.***

Northern Gateway, South Basin, Oakinba, and the India Basin Industrial Park have been rezoned to new Production, Distribution and Repair designations. The new districts clarify the purpose of these vital neighborhoods by clearly limiting uses that could compete for land and could create damaging land use conflicts.

A major opportunity to bring the Hunters Point Shipyard under productive use for local purposes has become available with the Congressional Base Closures Act. Separate legislation to specifically cede Hunters Point Naval Shipyard to the City creates a unique opportunity for the City to bring the shipyard area into full productive use in a way that benefits both the local and regional economy. Reuse of the shipyard has been planned for in the Hunter's Point shipyard Redevelopment Plan and its accompanying Design for Development document. The Redevelopment Plan provides for a mixed-use development including light industrial, and other mixed uses. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan. Given the central role of the shipyard in the overall economy of Bayview Hunters Point and the City and County, it is essential that these activities be closely coordinated with the planning activities for the Bayview as a whole.

### **POLICY 8.2**

***Achieve reuse of Hunters Point Shipyard.***

A major opportunity to bring the Hunters Point Shipyard under productive use for local purposes has become available with the Congressional Base Closures Act. Separate legislation to specifically cede Hunters Point Naval Shipyard to the City creates a unique opportunity for the City to bring the Shipyard area into full productive use in a way that benefits both the local and regional economy. Reuse of the Shipyard has been planned for in the Hunter's Point shipyard Redevelopment Plan and its accompanying Design for Development document. For specific policies governing Hunters Point Shipyard, see the Hunters Point Shipyard Redevelopment Plan. Given the central role of the Shipyard in the overall economy of the Bayview and the City and County, it is essential that these activities be closely coordinated with the planning activities for South Bayshore as a whole.

## **OBJECTIVE 9**

**IMPROVE LINKAGES BETWEEN GROWTH IN BAYVIEW'S INDUSTRIAL AREAS AND THE EMPLOYMENT AND BUSINESS NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY.**

### **POLICY 9.1**

***Increase employment in local industries.***

The India Basin Redevelopment Project has been successful in attracting new industries to the Bayview district. It is not clear, however, that the project has fully met its employment goals of creating major job opportunities for local residents. Local unemployment rates have fluctuated since completion of the redevelopment project. Future revitalization activities should give greater priority to assuring job opportunities for local residents.

#### **POLICY 9.2**

***Encourage the local business community to play a larger role in Bayview's industrial sector.***

The business community in Bayview Hunters has focused much of its interest on revitalizing the retail section of Third Street. Yet even with such revitalization, business opportunities would be limited because of the essentially neighborhood-serving commercial function of Third Street and the ample supply of existing commercial space. Bayview's industrial sector also offers many business opportunities. The local business community should broaden its interest in economic development to look at ways of playing a larger role in the industrial sector.

#### **POLICY 9.3**

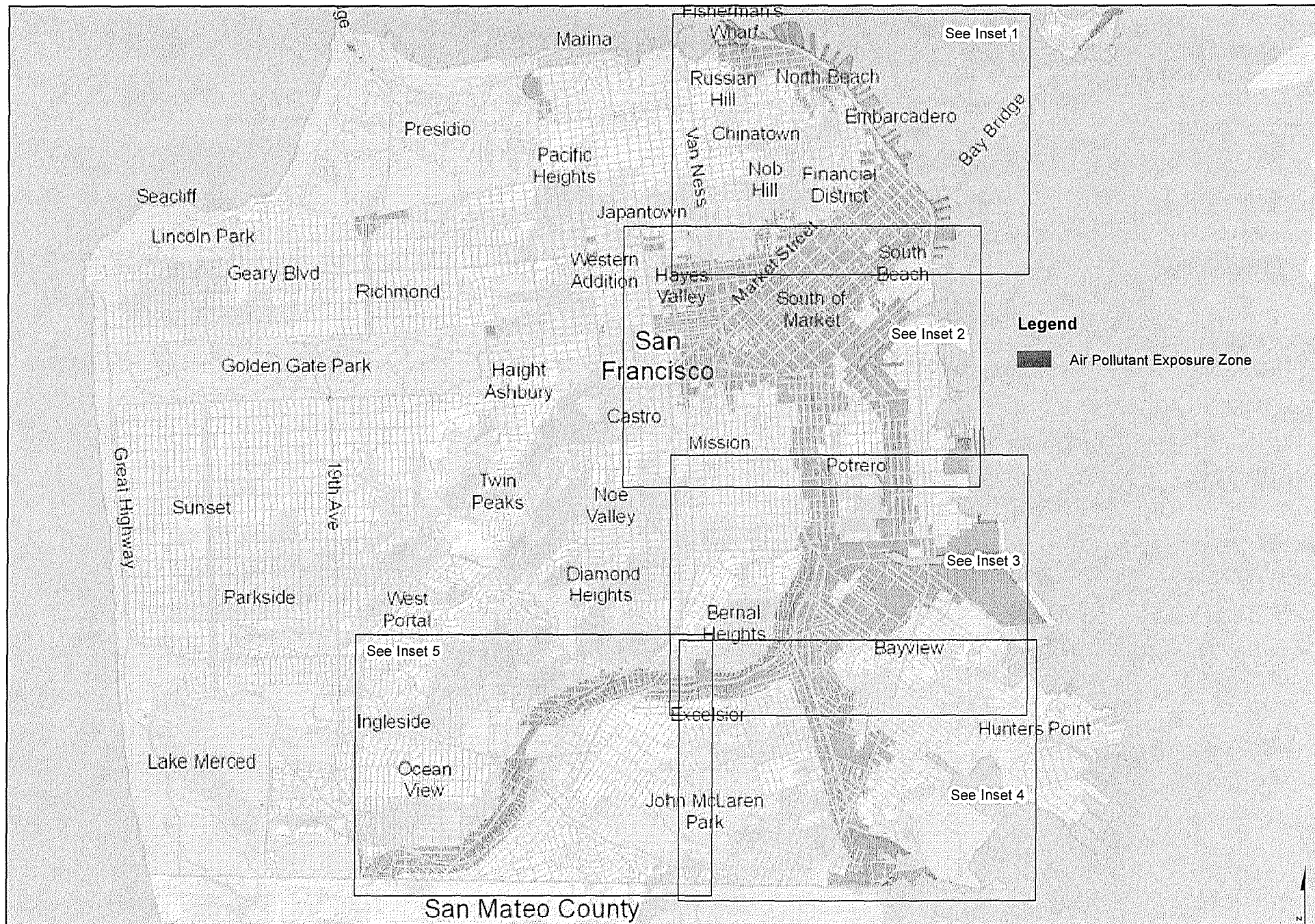
***Support expanded role of African American firms in distribution and transportation industries.***

The South Bayshore Economic Study (May 1988) prepared by Recht Hausrath Associates documented that "Warehousing/Distribution/ Transportation" (W/D/T) industries dominate the Bayview economy. African-Americans are grossly underrepresented in these industries. In most cases, as business owners and operators, they are totally unrepresented. Since the late 1980s, a few African American firms have managed to gain a foothold in this economic sector. These firms include one trucking firm owned and managed by African-American women. The efforts of these firms should be strongly supported. They still face many barriers to full participation as private entrepreneurs because of the historical isolation of African Americans from these industries. These barriers include private market restrictions relating to bonding, financing, contract bidding, marketing, and organizational leverage. Programs specifically designed to eliminate each of these barriers should be developed and implemented so that African American firms can compete on an equal basis with other private firms in this important economic sector of Bayview Hunters Point.

**Exhibit E**

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

# Air Pollutant Exposure Zone Map - Citywide



Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

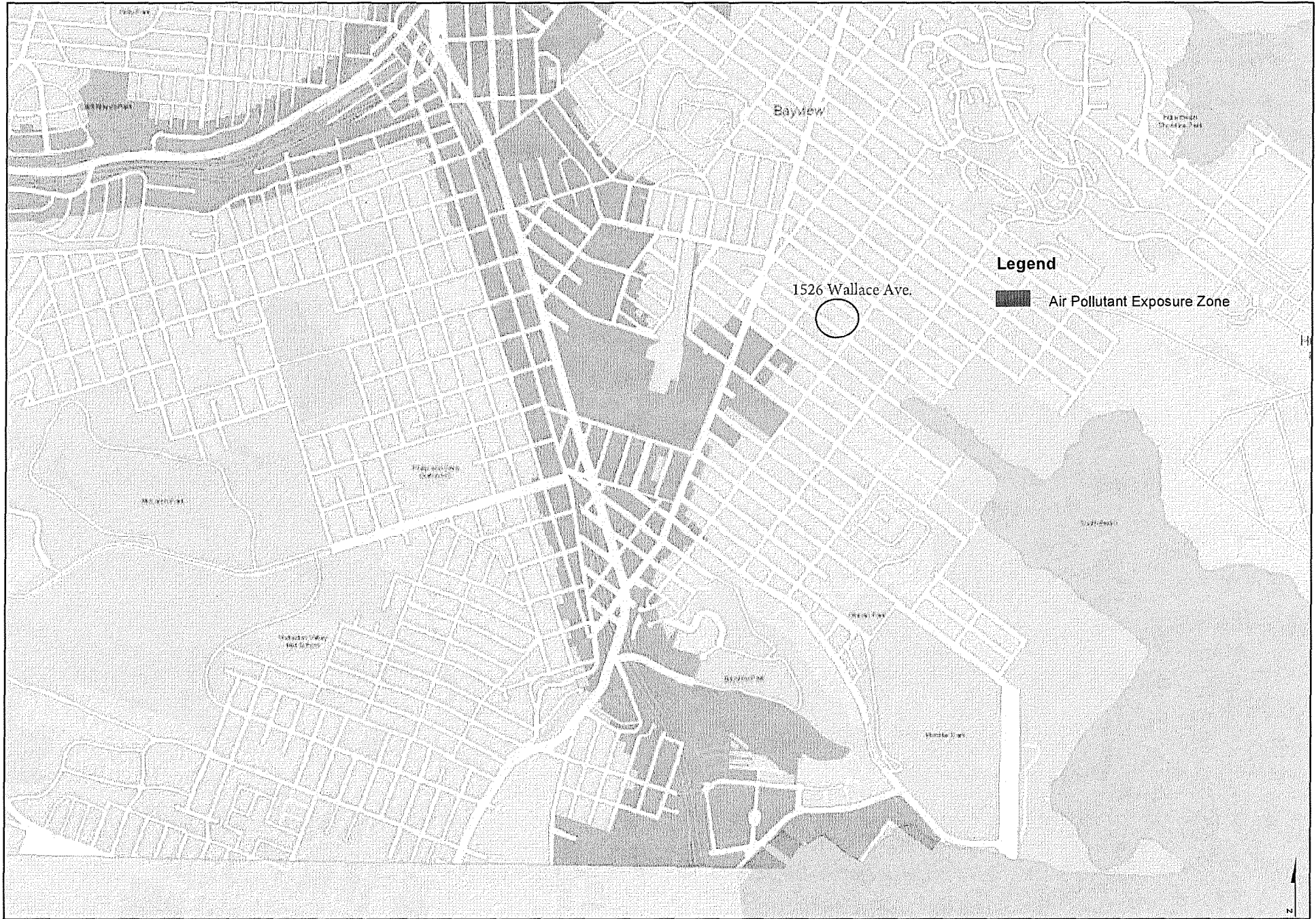
Printed: 10, April 2014



**Exhibit F**

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

# Air Pollutant Exposure Zone Map - Inset 4



0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

## **Exhibit G**

### **Planning Commission Caption Notes (Nov. 30, 2017)**

on Item 19, 2014-0376 cu 1526 wallace avenue.

>> I'd like to make a quick introduction of the staff members who's going to be

presenting number 18.

Matthew chandler retired as a

current planner with the flex team. He has experience in the commercial construction industry and city planning. He's worked with preservation

and city planning in the

midwest and join is us most

recently from St. Lewis, missouri.

He holds a bachelor's degree in

planning from missouri state university, and we welcome him to staff.

>> **Supervisor:** welcome, matthew. >> yes.

Thank you for the introduction, marcel. The case before you is a request for conditional use authorization to process and

sell small livestock at 1526 wallace avenue, a parcel within the production, distribution,

and repair zoning district.

This was processed as a cb 3 p or community business priority processing program application. Livestock processing one, which is defined in the planning code

as an industrial use that involves the life storage

killing or dressing of poultry rabbits or other small

livestock and/or the tanning or curing of raw hides or skins

from an animal of any size.

This use allows direct sales to customers and requires a conditional use authorization in this zoning district.

The simple reason why we're

here today.

Saba life poultry has been in

business for five decades. This use is subject to the locations and operation

restrictions of section 202.2 b of the planning code requiring the operation within a

completely enclosed building with no openings other than

fixed windows or exits required by law if within 50 feet of a residential district. The operation will be wholly

conducted within a hard shell

enclosure which enclosure, and the subject site is surrounded completely by other industrial uses and pdr

zoned parcels.

Saba live poultry plans to establish a second location in the bay area. The facility will process on-site and sell directly to

the consumer.

This style of butchering will

provide a service which the san francisco city and county currently lacks. At this time those who are

limited to or wish to purchase halal products must travel outside of sprask.

i have completed copies of the required categorical exemption as well as public comments that were received after the commission packet was prepared. There are also copies up here for the public, as well. The department has found the project to be on balance, consistent with the general plan, and necessary and desirable and recommends approval. This — that concludes my presentation. I am available for questions. The sponsor team has a presentation to follow with additional details.

Thank you.

>> so jonas, could I hand over

speaking cards for the supporters who are still here,

and these are for the 16 who

had to leave since things went a little bit longer. Maybe I should move over here.

So good evening, commissioners.

Dan franton with reuben, ginous

and rose for saba live.

We're here asking for the permission to grant a cu for the saba processing facility. As you heard, this will be the only facility of its kind in san francisco, although saba does have a long record of operating eight facilities in new york, as well as in the fruitvale district in oakland.

Halal generally refers to what's in islam general practices and then slaughtered according to the specific practices.

A brief prayer said before the animal's throat is cut. Its blood is drained, and as in every slaughter house, there's an inspector present to make sure that's everything that's done is high generalic ygienic. Many cultures want to see the conditions that their animals live in and are processed in, and it's an important part of their food culture and their religious practices.

These are some of saba's new york facilities. So you can see that they're often in locations that are — that are not industrial. They're residential uses. These are not industrial scale production facilities, they're — they're really small scale facilities that are comparable compatible with mixed use neighborhoods.

Customers at their oakland facility tend to be east asian, muslims and latinos, mainly, and then, they serve some is restaurants.

Saba's decision to — let me just...Saba's decision to

locate in the bayview was

driven by a couple of things. One is desiring to be close to their customer base.

They're just a couple blocks

off the t-3rd railway line, and I think these conditions are

setup to regulate much larger

facilities than what saba

proposes here.

As know, less than 5% of san francisco is zoned for industrial use, and that

figure's been getting progressively lower over time.

Livestock processing is allowed

only in a subset of those

districts so there are really very few places for this business to go.

The pdr is intended to

facilitate some heavy pdr traffic. It's 24 hour trucking, relatively noising operations. There are a lot of auto body

shops, a lot of very active trucking facilities around here.

Saba's use is going to be

much — much less intensive than what's — than what's

going on around it. You can see some pallet

facilities, a lot of auto body shops.

Actually one of those is where

saba's facility will be moving into.

Saba's use here, it's a 2100 square foot facility. It'll be completely enclosed. They anticipate storing about

500 birds on-site on a typical

day to support daily sales of

about 200 to 400 birds, which

sounded like a lot to me when I first heard and then I went

over to see their facility in fruitvale, and it's really a room with a few cages of chickens in it.

It's not really a large operation. Of course, there will be some

peak times with more birds, but this is just the general day today. Trucking to and from the city

will be — or to and from the facility will be really typical

for a small industrial use

probably less than many of the other businesses around with

one to two trucks a day. Although san francisco only allows livestock processing in a few industrial districts, they're allowed a lot more

widely in — in other cities, including in oakland, where you

can see there's a residential building right next door.

I was there, again, this morning.

You don't smell any odors off-site.

It's actually a pretty quiet facility. I guess I'm out of time for the moment, but there are a few

other speakers here who I'm sure would like to make a few

more points, and I'm available

for questions.

>> **Supervisor:** thank you, so

I'm going to take public comment.

I'm going to read some names,

and you please lineup against this wall.

Ina dang, marry beth alonzo, nadine May. >> if your name's been called,

feel free to approach the dais. >> hi, commissioners.

My name is nadine May.

I'm a san francisco native, and the first thing I want to point

out is I have a button on my

purse that says, actually, keep our muslim neighbors safe.

My t-shirt says no muslim ban ever, so I don't think anyone

can accuse me of islamophobe I can't, not

can't — islamophobe.

The last slaughter house was

closed before the earthquake,

and the one before that was 1971. I feel that it's not appropriate to have a slaughter house here.

I think san francisco's been vanguard, I think we've always

been, and I'd like to see the city move forward on an issue

that impacts not only animals, health, welfare, and the environment. Everybody knows that — well,

maybe you don't know, but meat

and dairy industry is the

number one contributor to global warming, number one.

It's incredibly did he destructive of habitat. We don't want it around. I simply don't want san

francisco to go in that direction, and one other thing I wanted to point out is would

this slaughter house have been proposed in an area like the

richmond district where I live, even if it were zoned for that,

or st. Francis wood or pacific heights, no, it's in the bayview, which is as we know, a poor, struggling area that I

know fairly well 'cause I have friends there. And I think this is a question of the environmental injustice. I just don't think it's fair

the bayview has fought very hard to have a healthier environment, and I don't think this is going to contribute to it.

I am a vegan, but I don't like in a bubble, and I'm very concerned about conditions of animal welfare, conditions of slaughter. I know that they would be able — the slaughter house would be able to sell animals to the public, so while their facility says that they would be killed in a halal method, in a humane method, what happens when they sell to the public? There's no guarantee at all that those animals will be killed in a halal manner, and last, but not least, jobs. Everybody mentioned jobs, everybody wants local jobs, which is great, slaughter house jobs are awful.

They're mostly all across the country done by undocumented individuals, and there's a reason for that people people do not want to do that. Thank you. >> thank you, ma'am your time is up.

>> thank you, commissioners. My wife is name is ina day, and my wife and I are raising three chinz, and we run a doggie house at 223 shafter in the bayview.

We are embedded in the community. We care about the community. The bayview has historically been a dumping ground for toxins.

30% of all toxins of san francisco have been placed in the bayview. I am native san francisco.

My fathered fished in the waters avenue of bayview in the yosemite. When you bring a business such as a slaughter house, and we know that there are toxins in chicken poop dust, where the feathers are going to go, I ask you to take a pause and do an environmental impact study before you place this into the bayview. There are zoning for this, but there are 37,000 of us that live there, and it's also a socially economically challenged community, and we don't need to increase the staff that show that our asthma rates are four times higher than the rest of the city, and so are cardio problems, so please tell us where the exhaust is going into our system, what is being done with the poop, what is being done with the blood. Personally, at my doggie daycare, the facility was run at a as a meat packaging company from 1992 to 2012 before it was sold to my predecessor.

We tried to find the source of a stench.



We were told by the President Sever that it was urine.

It turns out it's blood in the

water system below us, and we're spending thousands of dollars to dredge that out that

was in the system from 1992 to 2012, so I ask you please think about the community as you move

forward with this. Please stop the cycle of environmental racism and impact

on those who are in the lower socioeconomic realm. Thank you.

>> thank you, mace iss dain.

Next speaker, please. >> hi there.

My name is deandra hundrin, and before I start, I just need to

make a minute because the emotional feeling of standing there — actually, watching this room packed for people who were fighting in regards to

buildings, and brick and mortar

to being just a few people here

fighting for lives of people

was quite interesting.

Again, my name is deandra

deandra hundren.

Current owner of business bear

with me, a mother and daughter doula and maternity consultant business located in the

bayview, and a member of the

economic development on 3rd

street, I'm actually the secretary of that committee. I am submitting these comments

or stating these comments to each of you for consideration in regards to the conditional

use permit currently pending for 1526 wallace avenue. My commitment as a business

owner and a long time resident

of the bayview-hunters point community has made it possible

for me to raise my children, now grandchild in our family home, just three blocks away

from the property at 1526 wallace.

I received no notification on

my door, in my mailbox, in my

e-mail, knock on the door, from

anyone stating and letting me

know that this slaughter house was going to happen just three

blocks from my home.

It is so disappointing that once again the community and folks like myself that live

just blocks away from what I

feel is an intrusive and potentially hazardous establishment wasn't notified

in a clear, concise and acceptable way that this

potential event has the potential to take hold in our back yards. In fact, I can see the slaughter facility from my living room window.

It wasn't until I requested to

be on an informal call with the animal legal defense fund that

I learned about the proposed conditional use request in its current format. I, too, believe the department

lacks an adequate real basis

for approving the conditional use affecting 1526 wallace

avenue as a livestock processing avenue. The 20152016 wallace avenue

building it into a livestock

processing facility has strong

environmental impacts. I strongly believe that you need more information.

I strongly believe we as

residents need more clear

information about blood – and the waste. Thank you. >> thank you.

Next speaker, please. >> hi there.

My name is ali al-moled, and

what we need is a halal chicken. I'm a citizen, you know, this is what we're looking for in

this area, and I hope you approve it. Thank you. >> thank you.

Next speaker, please. >> hi there. Good evening.

My name is marry beth stalanzo,

and I am a resident of the district. I have concerns that a slaughter house would have on the neighborhood and the animals. I would oppose a slaughter house in my own neighborhood, and therefore, iopose one in

the bayview, too.

People who live, work, and

visit there should not have to

deal with the impacts, be they

physical or emotional any more than I want to.

I ask you to deny this application, please.

>> thank you Miss Stalanzo. Next speaker, please. >> how do you do.

My name is salal, and I'll make this very short for you.

I hope we're not debating here whether people should eat meat or not and what kind of meat

they should eat.

However, I want to relate to

you that our community needs

and demands are under represented. Our community needs — there's

no place for us, for muslims to go ahead and get halal meat around this place, the place of the city of san francisco and while it was opened with the muslim community in mind, I have a business very close to the one in oakland.

Over 90% of clients are non-muslims. I spent the last three days counting foot traffic to that

store, and I have found that in

the first day, one out of 12 were muslim.

In the second day, one out of

11, and the third day, one out

of nine, so the people that go there really demand and need to see where the animal has come from, how it is being slaughtered and how it's being processed.

It might be somewhat foreign to

some — a good segment of the

population, but for a whole lot of us who really care about organic a place is, where this product has come from, what

food did it eat, and how it's slaughtered. We're importantly for the

people who are really worried about how humane it is or not, I challenge that there is a more humane way of slaughtering an animal, and I hope that's not the discussion that we're having here than the muslim way.

reason why is the animals, when

they get slaughtered are in separate chamber from where

they get gathered. Unlike those commercial

slaughter houses that are in the bay area, where another

animal gets to see another animal being slaughtered.

This is highly fore bidden in

the religion, but more

importantly the health way is really important to the muslims and people who are health conscious. Because the way it was bled out, so it has an impact on the people. We are very well aware that

this place used to for many

years host these places, and I very strongly recommend that

you approve this, not for the sake of the muslim community but the community at large, so

I ask upon you to approve this

agencial use permit. God bless. >> thank you very much.

Next speaker, please.

>> hi name's jamal guinan. I grew up and I was raised here

in san francisco and as far as

I can remember, one of my parents' biggest issues that we

faced when we live here was

finding halal meat.

We can eat — halal meat is

what we can eat under the

islamic guidelines that require healthy, humane treatment of the animals. That was important to our family first and foremost because of the meat. 20 years later, and now I am facing the same difficulty finding halal healthy, safe meat to provide to my kids. We are still facing the same issue. There's no other slaughter house our anything else close to it in that matter that allows clear, visible slaughter of the animals like they were saying in conditions that are humane. Not allowed to see other animals being slaughtered.

The san francisco bay area has one of the largest muslim communities in the united states, and these are difficulties that we have faced year after year. This is not just for the quarter of a millian muslims living in the country, but to the other communities that follow this culture, asians that eat this type of meat, and jewish culture that eats kosher. >>Vice President Richards: thank you.

Next speaker, please. >> good evening.

My name is alina anella, and I'm speaking on behalf of the animal legal defense fund.

The animal legal defense fund opposes the permitting of the slaughter house at 1526 wallace avenue.

As explained in detail in our written statement, the planning department lacks abadequate legal basis to approve the facility. We urge the department to conduct an environmental impact report as required by the california environmental quality act.

The department has next to no information about what this slaughter facility will involve.

However, we can expect that the facility will result in the he mission of air pollutants, the release of effluent into water,

and it will generate waste, including solid waste. All of this will have a negative impact on a neighborhood that's

disproportionately impacted by pollution.

In addition, the animals slaughtered in this slaughter house will be transported all the way from pennsylvania, and when they get there, they'll be held sometimes up until multiple days in small cages.

This long transport and being held in these cages will cause the animals unnecessary suffering and it will increase their risk of disease when they're placed under stress and kept in close quarters.

This in turn puts the community at risk for zoonotic disease.

Lastly, proper notice was not given of the consideration of

this conditional use permit application as required in the san francisco planning code. Notice should have been given 20 days in advance in the newspaper. That would have been November 10th. However, notice was given on November 22nd in the

newspaper, which is 12 days late. As a result, not all community members had a property opportunity to comment on this.

Thank you for your consideration. >>Vice President Richards: thank you thank you.

I'll call some more speaker cards. — those were called?

I'm sorry.

Sala al kari, schwan parker,

abdul,

abdul, — abdul awardi.

>> hi.

I'm here to support the — [Inaudible] We draw up like that.

We like the fresh meat.

If you've ever tasted fresh

meat, you see the difference between this meat and the fresh meat.

We support halal 100%.

It's strong for our community.

It's different from other meat absolutely. That is different from any meat in san francisco.

When they opened it in oakland,

I supported it 100%. It's the taste is different

from others.

Please we need your support. Thank you. >>Vice President Richards: thank you. Next speaker please.

>> my name is shawn parker, and

I support the opening of the slaughter house. There's been misconceptions on how the blood and everything — it does not go into the sewer, it's separated into a tank so it does not go into our sewer systems, and feathers and everything are placed in separate containers, so there's

no problem with, you know, the environment because it is put

into a different waste container.

Also, there are drains and

filters to prevent the — just

like for restaurants, how they have grease traps, things are separated out so it's not going into the sewer system, but once

again, I wish you would support

the use of the slaughter house for us. Thank you. >>Vice President Richards: thank you.

I have a few more speaker

cards.

Monia mohamed rkts olga miranda, roberto hernandez, and

michael haas. Anybody? — or anybody else who would like to speak, to offer public

comment on this item.

>> good evening, commissioners, council. I'm not in opposition to the establishment of the business that has been proposed.

I've known the gentlemen that are operating the business in

oakland for just under 3.5

years, and since July of 2014, I've been to their business nearly a dozen times.

None of the issues that were

raised here, which were opposable, which was a smell

was recognized.

I understand that there's some

consideration for airation. I did not recognize any

problems with that in my visit to the business, and as such,

I'm not in opposition to the

establishment of this business based upon my observations of

the business in oakland. Thank you very much. >>Vice President Richards: thank you.

Any additional public speakers?

Public comment, please... >> good evening commissioners.

My name is kristina stella.

I am a staff attorney with the animal legal defense fund.

I'm a san francisco resident,

and a patron of businesses in bayview, hunters point.

I just want to reity rate, erate, legal notice was not given to us

under the planning code. Green action, the planning

organization that represents

residents of this neighborhood

has submitted comments based on opposition. Our comments were based solely on environmental impacts, and

so you've heard differing

opinions, but legally, you're

required to decide on the facts.

No offense to the owners, merits of the facility aside,

but the facility will have

significant environmental impacts. Aside from the documentation that alds has introduced into

the record, the commission has

no studies with regards to this facility.

I also want to correct, we have no indication that these

animals are raised under the

standards of the national organic program, as someone mentioned. Slaughtering 400 birds or

keeping 400 birds on-site is

substantially larger than the

location in oakland, and the oakland city council pushed

back on that facility. Our written comments and the

comments we've submitted today

meet the even if this facility will ultimately be regulated by

other agencies or under other laws, it is still your responsibility to study its

impacts before approving it and to justify your decision in light of the information that

you've been presented with. You saw earlier the value of the eir. We all witnessed that. Much of the environmental information that we presented in our comments was generated

by the city of san francisco which certainly deserves your consideration. Also, with regard to your conversation before about the community benefits package, at this point, there's nothing

that would bind the business owners to any, you know, specific standards, but you do have the power to implement

them, so in conclusion, you need to know the law prior requires

this commission to know, study the impact of your

environmental decisions before

you approve impacts or try to impose any meaningful conditions, so with that missing here, we urge you to deny the permit. Thank you. >>Vice President Richards: thank you.

Next speaker, please. >> hello, everyone.

My name is ahmed aboussi, and

most of my members and

community goes to oakland for

islamic halal meat, and it's

unfair that our -- such a city in oakland has a place for

them -- has a halal meat in

there, and we do not have one here in san francisco. I've been going to oakland for

the past five years.

I did not hear of an environmental problem or health

issue or anything that was

raised by some people in here. Therefore, I'm going to ask —

I also want to add that I was

in here a few weeks ago, and I

went to the same plant with families, and they've been living there for the past 20

years, and there is no environment issue there or health issue.

I'm here today — I waited for

five hours to tell you, I need

your compassions for our

community to vote yes for that application. Thank you. >>Vice President Richards: thank you.

Next speaker, please.

>> good evening and I want to

thank you for your marathon meeting. You guys have been in and out,

and it's been a long night, so

I want to be able to thank you

for your time and that you guys are still awake.

My name's Olga Miranda, and I'm

the President Of local 87, and I'm speaking in support tonight

of saba halal meat.

I represent about 5,000

janitor's working in private sector in San Francisco the

lights you see on in the city,

those are our members, those

are our workers working downtown.

Our union local 87 doesn't just stop at our contracts.

We go and we help our members advocate at the school district for more — better services for our children.

We also go and we're — we're

always at the forefront of

fighting for immigrant rights, against police brutality, and the first time in 20 years that

I've ever come to talk to you about meat in city hall, so

there's always a first. Our city has always prided

ourselves in inclusivity.

We've always condemned racism and pretexts of a face. The condition of wearing a

t-shirt or button is not the



same, because islam is a way of life for our members.

It's a life thing.

These muslim members don't have

a supermarket, and it would be hard on you if you had to travel on us your community just to buy meat.

For our members who are muslim, those are the treks that we

have to go, or stockton or san

joaquin or modesto to get real halal meat, and that would be

an intrusion of all of our time

if we were put in that same position.

They can't afford whole foods, so they can't shop at whole foods.

We, and our members have to travel very far to have the luxury of putting meat, a protein on their table, so I just ask that you please put yourself this that position. How would all of you like to be put in that position, having to

trek just to put a slight of

organic chicken on your tables? For our members. The same way that people feel

so passionate about organic,

halal is the same for our

members. In terms of the socioeconomic

impact, it would be a positive impact.

The bayview has always been ignored, and now, there will be

more gentrification,

unfortunately, but these members live in our community, and for a long time, they've been ignored.

Every weekend at the farmer's

market, life chickens are being

sold there, and they're being slaughtered.

I'm just asking you to think where that has happened. >>Vice President Richards: thank you, ma'am.

Your time is up. [Inaudible] >> thank you. >>Vice President Richards:

ma'am, your time is up.

Thank you. [Inaudible] Thank you.

Next speaker, please.

>> hello.

My name is merces d. I'm not a good public speaker,

but we need your support for our community. Also your support for this business. Thank you so much. >>Vice President Richards: thank you. Any other speakers on this item?

Seeing none, this portion of the hearing is closed. Commissioner johnson?

>>Commissioner Johnson: thank you.

So I will have a question or two for the staff and the attorney in just a moment, but

I do want to say that there's a lot of issues to weigh here, but I do think it's important

for us to be culturally

inclusive in this city, and

that's not just being saying

it, when you see people walking

up that may look different or worship different than we do,

but it's allowing for the infrastructure that diversity requires, and I don't think that everyone here in the room here is vegan. I know that some people identify themselves that way, but I don't think they are, but I think we need to really make sure that we are being culturally inclusive as we discuss this project. So my question is, it was a short packet.

It was a short packet, but in terms of the environmental

impact questions, we have a building code, we have a

plumbing code, we have a green building code that -- and I believe -- this is my question

for the city attorney, that

those codes are -- by having them, we have affirmed them

under CEQA, is that -- I have a line of questioning here.

See if I get -- see if I get this right.

>> commissioners, Kate Stacey from the city attorney's office. When the city adopts codes or

code amendments, most of those code amendments are considered

projects under CEQA, so there

is environmental review.

I can't confirm what the environmental review might have

been for the various components of the building code.

>> **Commissioner Johnson:** okay. Thank you. I think the reason I asked that

question is particularly as it

relates to the handling of

livestock and disposal of

remains, those activities

broadly are covered under our

existing codes, so, for

example, I believe that halal method is different in the sense that you're not just

dumping blood in sewers. I mean, the animals are blessed

and they're processed for

slaughter and processing, but

where there is effluent or where there are other remains

or materials, it seems that that's covered under our

plumbing and green building code. >> specifically, I don't know

where the disposal of effluent and blood would happen. The program is going to be required to go through additional review through the building department, as well as receive

approvals through dph

and possibly the state for

disposal of the waste, the processing of food as well as the finish of the interior walls because they're going to be processing food they'll be for sale, so there are multiple steps of final approval that we do not know, I think all of the

details, just like we might not know all of the details that the building department might review, but they are subject to those further details.

As far as the halal slaughter process, I think the project

sponsor might know a few more details if we wanted them to possibly discuss that.

>>Commissioner Johnson: thank you. Yeah, broadly speaking, there's a little bit of gray area here,

but I feel it's our decision to

have the land use decision, and there are other departments,

both locally and statewide that cover the operations and making sure that they comply with

those regulations. I'm familiar with — I haven't

been inside one, but there are halal butchers in other cities

that aren't necessarily in fully industrial areas, so I think there's an opportunity for something here because

here, it's a pdr, but it's not necessarily out that just because of the area that it is.

I would say that debating the bayview-hunters point has other agri-type uses. I would not necessarily say that this is an outlier, and this should be out there somewhere if we're going to

consider ourselves an inclusive and diverse city. The actual operations are covered under other laws and agencies that have, you know,

approved their codes under ceqa. >> Mr. Koppel.

>> thank you, vice President, so I'm going to echo the comments of commissioner

johnson, as far as being inclusive and diverse here in san francisco, seeing as we do

not have one of these already. Looking at the location in

general, I don't have a problem with this business being in

this location, so the land use issue, I don't have a problem there.

I do not think this needs an official eir. I do think maybe some more

clarification to make the

nearby neighbors — [Inaudible] — might be in approximate order.

I do see there's talks of a

liaison or odor removal.

Some of this may just go into compost. I don't know and I'm sure there is a plan in place and all of these issues are addressed and

taken care of, but I do think

it may be in order to provide that actual plan in writing to

the adjacent neighbors. I actually respect the treatment of the animals and so

I don't — I have support for

the project in general.

I may be open to just kind of

solidifying a more defined disposal and removal plan for

the liquids and the solids,

just so that the neighboring businesses and people feel better about what is actually happening, but other than that, I'm supportive. >> thank you.

Mr. Fenton, can you help us with what all that means,

because I'm thinking what the

difference is between this and whole foods.

>> yeah, I'd be happy to answer those questions, and with due

respect to the commission, knowing you've had a long night, it's also difficult to convey the information that we'd planned to convey in half the time that we thought we had, so thank you for calling me. Thank you for calling me back

up to make a couple of more

points because they're -- the

san francisco public utilities commission does have a program

that regulates industrial uses

and what they can put into --

into the sewage system, and so

there's an industrial use

permitting requirement in place

that requires operations like

these to divert solids and to

divert biological wastes from the sewer system, and so what

that's done, when the chickens

are slaughtered, the blood is

captured into a tank.

The feathers are similar ly put into another container to hold

them, as with the meat by-products.

Those are cleaned, they're put

into air tight containers, and

they're stored in an on-site

facility for sanitary reasons,

and they're collected by

darling, located on amador

street just up the road, where

they take a lot of waste from

restaurants, grocery stores, other food service industries

around the city, and then, turn

those into useful products so

there's — it's obviously not a

100% closed system, but there

is absolutely a permitting requirement in place that will deal with all of these issues

in a very thorough way. >>Vice President Richards: thank you. Commissioner melgar.

>>Commissioner Melgar: thank you.

So just to echo the comments of

commissioner johnson, I do think that supporting the

diversity in the — our city

means having the infrastructure

to support folks who live here,

and worship here and, you know,

live in different ways, so I do believe that that is something that we must do.

The one thing that I heard that troubled me was about the noticing, and so if you — if staff could please comment on that, and you know, clarify what the requirements are and

what we did, and if there's any

gray areas that we need to take into account. >> sure. I was able to review the newspaper postings. They are available on the website on-line, and the newspaper posting for this project was made on November

8th, 2017, which is 22 days, which far exceeds the minimum requirements for this area,

which, I believe is 20 days, so

it far exceeds the minimum requirements.

>>Commissioner Melgar: okay. Thank you. >>Vice President Richards: commissioner fong.

>>Commissioner Fong: yes. While I respect all diet choices and lifestyle choices

and religious choices, I do believe that we are a farm to

table city, and you know, when

we step into a restaurant, we

enjoy that aspect and bringing

produce and the processing of produce, whether it's vegetables or meats getting closer to the place where we're going to eat it and enjoy it. I happen to be a graduate of a

cooking school, as well as a

certified food handler in

sanitation, and to the point,

whole foods doesn't get bulk meat wrapped up.

They cut it down, and dispose

of it in the proper way, using

sanitary chemicals and hot

water over 215 . I'm sure this company would stay to the health department

in all those same codes and aspects, so I'm in support of it.

I think it's just one more aspect that keeps san francisco unique and fresh. >>Vice President Richards: commissioner moore.

>>Commissioner Moore: I'm in

support of comments made by my fellow commissioners,

especially the biggest one, inclusivity, and supporting the diversity of our community,

which is a haulmark community. I want to clarify the building in question is really not directly adjacent to residential, but it's clearly

in the midst of like sized

warehouses to all sides, and I do believe that given that we

do have very strict food handling and environmental regulations on all level of local, state, and federal government, that this

particular facility will spend

every -- leave no page

untuned, particularly as it limps into links into religious practices, so I would move that we approve the project and hope that it

will be realized soon so it can be considered for the community which really needs it.

>>Vice President Richards: one morquestion.

Why transport the chickens all

the way from pennsylvania, not petaluma?

>> actually, most of saba facilities are in the new york area, so their website says that their chickens are coming

from pennsylvania, and I think

that's just an oversight

because they have facilities in oakland.

Their poultry is actually

coming from pitman family

farms, which is based in fresno.

You know them as the purveyors of mary's free range chicken

that you get in the grocery stores.

>> we heard this in comment

quite a bit, and people were wondering if this was just chicken and this area is zoned for small livestock processing so you're not going to see

goats and lambs and other livestock in this facility. >> that is correct.

The larger livestock will actually be a different land

use category, so that would be a separate request that they would have to come before the

planning commission to obtain

conditional permit use for.

>> any other comments? No.

Please call the motion.

>> clerk: commissioners,

there's been a motion to

approve the motion with conditions. [Roll call.]

So moved commissioners, that

motion passes unanimously 6-0. >>V

**Exhibit H**

**Oakland Planning Department Staff Report (cited by ALDF) (Jul. 1, 2015)**



<b>Location:</b>	<b>845-849 Kennedy Street (APN019-0066-001-00)</b>
<b>Proposal:</b>	Increase slaughterhouse capacity to include goats and sheep
<b>Contact Person/Phone Number:</b>	Abdulsalam Mused (347) 408 5850
<b>Owner:</b>	Wayne Lazarus Trust
<b>Case File Number:</b>	<b>DET15-026-A01</b>
<b>Planning Permits Required:</b>	Appeal of a Zoning Manager's determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats and sheep annually under Oakland Planning Code Section 17.10.570 (General Industrial)
<b>General Plan:</b>	Planned Waterfront Development 2, Estuary Plan
<b>Zoning:</b>	DCE-5 Central Estuary District Industrial Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15270 (projects which are disapproved)
<b>Historic Status:</b>	Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	5
<b>Action to Be Taken:</b>	Approve Staff Recommendation
<b>Finality of Action:</b>	Planning Commission Action is Final (Not Administratively Appealable)
<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075 or <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a></b>

## SUMMARY

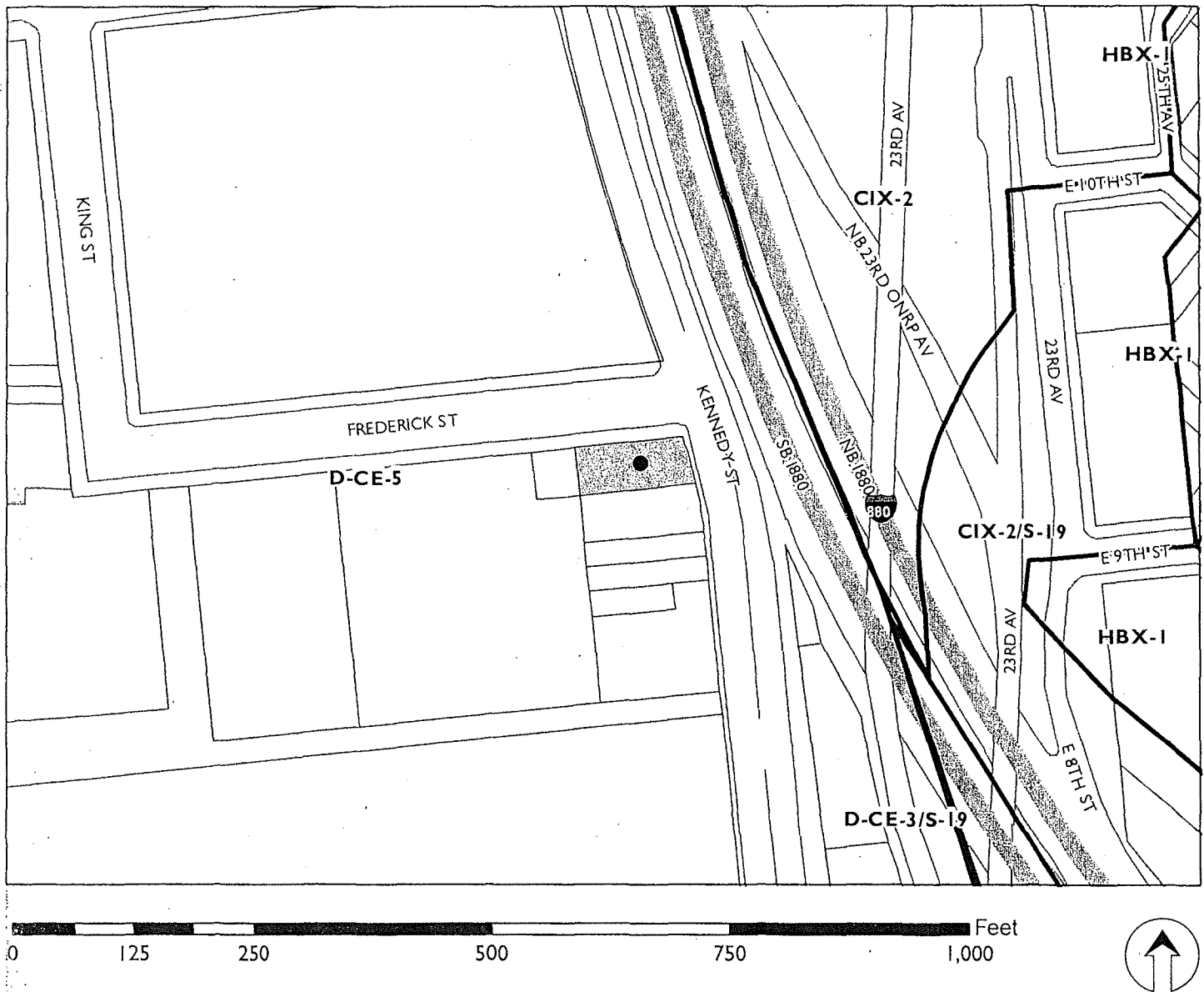
On March 5, 2014, the Zoning Manager issued Zoning Determination DET13-079 ("2014 Determination"), which concluded that slaughter of 50,000 birds per year is not permitted at Saba Live Poultry, located at 845 Kennedy Street. On appeal, the Planning Commission overturned the 2014 Determination. On March 24, 2015 the applicant filed Zoning Determination DET15-026 ("2015 Determination") requesting approval to slaughter of up to 2,500 goats and sheep annually as well. On May 4, 2015 the Zoning Manager issued a Determination letter that adding goats and sheep to slaughter capacity would be inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570. On May 6, 2015 the owner appealed to the Commission; the appeal is attached Exhibit D.

The appeal fails to correctly cite any error or abuse of discretion by the Zoning Manager, or wherein the decision is not supported by appropriate evidence in the record, and therefore, staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Manager's Determination.

## BACKGROUND

On May 25, 2012, the Zoning Manager issued Zoning Determination DET12-031 ("2012 Determination") related to poultry slaughter within a 5,000 square foot lease space in an industrial park located at 845-849 Kennedy Street, near the Estuary and Coast Guard Island. The 2012 Determination concluded that slaughter of 20,000 birds per year at this site was (1) consistent with the then-current M-40 Industrial zoning and (2) a permitted General Manufacturing Activity in the Estuary Plan designation, but limited slaughter to 20,000 birds annually. The Commission changed the limit to 50,000 birds per year. The activity is custom (one by one) slaughtering for Islamic religious practices known as halal, which includes customer selection of each bird to be slaughtered and humane treatment of birds. This is different than the large industrial slaughterhouses in the San Joaquin Valley and elsewhere.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: DET15026-A01  
Applicant: Abdulsalam Mused  
Address: 845-849 Kennedy Street  
Zone: DCE-5

Since the original Determination, the site and area have been rezoned to D-CE-5, in which General Industry is permitted but Heavy Industry is prohibited. General Industry is compatible with the adopted Central Estuary Plan as well as the Estuary Plan.

The Appellant states that being limited to slaughtering 50,000 birds per year causes an economic hardship for the business and requested a new Zoning Determination to increase the slaughter operation to allow up to 2,500 goats and sheep per year. The Appellant's statement is attached. In response to Appellant's request, the Zoning Manager issued the 2015 Determination denying addition of goats and sheep to slaughtering at this site. Both the 2014 Determination and the 2015 Determination are attached and contain more details and analysis.

## **PROPERTY DESCRIPTION AND NEARBY LAND USES**

The flat corner site contains a one-level concrete industrial building. Nearby activities include commercial (Buttercup Restaurant), industrial and institutional (Coast Guard Island). Office parks and yacht harbors are nearby. Few residential activities are nearby. The site fronts on the main southbound Highway 880 off-ramp leading to Downtown Alameda via Park Street.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. CEQA Guidelines section 15301 provides that CEQA does not apply to projects in existing buildings of a scale like the Appellant's request to increase slaughter to 2,500 goats and sheep per year falls under this exemption.

## **APPEAL DESCRIPTION**

On May 6, 2015, the Appellant filed a timely appeal to the 2015 Determination (Attachment B). This action constitutes an administrative appeal of a determination made by the Zoning Manager, pursuant to the Planning Code's Administrative Appeal Procedures (Planning Code, Chapter 17.132). The Appellant's reason for appeal is that the business needs to augment slaughter of 50,000 birds per year with slaughter of up to 2,500 goats and sheep per year in order to be financially viable and to meet market demand.

## **STAFF'S RESPONSE TO APPEAL**

The Planning Code's Administrative Appeal Procedures describe the procedure for appeal of a Determination of the Zoning Manager: "the appeal shall state specifically wherein it is claimed there was an *error or abuse of discretion* [by the Zoning Manager] or wherein his or her decision is not supported by the evidence in the record." Planning Code section 17.132.020. The Planning Commission considers the appeal in light of the intent of the applicable Zoning Ordinance, and the Planning Commission's decision is final (non-appealable).

The following are staff's responses to the Appellant's basis for appeal:

- Animal slaughtering was not allowed on the site when it was zoned "I" industrial in 1948, or in subsequent years; and
- Although animal slaughtering was not allowed at the Heavy Industrial scale when the 2012 Determination was issued, the slaughter of up to 50,000 birds per year (over 150 per workday) was allowed as a General Industrial activity. Allowing animal slaughtering in addition changes the scale and nature of the work.

The United States Department of Agriculture ("USDA") sets a threshold of 20,000 birds annually in its definition of a "Producer Grower/PPIA Exemption" which allows smaller-scaled slaughtering to avoid certain Federal inspections. It is this threshold, in part, that informed the 2012 Determination that slaughter of goats and sheep in addition to already approved bird slaughtering annually would put the operation in a higher (more intense) activity classification (i.e. Heavy Industrial).

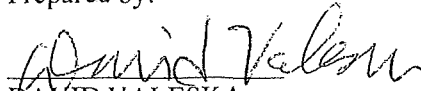
The 2014 Determination is based on the existing zoning at the site, D-CE-5, in which General Industrial activity is allowed and Heavy Industry is prohibited. The Appellant requests to increase the slaughtering volume to include up to 2,500 goats and sheep per year is considered a Heavy Industrial Activity, which is not in conformity with the D-CE-5 zoning, plans or neighborhood specifications. Additional staff comments are contained in the Zoning Determination letters, which outline other concerns about effects on nearby activities.

The Appellant has not demonstrated that there was either an error or abuse of discretion by the Zoning Manager or wherein his decision is not supported by the evidence in the record. As a result, staff makes the following recommendations.

**RECOMMENDATIONS:**

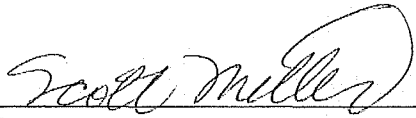
1. Affirm staff's environmental determination
2. Deny the Appeal, thereby upholding the Zoning Manager's Determination, and confirming that the applicant must limit poultry slaughtering to 50,000 birds per year with no goat or sheep slaughtering at the subject location.

Prepared by:



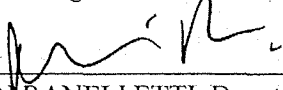
DAVID VALESKA  
Planner II

Approved by:



SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



DARIN RANELLETTI, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Zoning Manager's Determination letter DET12-031 dated May 25, 2012
- B. Zoning Manager's Determination letter DET13-079 dated March 5, 2014
- C. Zoning Manager's Determination letter DET 15-026 dated May 4, 2015
- D. Appeal letter dated May 6, 2015 with Exhibits

**LEGAL NOTICE:** This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.

## **Exhibit I**

### **Oakland Planning Department Staff Report (Jul. 15, 2015)**

<b>Location:</b>	<b>845-849 Kennedy Street (APN019-0066-001-00)</b>
<b>Proposal:</b>	Increase slaughterhouse capacity to include goats, sheep, and rabbits
<b>Contact Person/Phone Number:</b>	Abdulsalem Mused (347) 408 5850
<b>Owner:</b>	Wayne Lazarus Trust
<b>Case File Number:</b>	<b>DET15-026-A01</b>
<b>Planning Permits Required:</b>	Appeal of a Zoning Manager's determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats, sheep, and rabbits annually is inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570
<b>General Plan:</b>	Planned Waterfront Development 2, Estuary Plan
<b>Zoning:</b>	DCE-5 Central Estuary District Industrial Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities)
<b>Historic Status:</b>	Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	5
<b>Action to Be Taken:</b>	Approve Staff Recommendation
<b>Finality of Action:</b>	Planning Commission Action is Final (Not Administratively Appealable)
<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075 or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a></b>

## **SUMMARY**

On July 1, 2015 the Planning Commission heard an appeal of staff's determination that an increase of the slaughter and sales operation for up to 2,500 goats, sheep and rabbits annually is considered a Heavy Industrial activity, and therefore not an activity that is allowed in the DCE-5 zoning designation at 845-849 Kennedy Street. The appellant reported that there have been no complaints to date, and explained the scale, methods and type of business that would be conducted. The Commission took a straw vote to consider the appellant's request, subject to issuance of findings at a later meeting. The straw vote was in support of the Appeal. Staff presents draft findings in the spirit of Commission discussion.

## **FINDINGS**

The Planning Commission finds that the appellant's request to slaughter up to 2,500 goats, sheep and rabbits annually in a DCE-5 Central Estuary District Industrial Zone is of an ancillary scale compared to full-size animal slaughtering operations. Saba Live Poultry maintains a safe and clean environment and slaughters meat and poultry strictly in accordance with the slaughtering rules for *Halal*. Saba Live Poultry also complies with USDA rules and regulations, State Department of Food and Agriculture standards, and Alameda County Department of Environmental Health standards. The appellant's sale and processing (slaughter, skin, clean and cut) of goats, lambs, and rabbits is similar to that of chickens, and is a slaughter-to-order facility; it is not comparable to the assembly-line slaughtering operations which truly constitute the prohibited Heavy Industrial uses described in the City's zoning standards.

The Commission also finds that the primary business on the site, already approved, is slaughter of up to 50,000 birds per year. Slaughter of a relatively small number of goats, sheep and rabbits would be an accessory activity which would create no visible effects on nearby areas (no added traffic, aroma, noise, waste, or other such effects).

The Commission finds that the area historically has contained food-processing businesses, so slaughter of goats, sheep and rabbits would not be out of character with the area, which is primarily non-residential.

The Commission finds that the facility was designed with the capacity to slaughter goats, sheep and rabbits, if allowed. That capacity has been held in reserve until now. However, no major modifications would be needed for the small facility in order to add these animals to already-approved chicken slaughter.

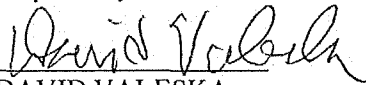
The Commission finds that there have been no complaints in recent years from the operation of this business. The applicant's business has set a standard for maintenance and operation which supports the request.

In conclusion, the Planning Commission finds that the Zoning Manager erred in his interpretation of the Planning Code, and that the appellant's request to increase animal slaughter to include up to 2,500 goats, sheep and rabbits annually is permitted in the DCE-5 zoning designation and falls within the definition of General Industrial in OPC Section 17.10.570. Saba Live Poultry is therefore permitted to slaughter up to 50,000 chickens and up to 2,500 goats, sheep and rabbits annually at 845-849 Kennedy Street.

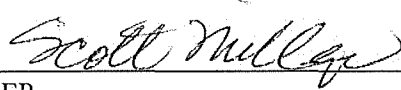
**RECOMMENDATIONS:**

1. Affirm staff's environmental determination
2. Grant the Appeal, thereby overturning the Zoning Manager's Determination, and confirming that the applicant may add slaughter of up to 2,500 goats, sheep and rabbits (combined) plus already-allowed poultry slaughtering up to 50,000 birds per year, subject to the findings contained herein, at the subject location.

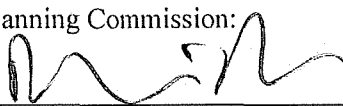
Prepared by:

  
DAVID VALESKA  
Planner II

Approved by:

  
SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:

  
DARIN RANELLETTI, Deputy Director  
Bureau of Planning

**LEGAL NOTICE:** This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.



## **Exhibit J**

### **Oakland Zoning Email and Records Summary (Feb. 1, 2018)**

**From:** [Lenoir, Brittany](#)  
**To:** [Antonia E. Toomey](#)  
**Subject:** Zoning Hotline  
**Date:** Thursday, February 01, 2018 9:47:10 AM  
**Attachments:** [RECORDS.xlsx](#)

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Good Morning,

Per our conversation on the Zoning Hotline, attached is a copy of the records on file for 845 Kennedy, the highlighted rows indicate previous complaints. The complaint that was filed in 2012 (#1201779) was deemed abated. The complaint filed in 2006 (#0602243) shows a status of open, but I believe that may never have been updated when it was transferred to our newer Records system. The complaint was for chemical containers illegally stored on sidewalk. If you would like to discuss with Code Enforcement about either of these two cases, you are welcome to call (510) 238-3381.

Have a nice day,

**Brittany Lenoir**, Planner I | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612](#) | Fax: [\(510\) 238-4730](#) | Email: [blenoir@oaklandnet.com](mailto:blenoir@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

0	DET13079	Letter of Determination	Appealed	3/13/2014	7/8/2014	0 DVALESKA
10	DET13079-A01	Appeal	Approved	3/13/2014	7/8/2014	0 DVALESKA
10	ZC140180	Zoning Clearance	Approved	1/21/2014	1/21/2014	0 DVALESKA
10	DET13079	Letter of Determination	Project Appealed	12/9/2013	3/13/2014	0
10	X1300995	OPW - Excavation	Permit Issued	4/22/2013	4/22/2013	0
10	M1300461	Non-Residential Mechanical -Alteration	Final	3/12/2013	3/12/2013	0
10	B1203373	Non-Residential Building - Alteration	Final	10/2/2012	5/28/2013	0
10	E1202767	Non-Residential Electrical - Alteration	Final	10/2/2012	3/22/2013	0
10	P1202102	Non-Residential Plumbing - Alteration	Final	10/2/2012	3/12/2013	0
10	B1202270	Non-Residential Building - Alteration	Expired	7/9/2012	2/28/2013	0
10	DET12031	Letter of Determination	Letter Complete	5/3/2012	5/3/2012	0
0	1201779	Housing Habitability Complaint	Abated	4/23/2012	4/23/2012	0
0	ZC120265	Zoning Clearance	Approved	2/2/2012	2/2/2012	0
0	X1100878	OPW - Excavation	Permit Issued	8/24/2011	9/8/2011	0
0	E0601648	Non-Residential Electrical - Alteration	Expired	5/22/2006	1/23/2007	0
0	S0600098	Non-Residential Sign - Alteration	Expired	5/22/2006	1/23/2007	0
0	DS060049	Small Project DR	TBD	5/8/2006		0
0	602243	Housing Habitability Complaint	Open	4/11/2006		0
0	X0401745	OPW - Excavation	Expired	4/15/2004	12/31/2012	112.86
0	OB020329	Obstruction	Permit Issued	5/23/2002	5/24/2002	0
0	P0000154	Non-Residential Plumbing - Repair	Final	1/19/2000	2/24/2000	0

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, January 29, 2018 5:03 PM  
**To:** BOS-Supervisors  
**Subject:** FW: San Francisco's War on Trees.  
**Attachments:** 001.JPG; 004.JPG; 008.JPG

**From:** Svetlana Savchuk [mailto:svetlana\_savchuk@yahoo.com]  
**Sent:** Thursday, January 25, 2018 9:49 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>  
**Subject:** San Francisco's War on Trees.

Dear Members of the San Francisco Board of Supervisors,

Last week seven trees were cut down at Juanita entrance to Mt. Davidson.  
I'm attaching some photos.  
Most of the wood on the ground looks clean - no rot visible.  
There was no posting.  
I assume it is the ongoing crusade to remove "non-native" trees.

The global warming is accelerating.  
By most accounts, deforestation adds more carbon dioxide to the atmosphere than the sum total of cars and trucks on the world's roads.  
Trees sequester carbon. When they are felled the stored carbon is released into the atmosphere, where it contributes to global warming.  
We should be doing as much to prevent deforestation as we are to increase fuel efficiency and reduce automobile usage.  
But not in San Francisco!  
RPD - particularly "Natural" Resource Division - takes every opportunity to destroy trees which haven't been here when Spaniards arrived.

The recent comprehensive report on the health effects of environmental pollution shows that it kills more people worldwide each year than almost everything else combined - smoking, hunger, natural disasters, war, murder, AIDS, tuberculosis and malaria.  
Trees clear air pollution, reducing heart attacks, strokes, and asthma, but those believing in "native" superiority would rather have dirty air than a "non-native" tree cleaning the air.

Why is the city destroying its trees?  
Is it ever going to stop?

With sadness and disgust,

Svetlana Savchuk







## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 30, 2018 10:03 AM  
**To:** BOS-Supervisors  
**Subject:** FW: The state of the streets of San Francisco

**From:** Sandy Shapero [mailto:sandy@toofar.net]  
**Sent:** Tuesday, January 30, 2018 6:44 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** The state of the streets of San Francisco

Dear Board of Supervisors,

I am sad to write to you. I was a resident of San Francisco for 3 years. My husband first lived in San Francisco in 1965 and lived there for years. We have worked and visited San Francisco often for the past 25 years.

On Saturday, we spent a day in the city for his 70th birthday. The restaurants and theater were wonderful, as always. But the streets were horrendous. Homeless and mentally ill people, vomit and feces and trash. It made me so very sad. Friends who live in San Francisco are talking of moving away after decades of living there.

I know it is a difficult problem and you are trying to fix it but please, find a way. San Francisco used to be my favorite city in the world and I have visited many. I no longer want to visit or bring our 12 and 15 year old girls to explore. It doesn't feel safe or clean or beautiful. The wreckage of humanity is on the streets. These people need help.

Other cities have figured it out. Please keep trying.

Sandy Shapero  
Woodside, CA

---  
Sandy Shapero...\*\*\* ☆  
Too Far  
Phone: 650.851.9832

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 30, 2018 11:02 AM  
**To:** BOS-Supervisors; Somera, Alisa (BOS)  
**Subject:** FW: Support for All-Gender SRO Bathrooms  
**Attachments:** SDA letter of support for all-gender SRO bathrooms.pdf

171285

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

From: Jessica Lehman [mailto:jessica@sdaction.org]  
Sent: Monday, January 29, 2018 12:39 PM  
To: Breed, London (BOS) <london.breed@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>  
Cc: Farrell, Mark (MYR) <mark.farrell@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Support for All-Gender SRO Bathrooms

Today the Land Use Committee will consider an issue of designating all SRO bathrooms as all-gender. We urge ALL supervisors to sign on as a co-sponsor! Please see SDA's attached letter of support.

Thank you!

Jessica Lehman  
Executive Director  
Senior & Disability Action

1360 Mission Street #400, San Francisco, CA 94103  
(415) 546-1333 x301 - [www.sdaction.org](http://www.sdaction.org)

**\*\* PLEASE BE INCLUSIVE OF ALL PEOPLE BY RESPECTING OUR SCENT-FREE POLICY.** To avoid getting others sick, do not use perfume/cologne, dryer sheets, or other products with fragrances, at the SDA office and all SDA events. Thank you!



1360 Mission St., Suite 400  
San Francisco, CA 94103  
415-546-1333  
[www.sdaction.org](http://www.sdaction.org)

January 29, 2018

London Breed  
President, Board of Supervisors  
City Hall, 1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102

Re: All Gender Bathrooms in SRO Hotels

Dear President Breed:

We urge you to support legislation to require that single-use toilet and shower facilities in SRO hotels be marked as all-gender. SRO hotels have a high proportion of people with disabilities, along with transgender and gender non-conforming people, including those who fit both identities, and this legislation will support these marginalized groups.

SDA supports the rights and dignity of transgender and gender non-conforming people. Transgender and gender non-conforming people frequently suffer harassment when using restrooms; this is an elegant, inexpensive solution that will go a long way towards creating a safer environment for gender non-conforming people.

We also support this legislation because of its impact on the disability community generally. People with disabilities sometimes need assistance from an attendant or family member to use a bathroom. If that person is of a different gender, it is complicated to decide whether to use the men's or women's bathroom, and people can be uncomfortable or unsafe going into a different bathroom. Having all-gender bathrooms eliminates this problem and allows people with disabilities and their attendants to use any bathroom. Plus, people with disabilities may need extra time in the bathroom, and they may worry about keeping people waiting for the women's bathroom or the men's bathroom, even if there is another bathroom right there. All-gender bathrooms allow people to take the time they need with another bathroom available for other users.

Finally, we support this legislation because it is part of an important culture shift, moving us away from a culture that sees some bodies as normal or beautiful, and dismissing those who don't fit the mold. It's liberating for all of us to break out of a gender binary and honor a spectrum of gender expression, just as it's liberating for us to affirm the beauty and dignity of disabled bodies, aged bodies, and all bodies.

We are grateful for Supervisor Ronen's leadership on this issue and will support this legislation in any way we can.

Sincerely,

  
Jessica Lehman, Executive Director

cc: Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board



## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 30, 2018 2:31 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Proposed Homeless Navigation Center

**From:** mathewsproperties@gmail.com [mailto:mathewsproperties@gmail.com]  
**Sent:** Monday, January 29, 2018 2:21 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Proposed Homeless Navigation Center

January 25, 2018

To: The office of the acting Mayor of San Francisco and the San Francisco Board of Supervisors

In the recent past we have had a huge problem with homeless and crime around 245 South Van Ness. I am the building owner and there 8 companies in the two buildings I own at this location. When I bought the building, Erie was a nice clean ally with no problems.

Then the department of public works and the graffiti promotion board sponsored a graffiti project in Erie alley in 2006 or 2007 which drew a homeless encampment of over 30 tents. Criminals started using the alley. There have been rapes, knifings, shootings, at least one person killed there. A group of criminals moved in to breakdown and sell stolen bicycles. A yellow pickup truck comes around every evening to buy the bikes from them. My tenants in the buildings were afraid to go in the ally.

If they put navigation center across the street I fear, there will be hundreds of people back in the alley and all the good work of the mission police station is down the tubes. I tried to call Randy Quezada who I understand is in charge of answering questions regarding this center and he doesn't answer and doesn't return phone calls. I tried the new mayor's office and it says the office is closed and to call back between 8-5 but it was 1:30pm when I called. I want to know if there are any steps I can take to stop the navigation center from opening and to have a meeting with the mayor.

I am not anti-homeless I have given at least eighteen thousand toys over the last thirty years to Glide with many large food donations. I also support St Vincent DePaul, but I don't support the criminals who were in that alley and will be back in that alley if you put the center across the street. I plan to bring as many people as possible to this meeting to protest. If you read the San Francisco public press, the center that they put at 1515 Mission a couple years ago has not been effective in getting people off the street. Many just received a one-way bus ticket out of town and there was no follow up to know if those people are back. If it was not affective and there was not follow up, why are they doing it again? Try something else.

Sincerely,

Laurance Mathews  
415/999-2362  
360 Ritch Street, Suite 204

San Francisco, CA 94107

## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, January 30, 2018 3:22 PM  
**To:** Board of Supervisors, (BOS)  
**Subject:** FW: Letter RE 3550 3rd Street San Francisco Photos attached  
**Attachments:** photos.docx

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**From:** sandy hebert [mailto:tropicalhebert@yahoo.com]  
**Sent:** Tuesday, January 30, 2018 2:52 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>  
**Cc:** Tracey.A.Green@sfgov.org; Walton, Scott (HOM) <Scott.Walton@sfgov.org>  
**Subject:** Letter RE 3550 3rd Street San Francisco Photos attached

Dear MS Cohen and fellow supervisors,

3550 3<sup>rd</sup> St San Francisco has been leased to MV Transportation since 2001. They are a bus company with single buses including tandem buses leaving and entering their gates 24/7. They have a large repair and part storage facility on site. At one point in time during the 3<sup>rd</sup> sheet upgrading, the city required that sidewalks be installed around the 3 sides of the third street property (3<sup>rd</sup>; Custer; Quint) along with an appropriate city approved wall fronting 3<sup>rd</sup> street. This was done at JSRE 2012's (AKA Jean Hebert—Sandra Hebert) & MV Transit's expense. The following gravely concerns MV Transit and JSRE 2012 Management

1. At this time the sidewalks (except for 3<sup>rd</sup> Street) are impassable and unsafe- all MV employees must park inside the fence which has become a tight option given the buildings and bus storage or their vehicles will be vandalized again like they were in the past, when the homeless first started arriving and setting up camps.
2. MV has an excellent safety record but with the busses going through the gates at all hours and given the homeless encampments etc. around the property where there is evidence of drug (too many needles to count) and alcohol abuse (too many bottles to count), and encampments right up to the gate entrances, it may just be a matter of time before there is a homeless person (most likely under the influence) having a debilitating or fatal encounter with one of MV's busses. MV and JSRE (the Heberts) are very concerned.
3. There are scorch marks on the property fence as well as a telephone pole caused by the homeless encampments. These diesel busses are packed in tightly plus a 12,000-gal diesel fuel tank is on the property. A fire from these homeless encampments that spreads to the inside of the fence would cause monumental damage. Given the amount of flammable or fire fueling "stuff" the homeless collect, a fire could quickly become out of control. The homeless have also covered up at times with their "stuff", the fire hydrant located on the corner of Custer and Quint. Imagine the critical time delay that would be caused if the fire dept. had to dig through bio hazard material to find the hydrant. Once the fire meets any diesel fuel on the other side of the fence- the water will cause the diesel fire to spread. Water will NOT extinguish a diesel fuel fire! A homeless encampment completely burned over the weekend and scorched the side of a building across the street (see attached photo pages).

4. Theft/ vandalism (a constant problem in the area) plus human excrement, used condoms, used needles, rodents, rotting garbage are health concerns for those working at MV along with those working for the surrounding businesses.

5. As the city has forced the homeless encampments further south, there are now, according to several articles over 1300 homeless individuals living in District 10. Since the city of San Francisco purchased the property 398 Quint Street (previously known as All Auto Dismantlers), the homeless problem in the area has intensified due to the city allowing and not actively policing the homeless encampments at this address, which is only a block away from MV Transit.

6. Good paying blue collar (which includes bus driver and mechanic) jobs are very important to the SF economy. However, when these SF workers are spending their hard-earned money to replace broken car windows etc. due to vehicle break-ins, these hard-working citizens will no longer want to work within the City limits. Employers want the best environment for their employees and it is becoming an increasingly sensible option for these important jobs/employers to relocate to the South or East Bay. The day to day environment in many of San Francisco's industrial/commercial neighborhoods, is just atrociously filthy, unhealthy and unsafe. No one should have to deal with such an environment. JSRE 2012 Management is very concerned that business, including MV Transit, will exit the city and fewer companies will be willing to deal with the present objectionable work environment when there are desirable feasible alternatives in the bay area.

Given the present conditions surrounding 3550 3<sup>rd</sup>, the probability of finding a new tenant is minimal. One solution for MV Transit would be for police barricades. The request is in at DPW ref 8555185. MV and JSRE are constantly submitting requests to DPW for encampment removal & power washing. The two latest are 8555251 & 8555222. Will the city see a mass exodus by businesses in the areas inundated with the homeless? JSRE does not want to lose MV as a tenant but if it happens- The city of San Francisco will bear the brunt of the blame by not ensuring that businesses can operate safely within the city limits.

We would appreciate knowing the following from you MS. Cohen and other Board Supervisors:

What are you doing to clean up this mess?

When can we expect these camps removed?

How has the city been able to keep the homeless out of public parks such as the one across from City Hall? Are there different rules that are applicable to parks?

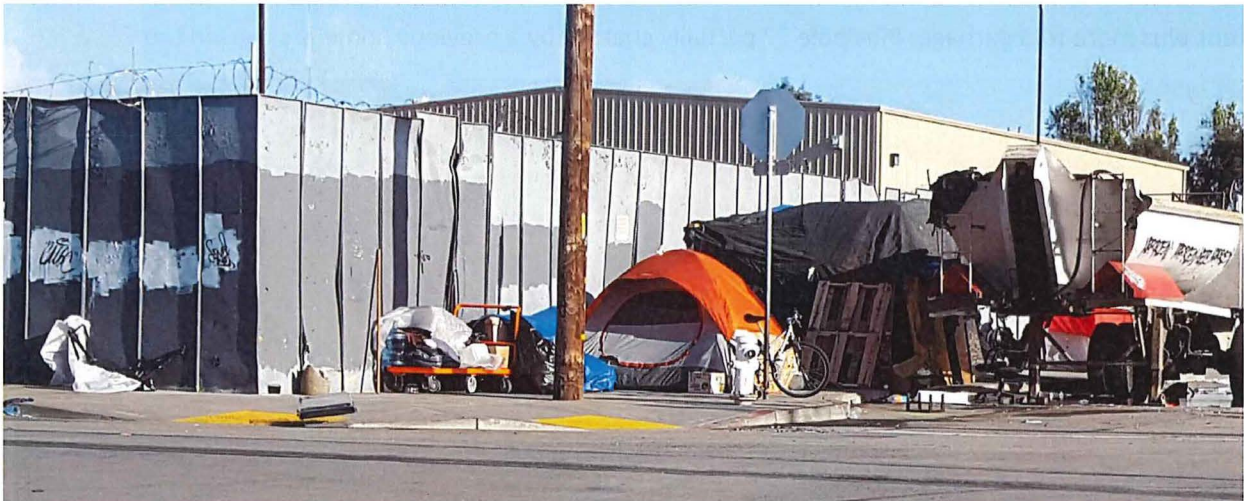
Respectfully,

Sandra Hebert for JSRE 2012 Management  
480- 322-2591  
Email [tropicalhebert@yahoo.com](mailto:tropicalhebert@yahoo.com)





Rolling Pallet and encampment up against MV's main gate on Custer St.



Corner of Custer & Quint streets. Items spilling into street, abandoned large equipment on wheels



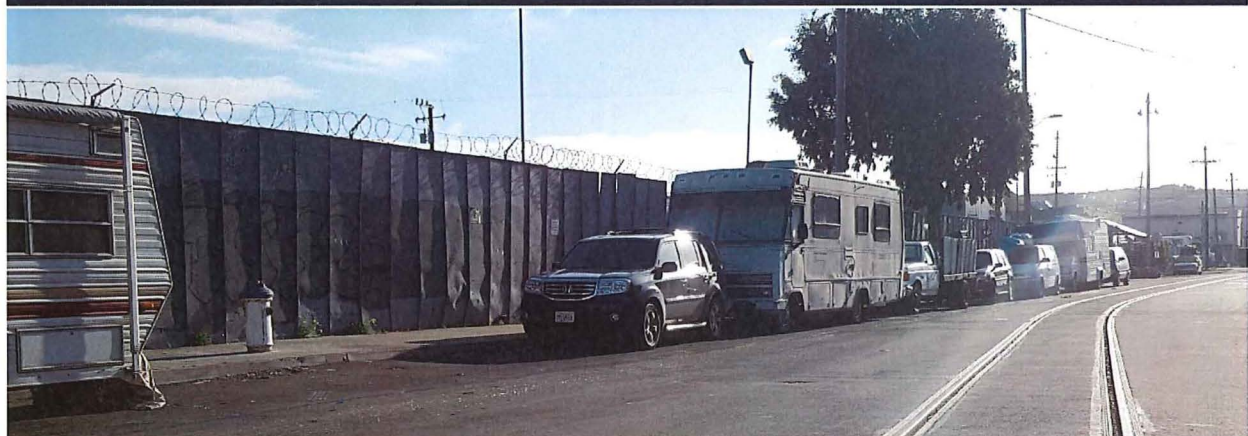




Tent plus more foul garbage. Plus pole ?? partially charred by a previous homeless caused fire.



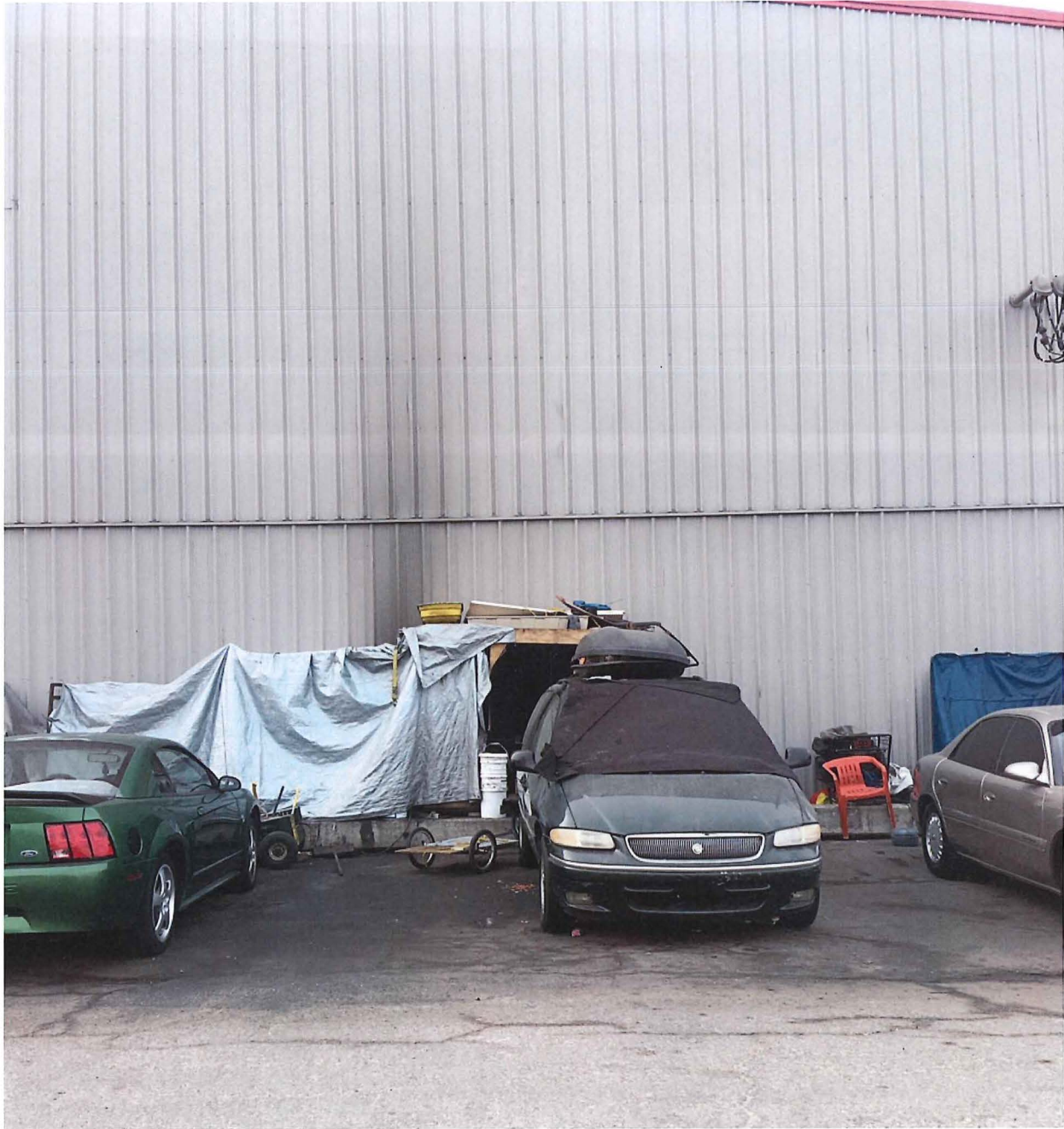




Park vehicles along Quint with people living in their vehicles

Five or Six more Homeless encampments have joined the others since Jan 20<sup>th</sup> when these photos were taken...





Taken a few days before the Homeless person triggered a fire





Fire happened over the weekend of 1/27/2018- Destroyed homeless encampment across the street from MV Transit. If the fire had been up against MV's fence- and hot embers went over the fence?? What will it take for SF to ensure the safety of local businesses

## Mchugh, Eileen (BOS)

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**From:** Carroll, John (BOS)  
**Sent:** Friday, February 02, 2018 5:06 PM  
**To:** Mchugh, Eileen (BOS); Calvillo, Angela (BOS); Somera, Alisa (BOS)  
**Subject:** FW: Mills Act Amendments HPC Hearing on February 7, 2018  
**Attachments:** 2016-004157OTH\_Mills Act\_02.07.2018.pdf

For Your Attention:

Mr. Frye has forwarded identical, individually-addressed messages to each member of GAO. I'm forwarding for C-Pages consideration.

Please let me know if you have any questions.

**John Carroll**  
**Assistant Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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**From:** Frye, Tim (CPC)  
**Sent:** Friday, February 02, 2018 3:44 PM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
**Cc:** Carroll, John (BOS) <john.carroll@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Ferguson, Shannon (CPC) <shannon.ferguson@sfgov.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>  
**Subject:** Mills Act Amendments HPC Hearing on February 7, 2018

Supervisor Peskin,

The HPC will hold a hearing this Wednesday to discuss the issues raised by the GAO Committee regarding the City's Mills Act Program. I've attached our draft case report for your information. We hope to bring recommendations to the committee for meaningful change to better align the program with the City Family's goals before the next Mills Act Program application cycle. We'd like an opportunity to brief your office to discuss the HPC recommendations and next steps after the hearing. Please notify me if you require further information.

Best,

**Timothy Frye**

**Principal Planner | Preservation—Historic Preservation Officer**

San Francisco Planning Department

1650 Mission Street, Suite 400 San Francisco, CA 94103

Direct: 415.575.6822 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Discussion of Proposed Amendments to the Mills Act Program HEARING DATE: FEBRUARY 7, 2018

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Discussion of Proposed Amendments Relating to  
the Mills Act Program  
*Case Number:* 2016-004157OTH  
*Initiated by:* At the request of the Government Audit & Oversight Committee  
*Staff Contact:* Shannon Ferguson – (415) 575-9074  
*shannon.ferguson@sfgov.org*  
*Reviewed By:* Tim Frye – (415) 575-6822  
*tim.frye@sfgov.org*  
*Recommendation:* For Discussion

### BACKGROUND

Enacted in 1972, the Mills Act legislation grants participating local governments the authority to enter into contracts with owners of qualified historic properties who actively participate in the rehabilitation, restoration, preservation, and maintenance of their historic properties while receiving property tax relief. A formal agreement, known as a Historical Property Contract (Contract), is executed between the City and the property owner for an initial ten-year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to rehabilitate, restore, preserve, and maintain the property in accordance with *Secretary of the Interior's Standards for the Treatment of Historic Properties* ("Secretary's Standards"), the State Historical Building Code, and conditions identified in the contract.

San Francisco adopted the Mills Act Program in 1996. In 2012, the Mills Act underwent a number of legislative changes to promote the Program, and to make the process more predictable and affordable for San Francisco's historic property owners. The changes included a timeline that guarantees completion of the application by city agencies in a timely manner and the application fees were reduced to \$2,500. Prior to 2012, the City held seven Mills Act Contracts. Currently the City holds 30 Contracts. Mills Act Contracts are located in Supervisor Districts 2, 3, 4, 5, 6, and 8. The largest number of Contracts are located in District 8, with 13 total Contracts, 11 of which are located in the Duboce Park Historic District. Seven landmark buildings hold Mills Act Contracts, with the majority of Contracts held by contributing buildings to a local landmark district or National Register of Historic Places district. Please see Attachment 1 for a list and photos of current Mills Act Contract properties.

During the 2017 Mills Act application cycle, the Government Audit & Oversight Committee (GAO Committee) of the Board of Supervisors had comments and concerns regarding the Mills Act Program:

- More property owners should be able to take advantage of the Mills Act Program.
- Several properties applying for Mills Act have an eviction history.

- Several properties had already completed rehabilitation work without the benefit of the Mills Act and this work appears as if it would have been completed anyway. The focus of the Mills Act Program should be as an incentive to rehabilitate, restore and preserve the City's historical properties.
- Scopes of work proposed in a Mills Act Contract should already be reviewed and approved by Planning and/or HPC before a Mills Act Contract is forwarded to the Board of Supervisors.
- Mills Act Contracts should be executed when there is a preservation need and terminated when there is no longer a need. It may not be necessary for contracts to remain in perpetuity, so contract term limits should be considered.

Reflecting these concerns, the GAO Committee approved contracts that will remain in perpetuity for 101 Vallejo Street and 940 Grove Street. The GAO Committee approved three contracts that are limited to a ten year term; legislation to terminate contracts for 627 Waller Street, 55 Laguna Street and 973 Market Street at the end of ten years will be introduced at the Board of Supervisors in the following months. Contracts for 56 Potomac Street, 60-62 Carmelita Street, and 1338 Filbert Street were not approved.

At the November 1, 2017 HPC hearing, Planning staff provided the Historic Preservation Commission (HPC) with an overview of the comments and concerns raised by the GAO Committee. In response, President Andrew Wolfram directed Planning staff to schedule a hearing to discuss how the Mills Act Program can better align with the GAO Committee's intent for the program. Planning staff consulted with the California Office of Historic Preservation (OHP) to determine best practices. The following proposed amendments are similar to Mills Act Program modifications made by other municipalities throughout the state. As directed, Planning Staff has developed the following modifications to the Mills Act Program for the HPC's discussion.

### **The Way It Is Now:**

Chapter 71 implements the Mills Act, California Government Code Sections 50280 et seq. The Mills Act authorizes local governments to enter into a Historical Property Contract with owners of private property who will rehabilitate, restore, preserve, and maintain qualified historical property. As consideration for the rehabilitation, restoration, preservation and maintenance of the qualified historical property, the City and County of San Francisco may provide certain property tax reductions in accordance with Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

### **A. Eligibility**

1. San Francisco Administrative Code Chapter 71, Section 71.2(a) defines a "qualified historic property" is a privately owned property that is not exempt from property taxation and that has been listed or designated in one of the following ways on or before December 31 of the year before the Mills Act application is made:
  - (a) Individually listed in the National Register of Historic Places;
  - (b) Listed as a contributor to an historic district included on the National Register of Historic Places;
  - (c) Designated as a City landmark pursuant to San Francisco Planning Code Article 10;

- (d) Designated as contributory to a landmark district designated pursuant to San Francisco Planning Code Article 10; or
  - (e) Designated as significant (Categories I or II) or contributory (Categories III or IV) to a conservation district designated pursuant to San Francisco Planning Code Article 11.
2. Eligibility is limited to properties with a tax assessment value of \$3,000,000 or less for single family dwellings and \$5,000,000 or less for multi-unit residential, commercial, or industrial building, unless the individual property is granted an exemption from those limitations by the Board of Supervisors. The Historic Preservation Commission may recommend that the Board of Supervisors grant an exemption from the limitations imposed by this section upon finding that:
- (a) The site, building, or structure is a particularly significant resource; and
  - (b) Granting the exemption will assist in the preservation of a site, building, or structure that would otherwise be in danger of demolition, substantial alteration, or disrepair.

Properties applying for a valuation exemption must provide evidence that it meets the exemption criteria, including a historic structure report (HSR) prepared by a qualified historic preservation consultant to substantiate the exceptional circumstances for granting the exemption.

#### B. Terms

1. San Francisco Administrative Code Chapter 71.5 states that the initial term of the contract is for a minimum of 10 years. An extension to the term of the contract so that one year is added automatically to the initial term of the contract on the anniversary date of the contract.

#### The Way It Would Be:

##### A. Eligibility

1. Properties that show a demonstrated need for repairs, restoration, seismic upgrades, accessibility, and other life-safety upgrades, but are not designated at the local level, may apply for a Mills Act contract concurrent with local designation as a Landmark under Article 10 of the Planning Code or a Significant or Contributory Building under Article 11 of the Planning Code. Local designation status remains with the property after the contract expires.

*Basis for Recommendation:* Currently, eligibility is limited to those properties that are listed or designated on or before December 31 of the year before the application is made. Existing designation requirements would remain the same; however the designation timeframe would change. Eligible properties with a demonstrated need for restoration, rehabilitation and preservation could apply for Article 10 or 11 designation at the same time as the Mills Act. Modification to the designation timeframe would expand eligibility to more property owners with a preservation need and give property owners more of an incentive to seek historic designation. OHP has stated that other municipalities allow a similar parallel process. This policy change would require a modification in



the way the Department promotes the Mills Act Program and also would require an amendment to San Francisco Administrative Code 71: Mills Act.

2. **Properties with evictions are not eligible** for the Mills Act including:

- (a) Buildings where a tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) under a notice of eviction (condo sale, demolition, capital improvements, substantial rehabilitation, withdraw unit from rental market, lead remediation) served within 10 years prior to filing the application for a Mills Act Contract
- (b) Buildings where a tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) under a notice of eviction (Owner Move-In or "OMI") served within five years prior to filing the application for a Mills Act Contract.
- (c) This provision shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) (capital improvements or lead remediation) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Department and to the Rent Board a declaration from the property owner or the tenant certifying that the property owner notified the tenant of the tenant's right to reoccupy the unit and the tenant chose not to reoccupy it.

***Basis for Recommendation:*** This proposed policy amendment addresses concerns raised by GAO Committee and is consistent with the eligibility requirements for Accessory Dwelling Units (ADUs). As proposed, Mills Act can't be used in buildings that have had owner move-in evictions in the last five years or other no-fault evictions in the last 10 years, prior to applying for the Mills Act. This policy change can be made at the staff level.

3. **All residential properties of six units or more and all commercial properties must provide a historic structure report** to demonstrate that work to preserve and maintain the property is prioritized.

***Basis for Recommendation:*** Current limitations on eligibility are based on assessed value to prevent properties with a high assessed value from receiving a large property tax reduction without basis. With the high property values in San Francisco many eligible single-family residences are subject to this limitation. Basing eligibility limitations on property type, such as properties of six units or more and commercial properties, would relieve owners of single-family residences of the time and expense of contracting with a consultant to prepare an HSR. Also, the HSR would demonstrate that the property has a preservation need for a Mills Act Contract. This policy change would require amendment to San Francisco Administrative Code 71: Mills Act.

4. **Limit number of applications per Mills Act cycle** or provide some sort of initial vetting process of properties over a certain amount so that preservation needs are addressed accordingly.

*Basis for Recommendation:* Limiting the number of Mills Act applications that are forwarded to the Assessor, HPC and Board of Supervisors would allow for high quality applications that meet or exceed the requirements of the Mills Act Program and address and prioritize individual preservation needs. However, it could result in some properties not receiving a Mills Act Contract in that year. This policy change can be made at the staff level.

## B. Terms

1. The term of the contract will be limited to 10 years. An extension to the term of the contract will not be added automatically. Property owners may apply for another contract at the end of the ten year term with new scopes of work to be completed in the next ten years.

*Basis for Recommendation:* Because current contract terms are for 10 years initially with automatic yearly extensions, contracts run essentially in perpetuity. Limiting the term of the contract would allow the property owner to receive a property tax reduction for a specific preservation need. It would also allow the City to analyze the total loss in property tax revenue caused by the property over the 10 year term; and negotiate new conditions for rehabilitation, restoration, preservation and maintenance of the property in the next 10 years based on the current condition of the property. This policy amendment promotes the Mills Act Program as an incentive for rehabilitation, restoration and preservation, rather than for long-term maintenance. This policy change would require amendment to San Francisco Administrative Code 71: Mills Act.

## C. Qualifying Scopes of Work

1. Qualifying scopes of work are those that prolong the life of the building. Mills Act Contracts must include the following scopes of work at a minimum:
  - (a) Exterior restoration, rehabilitation, and preservation associated with the creation of an Accessory Dwelling Unit
  - (b) Façade restoration, rehabilitation, preservation
  - (c) Accessibility and Life Safety improvements, such as seismic retrofit
  - (d) Window repair or restoration
  - (e) Front stair/entrance repair or restoration
  - (f) Roof replacement
  - (g) Structural improvements, such as a new foundation
  - (h) Storefront repair or restoration
  - (i) Façade stabilization and repair, such as terra cotta repair, repair of historic stucco or wood cladding
  - (j) Theater marquee repair, restoration, or reconstruction
  - (k) Materials conservation, such as murals, frescos, and decorative plasterwork



*Basis for Recommendation:* The goal of the Mills Act Program is to provide an incentive for rehabilitation, restoration and preservation. Specific scopes of work, such as seismic work, reflect that. Requiring minimum qualifying scopes of work would ensure that all properties that hold a Mills Act contract receive a minimum standard of restoration, rehabilitation, preservation and maintenance work to prolong the life of the building. Other scopes beyond the above listed qualifying scopes of work may still qualify at the discretion of the HPC and Board of Supervisors. This policy change can be made at the staff level.

2. Scopes of work may not be completed prior to approval of the Mills Act Contract.

*Basis for Recommendation:* Current Mills Act application allows property owners to include scopes of work that have been completed in the last year. Requiring that scopes of work not be completed before the contract is in effect demonstrates the need for the tax benefit. This policy change can be made at the staff level.

3. All proposed scopes of work must be completed during the ten year term of the contract.

*Basis for Recommendation:* Requiring scopes of work to be completed during the ten year term of the contract addresses the need for the contract and fulfills the property owner's conditions of the contract. This policy change can be made at the staff level.

4. A Certificate of Appropriateness (COA) to complete qualifying scopes of work identified within the first three years of the Contract must be must be filed and approved by the HPC, Planning Commission, Zoning Administrator, or any other government body during the Mills Act application process. All remaining permits and entitlements for scopes of work beyond year three must be secured and completed prior to the end of the ten year Contract.

*Basis for Recommendation:* To address GAO Committee concerns, a COA must be filed and approved during the Mills Act application process in order to prioritize scopes of work and demonstrate to the City the property owner's commitment for rehabilitation, restoration and preservation of the property. This policy change can be made at the staff level.

## ISSUES AND CONSIDERATIONS

Once the HPC discusses and decides on changes to the Mills Act Program, staff will work with the City Attorney to determine required amendments to San Francisco Administrative Code 71. Staff will then work with the legislative team and GAO Committee prior to introducing any final amendments to the Board of Supervisors.

To ensure the success of any changes and/or amendments to the Mills Act Program, public outreach and marketing materials are necessary. A grant or funding would allow staff to undertake public outreach.

## **RECOMMENDATION**

HPC discussion of proposed amendments to the Mills Act Program as detailed above. Based on the HPC discussion, staff will work with City Attorney, legislative team and GAO Committee on a framework for the final amendments that will be presented to the HPC and GAO Committee. Any amendments will return to the HPC for review and comment before BOS approval.

### **Attachments:**

- Exhibit A: List and Photos of Current Mills Act Contracts
- Exhibit B: San Francisco Administrative Code Chapter 71: Mills Act Contract Procedures
- Exhibit C: Current Mills Act application packet
- Exhibit D: California Government Code, Article 12, Sections 50280-50290

Address	Property Owner	Historic Name	Block/Lot	Status	Type of Landmark	Date Filed at Dept.	Rehab/ Maintenance Plans Approved by HPC	Contract Approved by BOS	2017-2018 Base Value	2017-2018 Mills Act Taxable Value	\$ Reduction In Assessed Value	% Reduction In Assessed Value	Property Tax Savings (1.1723%
Bush St.	Alice Carey	Fire Station #2	0270/041	Approved	Article 10 (#143) Article 11 (KMMS-Cat 1)	01/05/02	3/20/2002	5/13/2002	\$ 2,431,442	\$ 2,431,442	\$ -	0.00%	\$0
Haight St.	Fellmore Managment, LLC	John C. Spencer House	1236/018	Approved	National Register	08/17/05		5/15/2007	\$ 4,635,120	\$ 3,550,000	\$ (1,085,120)	-23.41%	-\$12,721
Franklin St.	Tad & Masumi Oride	Brandenstein House	0641/002	Approved	Article 10 (#126)	03/28/05		8/7/2007	\$ 3,003,117	\$ 2,827,467	\$ (175,650)	-5.85%	-\$2,059
Market St.	RC Chronicle Bldg., LP	Chronicle Bldg.	0311/016	Approved	Article 11 Cat. II	01/03/08		11/4/2008	\$107,993,060	\$ 63,471,317	\$ (44,521,743)	-41.23%	-\$521,921
California St.	Nakamura FLP	Lilienthal-Orville Pratt House	0641/004	Approved	Article 10 (#55)	12/01/08		12/3/2010	\$ 4,042,716	\$ 2,322,562	\$ (1,720,154)	-42.55%	-\$20,165
Buchanan St.	Howard Stien and Jason Stien	Nightengale House	0858/002	Approved	Article 10 (#47)	7/8/2011	10/16/2013	7/30/2013	\$ 1,738,460	\$ 1,670,000	\$ (68,460)	-3.94%	-\$803
Webster St.	Gregory & Gloria McCandless	Bourn Mansion	0580/013	Approved	Article 10 (#38)	5/1/2013	10/16/2013	12/16/2013	\$ 3,203,037	\$ 3,029,429	\$ (173,608)	-5.42%	-\$2,035
20th St.	Thomas Ranese & Brian Jackson	N/A	3607/062	Approved	Article 10 (Liberty Hill)	5/1/2013	10/16/2013	12/16/2013	\$ 2,052,382	\$ 1,190,000	\$ (862,382)	-42.02%	-\$10,110
Market St.	Coby Durnin (Sentinel Development)	Carpets & Furniture Bldg.	3703/076	Approved	National Register (Market Street Theater & Loft District)	5/1/2013	10/16/2013	12/16/2013	\$ 49,965,526	\$ 42,320,000	\$ (7,645,526)	-15.30%	-\$89,629
Vallejo St.	John Moran	Burr Mansion	0552/029	Approved	Article 10 (# 31)	5/1/2013	12/4/2013	12/16/2013	\$ 6,631,500	\$ 2,147,000	\$ (4,484,500)	-67.62%	-\$52,572
Armstrong St.	Adam Spiegel	N/A	0864/011	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 2,780,542	\$ 1,160,000	\$ (1,620,542)	-58.28%	-\$18,998
Armstrong St.	Bone Family Trust	N/A	0864/015	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 2,194,449	\$ 1,052,380	\$ (1,142,069)	-52.04%	-\$13,388
Archer St.	Adam Wilson	N/A	0865/013	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 1,629,295	\$ 1,240,000	\$ (389,295)	-23.89%	-\$4,564
Archer St.	Jean Paul Balajadia	N/A	0865/015	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 2,745,321	\$ 1,160,000	\$ (1,585,321)	-57.75%	-\$18,585
Atwood St.	Karli Sager	N/A	0866/012	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 1,129,369	\$ 750,000	\$ (379,369)	-33.59%	-\$4,447
Atwood St.	Adam Wilson	N/A	0866/015	Approved	Article 10 (Duboce Park)	9/3/2013	12/4/2013	12/16/2013	\$ 1,743,056	\$ 1,080,000	\$ (663,056)	-38.04%	-\$7,773
Archer St.	Diarmuid Russel & Heather Podruchny	N/A	0865/016	Approved	Article 10 (Duboce Park)	5/1/2014	10/1/2014	11/25/2014	\$ 1,649,908	\$ 980,000	\$ (669,908)	-40.60%	-\$7,853

Address	Property Owner	Historic Name	Block/Lot	Status	Type of Landmark	Date Filed at Dept.	Rehab/ Maintenance Plans Approved by HPC	Contract Approved by BOS	2017-2018 Base Value	2017-2018 Mills Act Taxable Value	\$ Reduction In Assessed Value	% Reduction In Assessed Value	Property Tax Savings (1.1723%)
567 Waller St.	Brandon Miller & Jay Zalewski	N/A	0865/025	Approved	Article 10 (Duboce Park)	5/1/2014	10/1/2014	11/25/2014	\$ 2,406,146	\$ 1,890,000	\$ (516,146)	-21.45%	-\$6,051
Waller St.	Claude & Renee Zellweger	N/A	0864/023	Approved	Article 10 (Duboce Park)	5/1/2014	10/1/2014	11/25/2014	\$ 2,196,627	\$ 980,000	\$ (1,216,627)	-55.39%	-\$14,263
Steiner St.	Come Lague	Postcard Row/Painted Ladies	0803/023	Approved	Article 10 (Alamo Square)	5/1/2015	10/7/2015	12/8/2015	\$ 3,390,700	\$ 1,800,000	\$ (1,590,700)	-46.91%	-\$18,648
Montgomery	807 Montgomery LLC	N/A	0176/006	Approved	Article 10 (Jackson Square)	5/1/2015	10/7/2015	12/15/2015	\$ 5,416,987	\$ 5,416,987	\$ -	0.00%	\$0
Post St.	RLJ C San Francisco LP	Maurice Hotel	0304/015	Approved	National Register (Lower Nob Hill Apartment Hotel District)	5/1/2015	10/7/2015	12/8/2015	\$ 34,487,172	\$ 34,487,172	\$ -	0.00%	\$0
Vallejo St.	Kiandokht Beyzavi & Hamid Amiri	N/A	0127/007	Approved	National Register (Russian Hill-Vallejo Crest District)	5/1/2016	10/5/2016	11/29/2016	\$ 2,040,000	\$ 1,490,000	\$ (550,000)	-26.96%	-\$6,448
105 Steiner St.	Jason Monberg & Karli Sager	N/A	0866/009	Approved	Article 10 (Duboce Park)	5/1/2016	10/5/2016	11/29/2016	\$ 2,809,700	\$ 1,620,000	\$ (1,189,700)	-42.34%	-\$13,947
Oak St.	Christopher J. Ludwig & Liesl Ludwig	Fassett-Reis-Meagher House	0839/023	Approved	California Register (Hayes Valley)	5/1/2016	10/5/2016	11/29/2016	\$ 2,652,599	\$ 1,230,000	\$ (1,422,599)	-53.63%	-\$16,677
									2017-2018 TOTAL LOSS IN PROPERTY TAX REVENUE				-\$863,66

acts

Laguna St.	Alta Laguna LLC	Woods Hall and Woods Hall Annex	0857/002	Approved	Article 10 (#257, #258)	5/1/2017	10/4/2017	12/6/2017					
Vallejo St.	855 Front Street LLC	Gibb-Sanborn Warehouses	0141/013	Approved	Article 10 (#91)	5/1/2017	10/4/2017	11/1/2017					
Waller St.	John Hjelmstad & Allison Bransfield	N/A	0864/012	Approved	Article 10 (Duboce Park)	5/1/2017	10/4/2017	12/6/2017					
Grove St.	Smith-Hantas Family Trust	N/A	0798/058	Approved	Article 10 (Alamo Square)	5/1/2017	10/4/2017	11/1/2017					
Market St.	Raintree 973 Market Newco LLC	N/A	3704/069	Approved	National Register (Market Street Theater & Loft District)	5/1/2017	10/4/2017	12/6/2017					

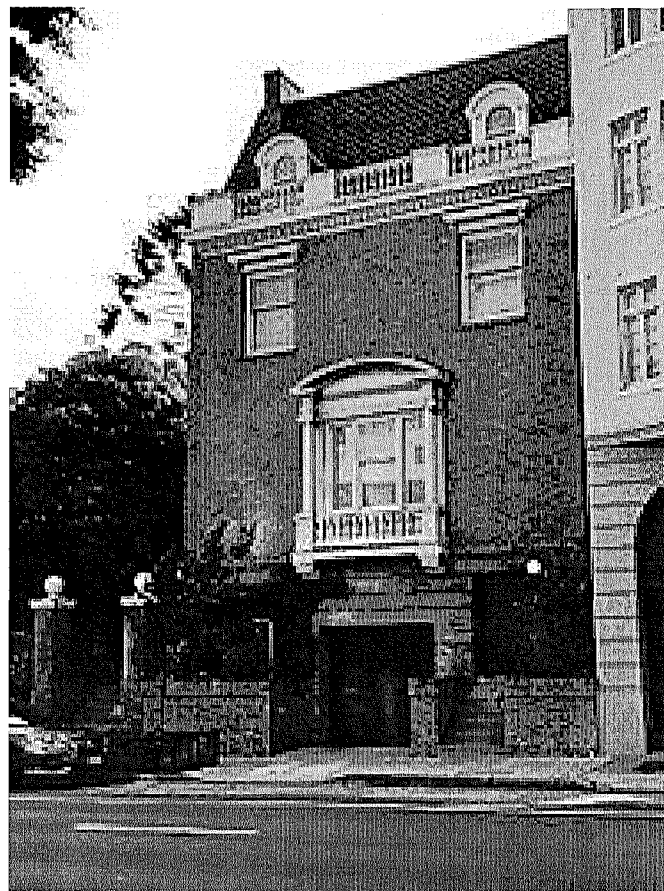
## 1. 460 Bush Street



## 2. 1080 Haight Street



### 3. 1735 Franklin Street





## 4. 690 Market Street





## 5. 1818 California Street



## 6. 201 Buchanan Street

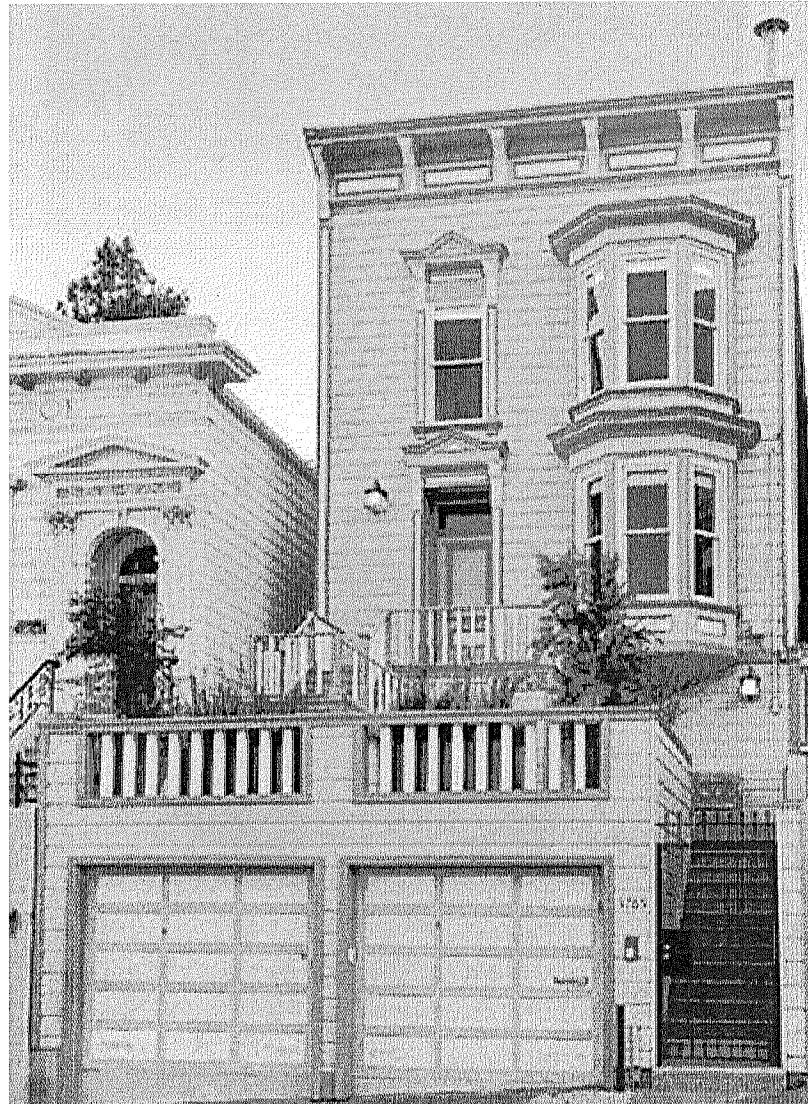


## 7. 2550 Webster Street

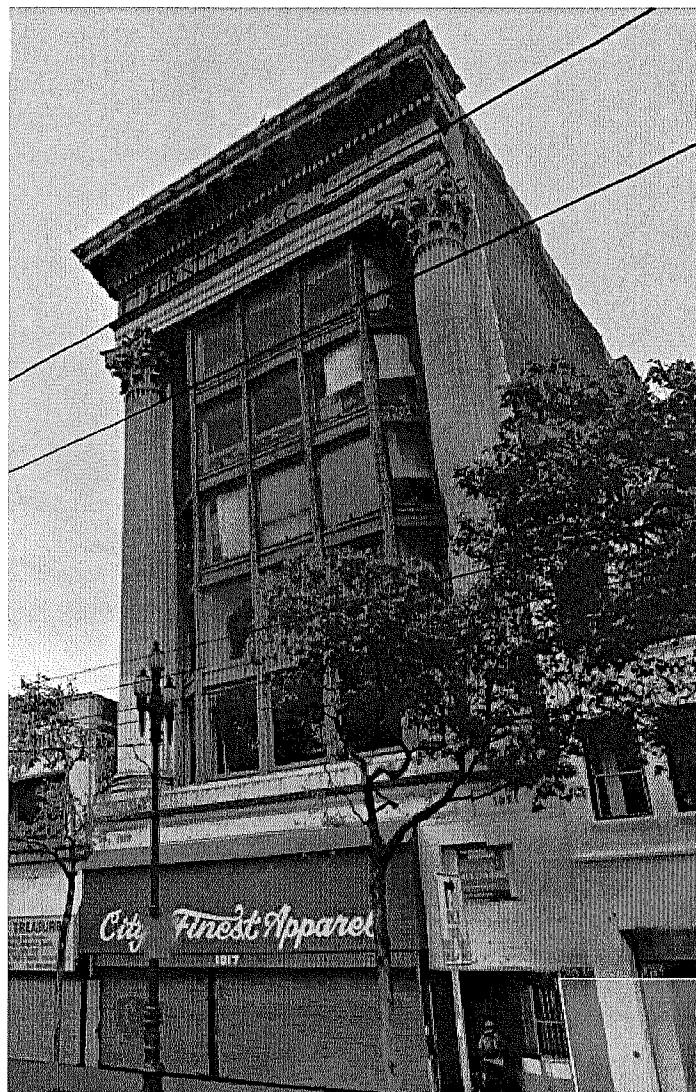




8. 3769 20<sup>th</sup> Street



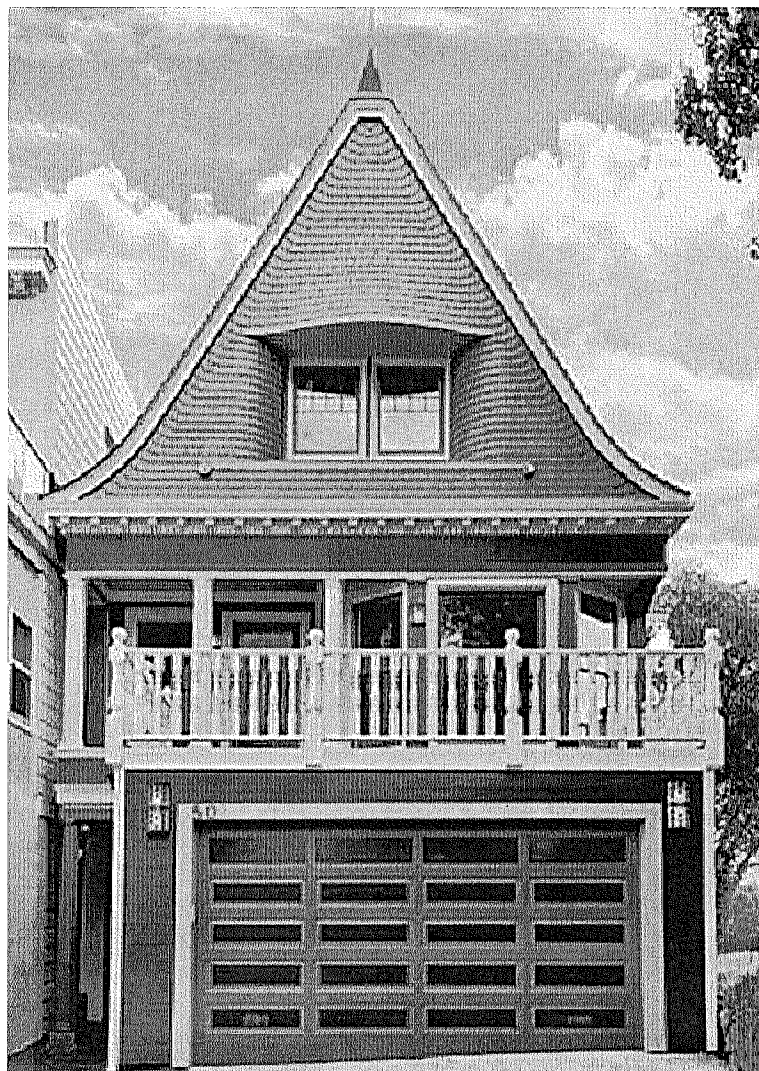
## 9. 1019 Market Street



## 10. 1772 Vallejo Street



## 11. 50 Carmelita Street



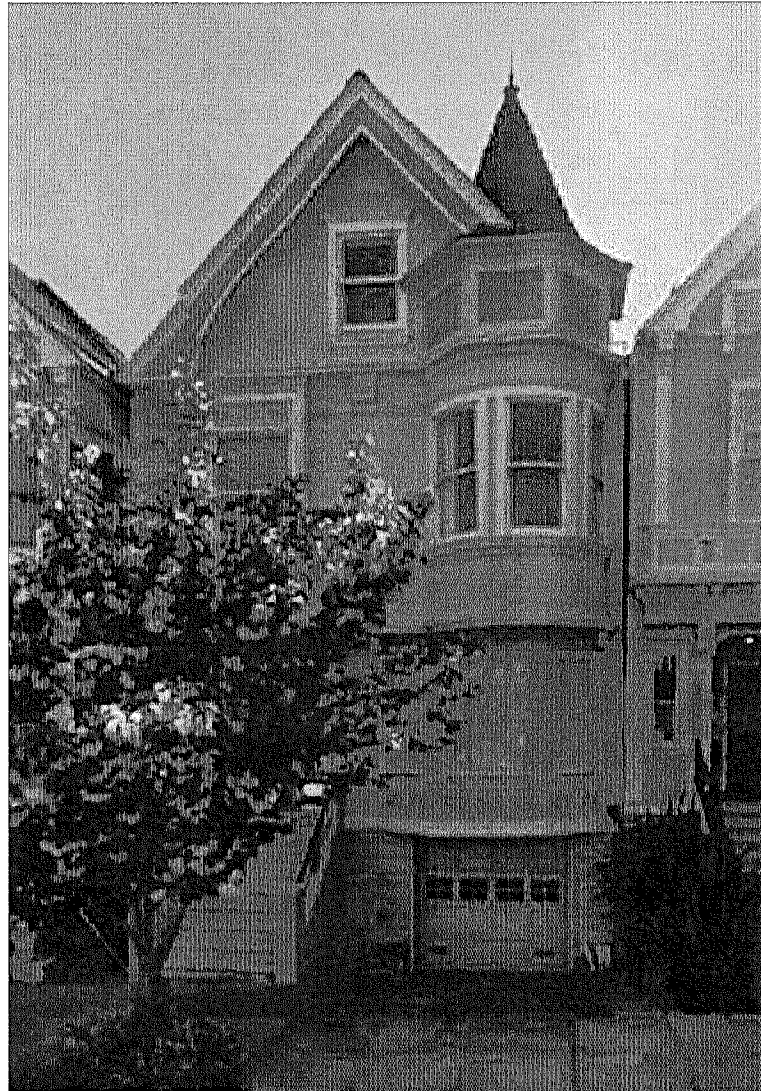


## 12. 66 Carmelita Street

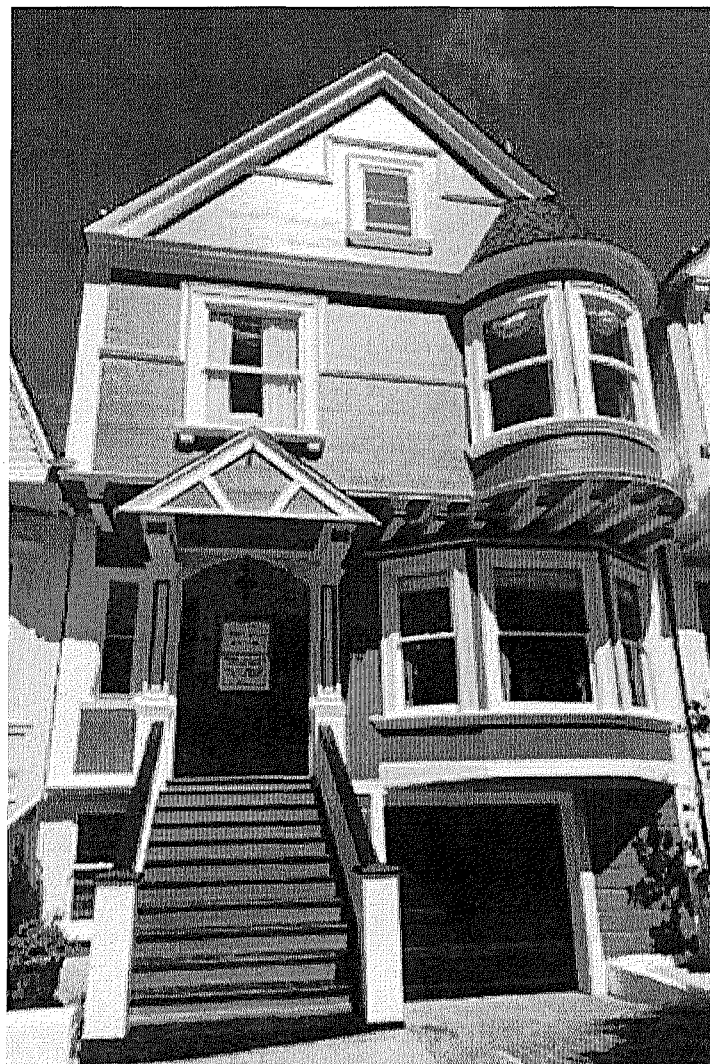




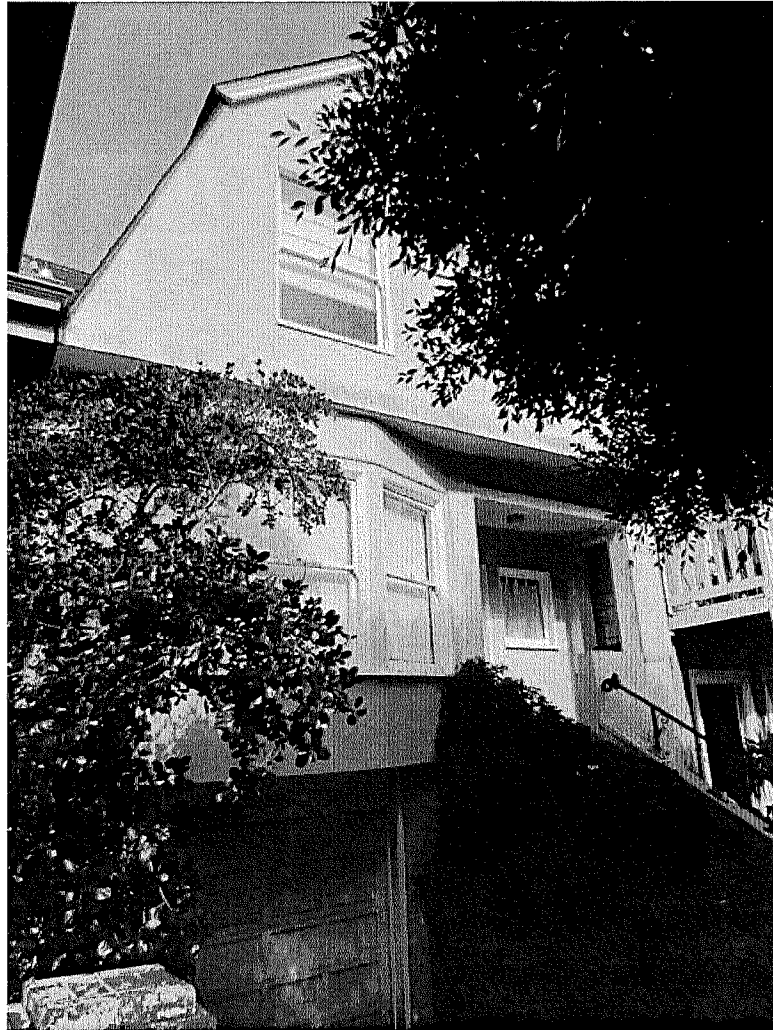
**13. 56 Pierce Street**



## 14. 64 Pierce Street



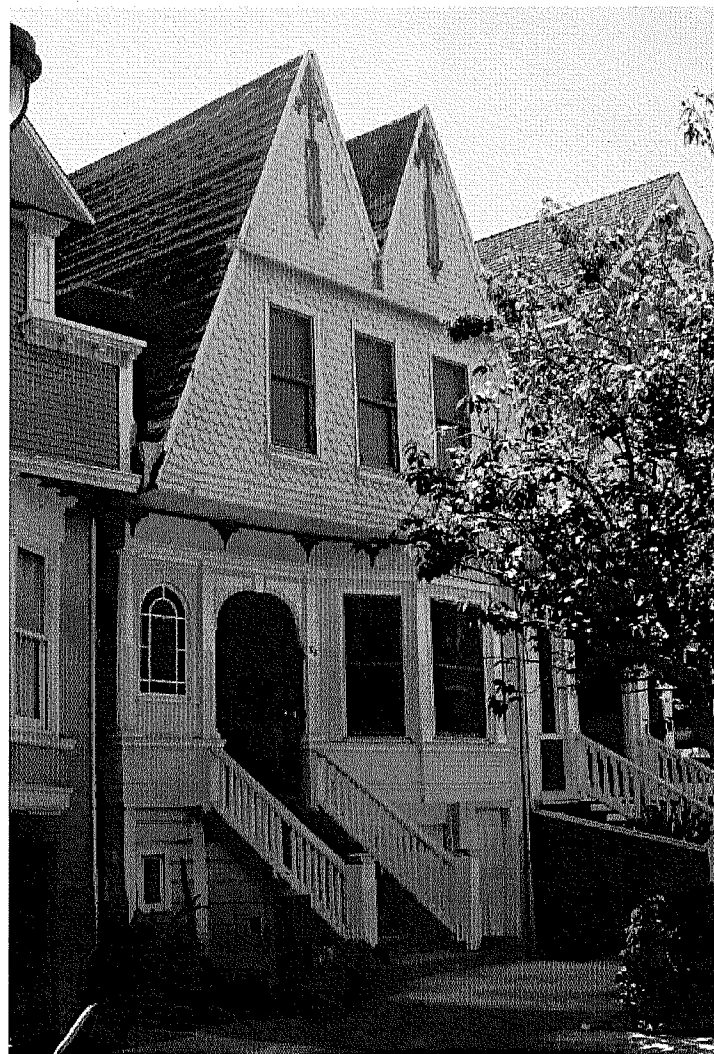
## 15. 56 Potomac Street



## 16. 66 Potomac Street



## 17. 68 Pierce Street

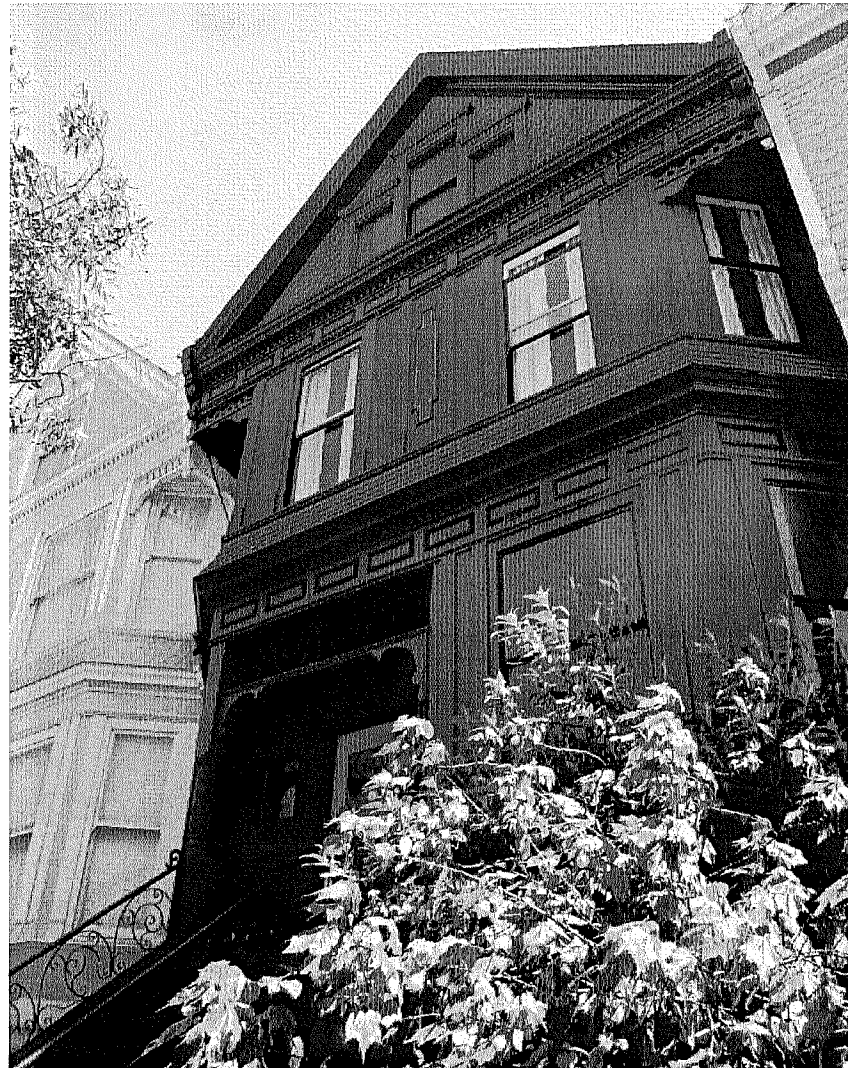




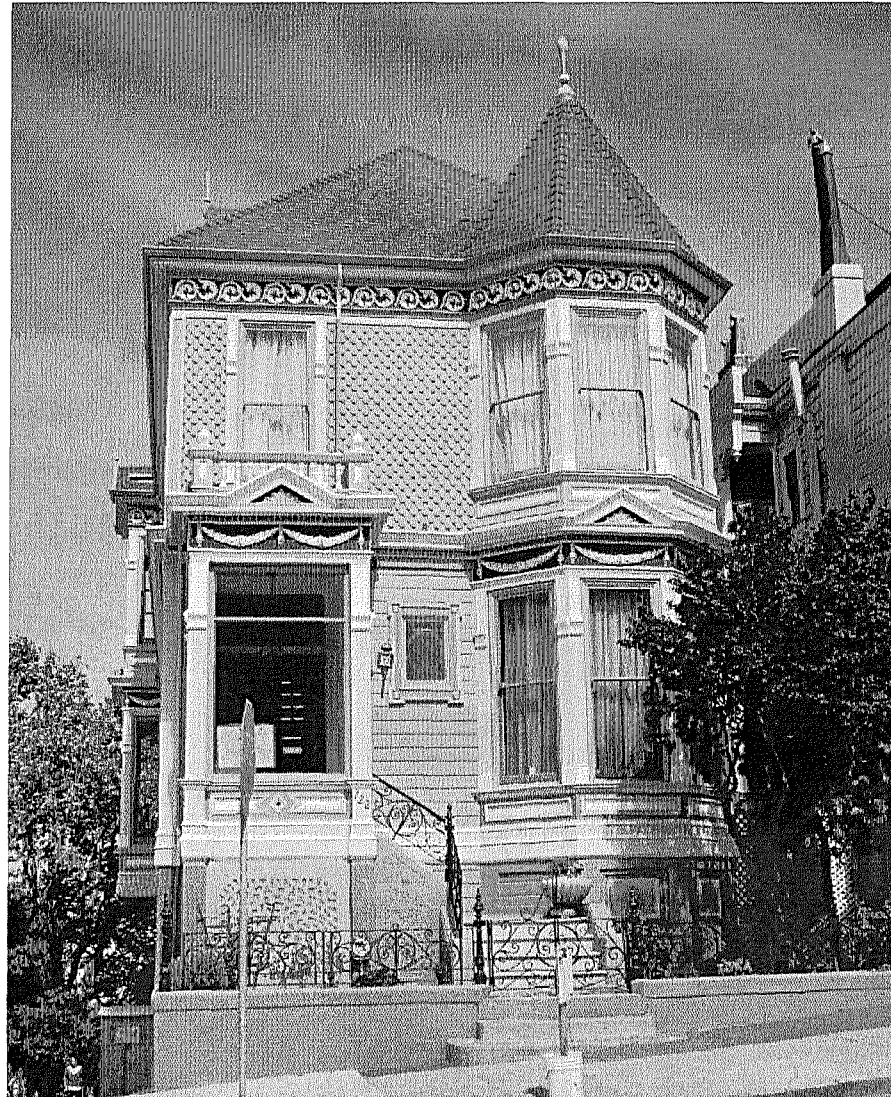
18. 563-567 Waller Street



19. 621 Waller Street



## 20. 722 Steiner Street





## 21. 807 Montgomery Street



## 22. 761 Post Street



## 23. 1036 Vallejo Street



## 24. 101-105 Steiner Street

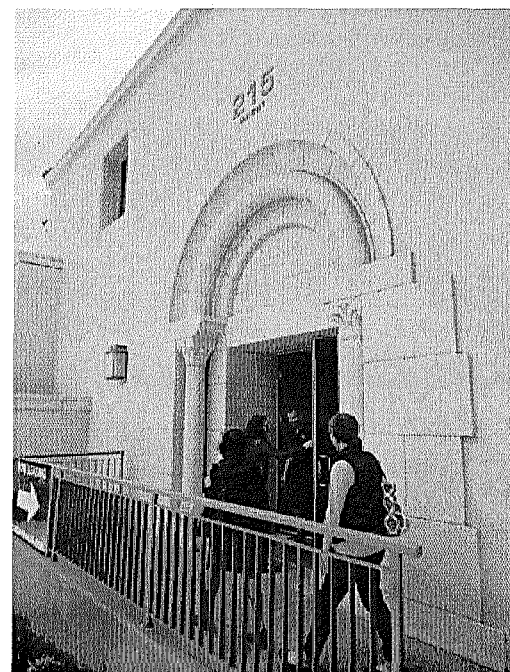
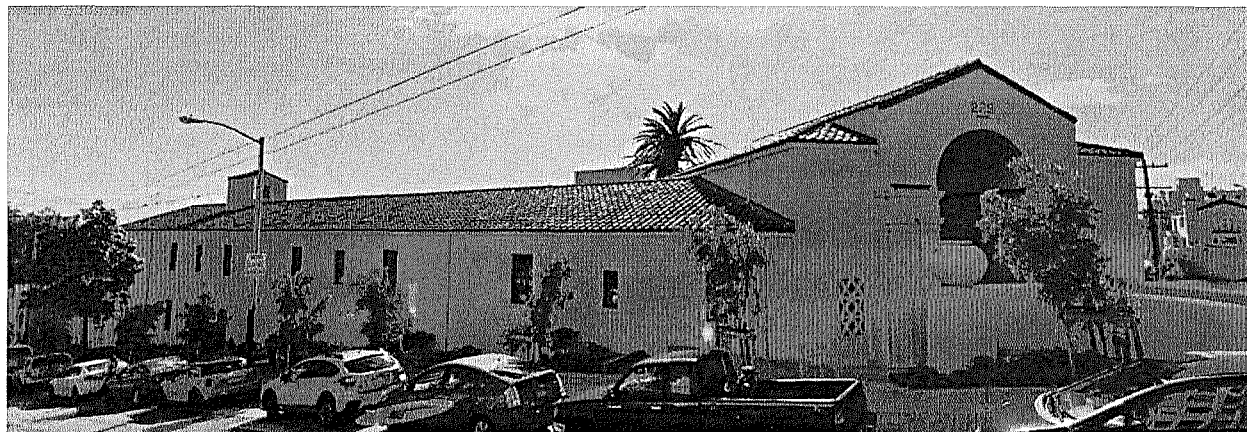




## 25. 361 Oak Street



26. 215 & 229 Haight Street (formerly 55 Laguna)



## 27. 101 Vallejo Street



## 28. 627 Waller Street





## 29. 940 Grove Street



## 30. 973 Market Street



[Print](#)

## San Francisco Administrative Code

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## CHAPTER 71: MILLS ACT CONTRACT PROCEDURES

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- Sec. 71.1. Purpose.
- Sec. 71.2. Eligibility.
- Sec. 71.3. Application for Historical Property Contract.
- Sec. 71.4. Approval Process.
- Sec. 71.5. Terms of the Historical Property Contract.
- Sec. 71.6. Fees.
- Sec. 71.7. Departmental Monitoring Report.

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### SEC. 71.1. PURPOSE.

(a) This Chapter 71 implements the Mills Act, California Government Code Sections 50280 et seq. The Mills Act authorizes local governments to enter into contracts with owners of private historical property who will rehabilitate, restore, preserve, and maintain qualified historical property. As consideration for the rehabilitation, restoration, preservation and maintenance of the qualified historical property, the City and County of San Francisco may provide certain property tax reductions in accordance with Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

(b) San Francisco contains many historic buildings that add to its character and international reputation. Many of these buildings have not been adequately maintained, may be structurally deficient, or may need rehabilitation. The costs of properly rehabilitating, restoring and preserving historic buildings may be prohibitive for property owners. Implementation of the Mills Act in San Francisco will make the benefits of the Mills Act available to many property owners.

(c) The benefits of the Mills Act to the individual property owners must be balanced with the cost to the City and County of San Francisco of providing the property tax reductions set forth in the Mills Act as well as the historical value of individual buildings proposed for historical property contracts, and the resultant property tax reductions, under the Mills Act.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 271-09, File. No. 091137, App. 12/18/2009)

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### SEC. 71.2. ELIGIBILITY.

(a) **Qualified Historical Property.** An owner, or an authorized agent of the owner, of a qualified historical property may apply for a historical property contract. For purposes of this Chapter 71, "qualified historical property" shall mean privately owned property that is not

exempt from property taxation and that has been listed or designated in one of the following ways on or before December 31 of the year before the application is made:

- (1) Individually listed in the National Register of Historic Places or the California Register of Historical Resources;
- (2) Listed as a contributor to a historic district included on the National Register of Historic Places or the California Register of Historical Resources;
- (3) Designated as a City landmark pursuant to Planning Code Article 10;
- (4) Designated as contributory to a historic district designated pursuant to Planning Code Article 10; or
- (5) Designated as Significant (Categories I or II) or Contributory (Categories III or IV) pursuant to Planning Code Article 11.

(b) **Limitations on Eligibility.** Eligibility for historical property contracts shall be limited to sites, buildings, or structures with an assessed valuation as of December 31 of the year before the application is made of \$3,000,000 or less for single-family dwellings and \$5,000,000 or less for multi-unit residential, commercial, or industrial buildings, unless the individual property is granted an exemption from those limitations by the Board of Supervisors. For the purposes of this section, "assessed valuation" shall not include any portion of the value of the property that is already exempt from payment of property taxes.

(1) The Historic Preservation Commission may recommend that the Board of Supervisors grant an exemption from the limitations imposed by this section upon finding that:

- (i) The site, building, or structure is a particularly significant resource; and
- (ii) Granting the exemption will assist in the preservation of a site, building, or structure that would otherwise be in danger of demolition, substantial alteration, or disrepair.

(2) The Board of Supervisors may approve a historical property contract not otherwise meeting the eligibility requirements set forth in this subsection (b) if it finds that the property meets the requirements of subsection (a) above and is especially deserving of a contract due to the exceptional nature of the property and other special circumstances.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 67-06, File No. 051954, App. 4/20/2006; Ord. 271-09, File No. 091137, App. 12/18/2009; Ord. 190-12, File No. 120528, App. 9/11/2012, Eff. 10/11/2012)

### **SEC. 71.3. APPLICATION FOR HISTORICAL PROPERTY CONTRACT.**

(a) **Who May Apply and Application Content.** An owner, or an authorized agent of an owner, of a qualified historical property may submit an application for a historical property contract to the Planning Department on forms provided by the Planning Department. The property owner shall provide, at a minimum, the address and location of the qualified historical property, evidence that the property is a qualified historical property and meets the valuation requirements of Section 71.2(b), the nature and cost of the rehabilitation, restoration or preservation work to be conducted on the property, financial information necessary for the Assessor-Recorder to conduct the valuation assessment under the Mills Act, including any information regarding income generated by the qualified historical property, and a plan for

continued maintenance of the property. The Planning Department, the Historic Preservation Commission, or the Assessor-Recorder may require any further information necessary to make a recommendation on or conduct the valuation of the historical property contract.

(b) **Application Deadlines.** The annual application deadline for a historical property contract shall be May 1. Application for a historical property contract may be submitted to the Planning Department between January 1 and May 1 of each year.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 271-09, File No. 091137, App. 12/18/2009; Ord. 190-12, File No. 120528, App. 9/11/2012, Eff. 10/11/2012)

## SEC. 71.4. APPROVAL PROCESS.

(a) **Assessor-Recorder Review.** The Planning Department shall refer an application for a historical property contract to the Assessor-Recorder for review and recommendation. Within 60 days of the receipt of a complete application, the Assessor-Recorder shall provide to the Board of Supervisors and Historic Preservation Commission a report estimating the yearly property tax revenue to the City under the proposed Mills Act contract valuation method and under the standard method without the proposed Mills Act contract and showing the difference in property tax assessments under the two valuation methods. If the Assessor-Recorder determines that the proposed rehabilitation includes substantial new construction or a change of use, or the valuation is otherwise complex, he or she may extend this period for up to an additional 60 days by providing written notice of the extension to the applicant, the Historic Preservation Commission, and the Board of Supervisors. Such notice shall state the basis for the extension. If the Assessor-Recorder fails to provide a report and recommendation within the time frames set forth here, the Historic Preservation Commission and Board of Supervisors may proceed with their actions without such report and recommendation.

(b) **Historic Preservation Commission Review.** The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission shall hold a public hearing to review the application for the historical property contract and make a recommendation regarding whether the Board of Supervisors should approve, disapprove, or modify the historical property contract within 90 days of receipt of the Assessor-Recorder's report or within 90 days of the date the report should have been provided if none is received. The recommendation of the Historic Preservation Commission may include recommendations regarding the proposed rehabilitation, restoration, and preservation work, the historical value of the qualified historical property, and any proposed preservation restrictions or maintenance requirements to be included in the historical property contract. The Planning Department shall forward the application and the recommendation of the Historic Preservation Commission to approve or modify a historical property contract to the Board of Supervisors. Failure of the Historic Preservation Commission to act within the 90-day time limit shall constitute a recommendation of disapproval for the purposes of this subsection, and the Planning Department shall notify the property owner in writing of the Historic Preservation Commission's failure to act; provided, however, that the Board of Supervisors by resolution may grant an extension of time to the Historic Preservation Commission for its review. If the Historic Preservation Commission recommends disapproval of the historical property contract, such decision shall be final unless the property owner files an appeal with the Clerk of the Board of Supervisors within 10 days of the final action of the Historic Preservation Commission or within 10 days of the Planning Department's notice of the Historic Preservation Commission's failure to act.

(c) **Budget Analyst Review.** Upon receipt of the recommendation of the Historic Preservation Commission or upon receipt of a timely appeal, the Clerk of the Board of Supervisors shall forward the application and Assessor-Recorder's report to the Budget Analyst, who, notwithstanding any other provision of this Code, shall prepare a report to the Board of Supervisors on the fiscal impact of the proposed historical property contract.

(d) **Board of Supervisors Decision.** The Board of Supervisors shall conduct a public hearing to review the Historic Preservation Commission's recommendation, the Assessor-Recorder's report if provided, the Budget Analyst's report, and any other information the Board requires in order to determine whether the City should execute a historical property contract for a particular property. The Board of Supervisors shall have full discretion to determine whether it is in the public interest to enter into a historical property contract regarding a particular qualified historical property. The Board of Supervisors may approve, disapprove, or modify and approve the terms of the historical property contract. Upon approval, the Board of Supervisors shall authorize the Director of Planning and the Assessor-Recorder to execute the historical property contract.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 271-09, File No. 091137, App. 12/18/2009; Ord. 190-12, File No. 120528, App. 9/11/2012, Eff. 10/11/2012)

## **SEC. 71.5. TERMS OF THE HISTORICAL PROPERTY CONTRACT.**

(a) The historical property contract shall set forth the agreement between the City and the property owner that as long as the property owner properly rehabilitates, restores, preserves and maintains the qualified historical property as set forth in the contract, the City shall comply with California Revenue and Taxation Code Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1, provided that the specific provisions of the Revenue and Taxation Code are applicable to the property in question. A historical property contract shall contain, at a minimum, the following provisions:

- (1) The initial term of the contract, which shall be for a minimum period of 10 years;
- (2) The owner's commitment and obligation to preserve, rehabilitate, restore and maintain the property in accordance with the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation and the United States Secretary of the Interior's Standards for the Treatment of Historic Properties;
- (3) Permission to conduct periodic examinations of the interior and exterior of the qualified historical property by the Assessor-Recorder, the Department of Building Inspection, the Planning Department, the Office of Historic Preservation of the California Department of Parks and Recreation and the State Board of Equalization as may be necessary to determine the owner's compliance with the historical property contract;
- (4) That the historical property contract is binding upon, and shall inure to the benefit of, all successors in interest of the owner;
- (5) An extension to the term of the contract so that one year is added automatically to the initial term of the contract on the anniversary date of the contract or such other annual date as specified in the contract unless notice of nonrenewal is given as provided in the Mills Act and in the historical property contract;

(6) Agreement that the Board of Supervisors may cancel the contract, or seek enforcement of the contract, when the Board determines, based upon the recommendation of any one of the entities listed in Subsection (3) above, that the owner has breached the terms of the contract. The City shall comply with the requirements of the Mills Act for enforcement or cancellation of the historical property contract. Upon cancellation of the contract, the property owner shall pay a cancellation fee of 12.5 percent of the full value of the property at the time of cancellation (or such other amount authorized by the Mills Act), as determined by the Assessor-Recorder without regard to any restriction on such property imposed by the historical property contract; and

(7) The property owner's indemnification of the City for, and agreement to hold the City harmless from, any claims arising from any use of the property.

(b) The City and the qualified historical property owner shall comply with all provisions of the Mills Act, including amendments thereto. The Mills Act, as amended from time to time, shall apply to the historical property contract process and shall be deemed incorporated into each historical property contract entered into by the City.

(c) The Planning Department shall maintain a standard form "Historical Property Contract" containing all required provisions specified by this section and state law. Any modifications to the City's standard form contract made by the applicant shall be subject to approval by the City Attorney prior to consideration by the Historic Preservation Commission and the Board of Supervisors.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 271-09, File No. 091137, App. 12/18/2009; Ord. 190-12, File No. 120528, App. 9/11/2012, Eff. 10/11/2012)

## **SEC. 71.6. FEES.**

The Planning Department shall determine the amount of a fee necessary to compensate the City for processing and administering an application for a historical property contract. The fee shall pay for the time and materials required to process the application, based upon the estimated actual costs to perform the work, including the costs of the Planning Department, the City Attorney, and the Assessor-Recorder. The City may also impose a separate fee, following approval of the historical property contract, to pay for the actual costs of inspecting the qualified historical property and enforcing the historical property contract. In the event that the costs of processing the application are lower than the estimates, such differences shall be refunded to the applicant. In the event the costs exceed the estimate, the Planning Department shall provide the applicant with a written analysis of the additional fee necessary to complete the review of the application, and applicant shall pay the additional amount prior to execution of the historical property contract. Failure to pay any fees shall be grounds for cancelling the historical property contract.

(Added by Ord. 191-96, App. 5/22/96; amended by Ord. 271-09, File No. 091137, App. 12/18/2009)

## **SEC. 71.7. DEPARTMENTAL MONITORING REPORT.**

On March 31, 2013 and every three years thereafter, the Assessor-Recorder and the Planning Department shall submit a joint report to the Board of Supervisors and the Historic Preservation Commission providing the Departments' analysis of the historical property contract (Mills Act) program. The report shall be calendared for hearing before the Board of Supervisors and the Historic Preservation Commission.



(Added by Ord. 190-12, File No. 120528, App. 9/11/2012, Eff. 10/11/2012)



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# APPLICATION GUIDE FOR Mills Act Historical Property Contract

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

P: 415.558.6378  
F: 415.558.6409

Office of the Assessor-Recorder  
City Hall, Room 190  
San Francisco, CA  
94102

P: 415.554.5596  
Recording Hours  
8:00a.m. – 4:00p.m.

**Chapter 71 of the San Francisco Administrative Code allows the City and County of San Francisco to enter into a preservation contract with local property owners who restore and preserve qualified historic properties. In exchange for maintaining and preserving a historic property, the owner receives a property tax reduction.**

**Planning staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.**

## WHAT IS A MILLS ACT PROPERTY CONTRACT?

The Mills Act Contract is an agreement between the City and County of San Francisco and the owner of a qualified property based on California Government Code, Article 12, Sections 50280-50290 (Mills Act). This state law, established in 1976, provides for a property tax reduction for owners of qualifying historic properties who agree to comply with certain preservation restrictions and use the property tax savings to help offset the costs to restore, rehabilitate, and maintain their historic resource according to the *Secretary of the Interior's Standards and the California Historical Building Code*. The Mills Act allows historic property owners to restore their historic buildings; obligate future owners to the maintenance and care of the property; and may provide significant property tax savings to the property owner, particularly to smaller, single-family homeowners. The San Francisco Board of Supervisors approves all final contracts. Once executed, the contract is recorded on the property and leads to reassessment of the property the following year.

## WHO MAY APPLY FOR A MILLS ACT PROPERTY CONTRACT?

The Mills Act is for qualified historic property owners who are actively rehabilitating their properties or have recently completed a rehabilitation project compliant with the *Secretary of the Interior's Treatment of Historic Properties*, in particular the Standards for Rehabilitation, and the California Historical Building Code. Recently completed projects shall mean completed in the year prior to the application. Qualified historic properties are those that have been designated as a City Landmark or those listed on the National Register of Historic Places. Eligibility for Historical Property Contracts shall be limited to residential buildings or structures with a pre-contract assessed valuation of \$3,000,000 or less and commercial and industrial buildings with a pre-contract assessed valuation of \$5,000,000 or less, unless the individual property is granted an exemption from those limits by the Board of Supervisors.

If a property has multiple owners, all property owners of the subject property must enter into the contract simultaneously.

## THE APPLICATION PACKET

This Application Packet is a summary of the Mills Act Historical Property Contract ("Mills Act Contract") Program's features. The complete details are described in the legal texts of the San Francisco Administrative Code, Chapter 71, California Government Code Sections 50280-50290 (Appendix A to this packet.) and California Taxation Code Article 1.9, Sections 439-439.4. (Appendix B to this packet.)

**IMPORTANT: Please read the entire application packet before getting started. Applicants are responsible for all of the information contained in the Application Guide. Be sure to review the Application Checklist to ensure that you are submitting all of the required documents. A Mills Act Historical Property Contract application provides the potential for property tax reduction. It is not a guarantee. Each property varies according to its income-generating potential and current assessed value. Mills Act properties are reassessed annually and periodically inspected for contract compliance. Incomplete applications may not meet the schedule outlined in this application.**

## ROLE OF THE PLANNING DEPARTMENT

The Planning Department oversees all Mills Act applications, presents applications before the appropriate hearing bodies and monitors the City's existing Mills Act properties. Preservation Planners work with property owners to complete their applications and develop rehabilitation and maintenance plans that are specific to each property. Planners keep the applicants informed throughout the year, as the application moves forward through the Office of the Assessor-Recorder, the Historic Preservation Commission, and the Board of Supervisors. The Planning Department also serves as the main point of contact for annual monitoring.

## ROLE OF THE OFFICE OF ASSESSOR-RECORDER

The role of the Office of the Assessor-Recorder is to locate and accurately assess all taxable property in San Francisco and also serve as the county's official record-keeper of documents such as deeds, liens, maps and property contracts. In a Mills Act Historical Property contract, the Office of the Assessor-Recorder assesses qualified properties based on a state prescribed approach and records the fully executed contract. All Mills Act properties will receive an initial valuation during the application process and will be assessed annually by the January 1st lien date and in subsequent years, as required by state law.

## ROLE OF THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission will hold a hearing to make a recommendation to the Board of Supervisors whether to approve, modify or deny the application. The HPC may include recommendations regarding the proposed rehabilitation, restoration, and maintenance work, the historic value of the qualified property and any proposed restrictions or maintenance requirements to be included in the final Historical Property Contract. The HPC's recommendation will be forwarded to the Board of Supervisors.

If the Historic Preservation Commission recommends disapproval of the contract, such decision shall be final unless the property owner files an appeal with the Clerk of the Board of Supervisors within 10 days of final action of the Historic Preservation Commission.



## ROLE OF THE BOARD OF SUPERVISORS

The Mills Act Application is referred by the Planning Department to the Board of Supervisors. Every contract must be scheduled in a Committee of the Board of Supervisors. A report prepared by the Board of Supervisors Budget & Legislative Analysts Office will detail the property tax savings and the potential impact this may have on the City's finances. The Committee may recommend, not recommend or forward the application without recommendation to the full Board of Supervisors.

The Board of Supervisors has complete discretion whether to approve, disapprove, or approve with modifications the Mills Act Historical Property Contract. The final decision rests with the Board of Supervisors. The legislative process may take a minimum of five weeks.

## WHICH PROPERTIES ARE ELIGIBLE TO APPLY?

In order to participate in the Mills Act Contract Program, properties must meet the following criteria:

### 1. Qualified Historic Property

- **Individually Designated Pursuant to Article 10 of the Planning Code.** Properties that have been designated as an individual city landmark are eligible.
- **Buildings in Landmark Districts Designated Pursuant to Article 10 of the Planning Code.** Properties that have been listed as a contributor to a city landmark district are eligible.
- **Properties Designated as Significant (Category I or II) Pursuant to Article 11 of the Planning Code.** Properties located in the C-3 Zoning District that have been determined to be a Category I or II, Significant Building are eligible.
- **Properties Designated as Contributory (Category IV) to a Conservation District Pursuant to Article 11 of the Planning Code.** Properties located in the C-3 Zoning District that have been determined to be Category IV are eligible.
- **Properties Designated as Contributory (Category III) Pursuant to Article 11 of the Planning Code.** Properties in the C-3 Zoning District that have been listed as a Contributory Structure (Category III) which are located outside of a Conservation District are eligible for the Mills Act program.
- **Individual Landmarks under the California Register of Historical Resources.** Properties that have been officially designated as a California Register individual landmark are eligible for the Mills Act program.
- **Contributory Buildings in California Register of Historical Resources Historic Districts.** Properties that have been identified as a contributory building in a National Register Historic District are eligible for the Mills Act program.
- **Individual Landmarks listed in the National Register of Historic Places.** Properties that have been individually listed in the National Register are eligible for the Mills Act program.
- **Contributory Buildings listed in the National Register of Historic Places as a Historic District.** Properties that have been identified as a contributory building to a National Register Historic District are eligible for the Mills Act program.

If there are any questions about whether your property is eligible please contact the Planning Department at (415) 558-6377.

## 2. Tax Assessment Value

Qualified historic properties must also meet a tax assessment value to be eligible for a Mills Act Contract. All owners of the property must enter into the Mills Act contract with the City.

### **For Residential Buildings:**

Eligibility is limited to a property tax assessment value of less than \$3,000,000.

### **For Commercial, Industrial or Mixed-Use Buildings:**

Eligibility is limited to a property tax assessment value of less than \$5,000,000.

### **Exceptions To Property Value Limits:**

A property may be exempt from the tax assessment value if it meets the following criteria:

- The qualified historic property is an exceptional example of architectural style or represents a work of a master architect or is associated with the lives of persons important to local or national history; or
- Granting the exemption will assist in the preservation and rehabilitation of a historic structure (including unusual and/or excessive maintenance requirements) that would otherwise be in danger of demolition, deterioration, or abandonment.

Properties applying for a valuation exemption must provide evidence that the property meets the exemption criteria. This evidence must be documented by a qualified historic preservation consultant in a Historic Structures Report or Conditions Assessment to substantiate the circumstances for granting the exemption. Please contact Planning Department Preservation Staff to determine which report your property requires.

The Historic Preservation Commission shall make specific findings to the Board of Supervisors recommending approval or denial of the exemption. Final approval of this exemption is under the purview of the Board of Supervisors.

**NOTE:** Owners of properties with comparatively low property taxes due to Proposition 13 will likely not see a benefit with a Mills Act Contract. The assessed value under the Mills Act will likely be higher than the existing base-year value of the property. Generally, an owner who has purchased their property within the last ten years is most likely to benefit from entering into a Mills Act contract.

## TERMS OF THE MILLS ACT HISTORICAL PROPERTY CONTRACT

### **Duration of Contract**

The Mills Act contract is for a minimum term of ten years. It automatically renews each year on its anniversary date and a new ten-year term becomes effective. The contract runs (essentially in perpetuity) with the land.

**Termination of the Contract**

The owner may terminate the contract by notifying the Planning Department at least ninety days prior to the annual renewal date. The City may terminate the contract by notifying the owner at least sixty days prior to the renewal date. The City could terminate contract if the owner is not conforming with the plans and timelines established in the Contract. The owner may make a written protest about termination by the City. The contract remains in effect for the balance of the 10-year term of the contract beyond the notice of non-renewal.

**Alterations or Additions**

Any work performed to the property must conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, specifically, the Standards for Rehabilitation and the California Historical Building Code. If components of the Mills Act Rehabilitation/Restoration or Maintenance Plan requires approvals by the Historic Preservation Commission, Planning Commission, Zoning Administrator, or any other government body, those approvals must be secured prior to applying for a Mills Act Historical Property Contract.

**Inspections and Monitoring**

The City may conduct periodic inspections of the property in addition to issuing an annual affidavit of compliance. These inspections are to confirm work has been completed in conformance with the approved Mills Act Contract. The City also encourages the property owner to self-inspect and apprise the Planning Department of the progress of rehabilitating and maintaining their property. In compliance with state law, onsite inspections of the property by the Planning Department and the Office of the Assessor-Recorder will occur every five years. All site visits will be scheduled in advance with the property owner.

**Breach of Contract**

If the property owner is found to be in breach of contract, the City may cancel the contract whereupon the Assessor-Recorder will collect a cancellation fee of 12 1/2 percent of the fair market value of the property as determined by the Assessor-Recorder. Applicants who enter into a Mills Act Contract with the City of San Francisco and fail to rehabilitate or maintain the property are subject to the City cancelling the contract.

**Transfer of Ownership**

A Mills Act Contract is attached to the property. Subsequent owners are bound by the terms and conditions of the contract, and obligated to complete any work identified in the contract and perform required maintenance. It is incumbent upon the seller of a Mills Act property to disclose this fact to potential buyers. For example, if an owner completes some of the contract mandated work in the first five years and then sells the property, the new buyer would have five years to complete the rehabilitation/restoration of the property.

**Recordation**

A complete Mills Act contract must be recorded with the Office of the Assessor-Recorder. In order to record the contract, all approvals, signatures, recordation attachments must be included and all applicable recording fees must be paid. A contract may be considered incomplete if all components are not adequately satisfied. To see the current recording fee schedule, go to [www.sfassessor.org](http://www.sfassessor.org).



# Mills Act Process & Timeline

## Phase 1: Planning Department Reviews Application

- 1** Property owner submits completed application to Planning.

Send applications to: 1650 Mission Street, Suite 400. San Francisco, CA 94103

Visit [www.sfplanning.org](http://www.sfplanning.org) for application fee information.

**APPLICATION DEADLINE: MAY 1**

**2. Review of applications.** Planning Department reviews the applications for completeness. Planner works with the Owner if issues are found.

**3. Property Inspection.** Planning Department and Assessor-Recorder schedule site visits with Owner.

## Phase 7: Mills Act Monitoring

**18. Affidavit of compliance is issued.** Onsite Property inspections occur every five years with Planning and the Assessor Recorder's Office.

- 19** Owner returns affidavit to Planning.

**DEADLINE: APRIL 30**

## Recordation and Distribution

- 16** Office of the Assessor-Recorder records contract.

**DEADLINE: DECEMBER 30**

**17. Office of the Assessor-Recorder mails confirmed copy of contract to property owner.**

## Phase 2: Assessor-Recorder Calculates Valuations

- 4. Planning Department submits complete applications to Assessor-Recorder by June 1.**

**5. Initial valuation completed by Assessor-Recorder's office and submitted to Planning Department for transmittal to property owner by Aug. 31.**

- 6** Property owner reviews valuations. Owner has until Sept. 15 to review the valuation.

**DEADLINE: SEPTEMBER 15**

## Phase 3: Historic Preservation Commission Hearing

**7. HPC Hearing.** The Historic Preservation Commission (HPC) meets the first and third Wednesday of each month. The HPC Hearing will be the third Wednesday in September or the first Wednesday in October. Planning Staff will present the application, rehabilitation and maintenance plans to the HPC.

### ACTION TAKEN

The HPC may recommend, modify, or deny approval to the Board of Supervisors.

## Phase 4: Board of Supervisors Committee and Board of Supervisors Final Hearing

**8. Planning Department transmits application to the Board of Supervisors.** The Clerk of the Board is responsible for scheduling the item in the appropriate Board of Supervisors committee.

**9. Budget & Legislative Analyst's Office prepares report for committee hearing.**

**10. Planning Department, Assessor-Recorder's Office, and Owner present.**

### ACTION TAKEN

Board of Supervisors Committee may Recommend, Not Recommend, or forward without Recommendation to the Full Board.

**11. Item scheduled at a full Board of Supervisors meeting for consideration.** Visit [www.sfbos.org](http://www.sfbos.org) for more information.

### ACTION TAKEN

The BOS may approve, modify, or deny the Mills Act Application.

## Phase 5: Final Contracts Issued, Recorded & Distributed

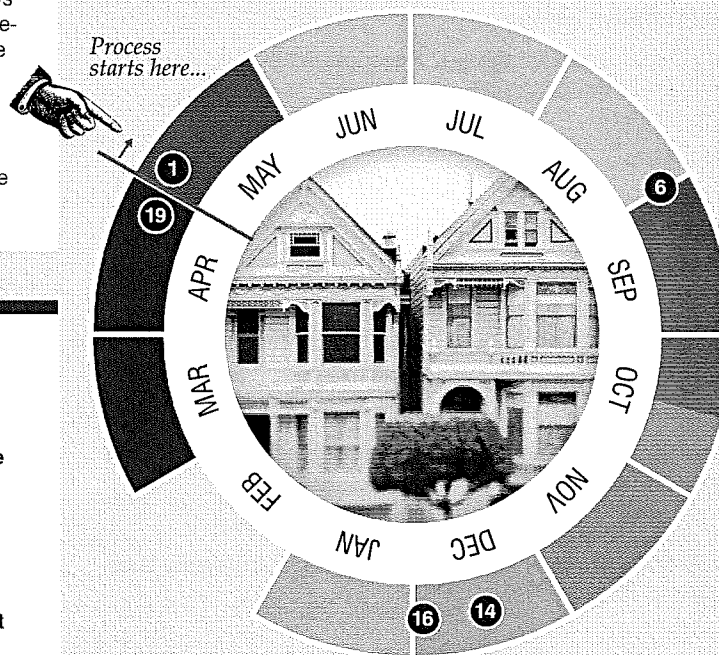
**12. City Attorney's Office finalizes contracts.** City Attorney verifies prints and signs final contracts then returns to Planning for signature.

**13. Planning Department notifies property owner to pick up contracts from Planning Department.** Owners sign and notarize contracts.

**14** Owners deliver signed and notarized contracts to Planning Department. Planning Department delivers all contracts to the Assessor-Recorder, City Hall, Room 190.

**DEADLINE: DECEMBER 13**

**15. Assessor-Recorder reviews and signs contracts.**



● Property Owner Action/Deadline



# MILLS ACT HISTORICAL PROPERTY CONTRACT

## Application Checklist:

Applicant should complete this checklist and submit along with the application to ensure that all necessary materials have been provided. Saying "No" to any of the following questions may nullify the timelines established in this application.

<b>1</b>	<b>Mills Act Application</b> Has each property owner signed? Has each signature been notarized?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>2</b>	<b>High Property Value Exemption Form &amp; Historic Structure Report</b> Required for Residential properties with an assessed value over \$3,000,000 and Commercial/Industrial properties with an assessed value over \$5,000,000. Have you included a copy of the Historic Structures Report completed by a qualified consultant?	YES <input type="checkbox"/> NO <input type="checkbox"/>  N/A <input type="checkbox"/>
<b>3</b>	<b>Draft Mills Act Historical Property Contract</b> Are you using the Planning Department's standard "Historical Property Contract?" Have all owners signed and dated the contract? Have all signatures been notarized?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>4</b>	<b>Notary Acknowledgement Form</b> Is the Acknowledgement Form complete? Do the signatures match the names and capacities of signers?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>5</b>	<b>Draft Rehabilitation/Restoration/Maintenance Plan</b> Have you identified and completed the Rehabilitation, Restoration, and Maintenance Plan organized by contract year, including all supporting documentation related to the scopes of work?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>6</b>	<b>Photographic Documentation</b> Have you provided both interior and exterior images (either digital, printed, or on a CD)? Are the images properly labeled?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>7</b>	<b>Site Plan</b> Does your site plan show all buildings on the property including lot boundary lines, street name(s), north arrow and dimensions?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>8</b>	<b>Tax Bill</b> Did you include a copy of your most recent tax bill?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>9</b>	<b>Rental Income Information</b> Did you include information regarding any rental income on the property, including anticipated annual expenses, such as utilities, garage, insurance, building maintenance, etc.?	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>10</b>	<b>Payment</b> Did you include a check payable to the San Francisco Planning Department? Current application fees can be found on the Planning Department Fee Schedule under Preservation Applications.	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>11</b>	<b>Recordation Requirements</b> A Board of Supervisors approved and fully executed Mills Act Historical Property contract must be recorded with the Assessor-Recorder. The contract must be <u>accompanied</u> by the following in order to meet recording requirements: – All approvals, signatures, recordation attachments – Fee: Check payable to the Office of the Assessor-Recorder" in the appropriate recording fee amount Please visit <a href="http://www.sfassessor.org">www.sfassessor.org</a> for an up-to-date fee schedule for property contracts. – Preliminary Change of Ownership Report (PCOR). Please visit <a href="http://www.sfassessor.org">www.sfassessor.org</a> for an up-to-date PCOR (see example on page 20).	YES <input type="checkbox"/> NO <input type="checkbox"/>

# APPLICATION FOR Mills Act Historical Property Contract

Applications must be submitted in both hard copy and digital copy form to the Planning Department at 1650 Mission St., Suite 400 by May 1st in order to comply with the timelines established in the Application Guide. Please submit only the Application and required documents.

## 1. Owner/Applicant Information (If more than three owners, attach additional sheets as necessary.)

PROPERTY OWNER 1 NAME:	TELEPHONE:
	( )
PROPERTY OWNER 1 ADDRESS:	EMAIL:

PROPERTY OWNER 2 NAME:	TELEPHONE:
	( )
PROPERTY OWNER 2 ADDRESS:	EMAIL:

PROPERTY OWNER 3 NAME:	TELEPHONE:
	( )
PROPERTY OWNER 3 ADDRESS:	EMAIL:

## 2. Subject Property Information

PROPERTY ADDRESS:	ZIP CODE:
PROPERTY PURCHASE DATE:	ASSESSOR BLOCK/LOT(S):
MOST RECENT ASSESSED VALUE:	ZONING DISTRICT:

Are taxes on all property owned within the City and County of San Francisco paid to date? YES ☐ NO ☐

Is the entire property owner-occupied? YES ☐ NO ☐

If No, please provide an approximate square footage for owner-occupied areas vs. rental income (non-owner-occupied areas) on a separate sheet of paper.

Do you own other property in the City and County of San Francisco? YES ☐ NO ☐

If Yes, please list the addresses for all other property owned within the City of San Francisco on a separate sheet of paper.

Are there any outstanding enforcement cases on the property from the San Francisco Planning Department or the Department of Building Inspection? YES ☐ NO ☐

If Yes, all outstanding enforcement cases must be abated and closed for eligibility for the Mills Act.

I/we am/are the present owner(s) of the property described above and hereby apply for an historical property contract. By signing below, I affirm that all information provided in this application is true and correct. I further swear and affirm that false information will be subject to penalty and revocation of the Mills Act Contract.

Owner Signature: \_\_\_\_\_

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

Owner Signature: \_\_\_\_\_

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

Owner Signature: \_\_\_\_\_

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

### 3. Property Value Eligibility:

Choose one of the following options:

The property is a Residential Building valued at less than \$3,000,000.

YES ☐ NO ☐

The property is a Commercial/Industrial Building valued at less than \$5,000,000.

YES ☐ NO ☐

\*If the property value exceeds these options, please complete the following: Application of Exemption.

### Application for Exemption from Property Tax Valuation

If answered "no" to either question above please explain on a separate sheet of paper, how the property meets the following two criteria and why it should be exempt from the property tax valuations.

1. The site, building, or object, or structure is a particularly significant resource and represents an exceptional example of an architectural style, the work of a master, or is associated with the lives of significant persons or events important to local or natural history; or
2. Granting the exemption will assist in the preservation of a site, building, or object, or structure that would otherwise be in danger of demolition, substantial alteration, or disrepair. (A Historic Structures Report, completed by a qualified historic preservation consultant, must be submitted in order to meet this requirement.)

### 4. Property Tax Bill

All property owners are required to attach a copy of their recent property tax bill.

PROPERTY OWNER NAMES:
MOST RECENT ASSESSED PROPERTY VALUE:
PROPERTY ADDRESS:

### 5. Other Information

All property owners are required to attach a copy of all other information as outlined in the checklist on page 7 of this application.

By signing below, I/we acknowledge that I/we am/are the owner(s) of the structure referenced above and by applying for exemption from the limitations certify, under the penalty of perjury, that the information attached and provided is accurate.

Owner Signature: \_\_\_\_\_

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

Owner Signature: \_\_\_\_\_

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

Owner Signature: \_\_\_\_\_

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

## 5. Rehabilitation/Restoration & Maintenance Plan

A 10 Year Rehabilitation/Restoration Plan has been submitted detailing work to be performed on the subject property	YES <input type="checkbox"/> NO <input type="checkbox"/>
A 10 Year Maintenance Plan has been submitted detailing work to be performed on the subject property	YES <input type="checkbox"/> NO <input type="checkbox"/>
Proposed work will meet the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and/or the California Historic Building Code.	YES <input type="checkbox"/> NO <input type="checkbox"/>

Property owner will ensure that a portion of the Mills Act tax savings will be used to finance the preservation, rehabilitation, and maintenance of the property	YES <input type="checkbox"/> NO <input type="checkbox"/>
--	--

Use this form to outline your rehabilitation/restoration plan. Copy this page as necessary to include all items that apply to your property. Begin by listing recently completed rehabilitation work (if applicable) and continue with work you propose to complete within the next ten years, followed by your proposed maintenance work. Arranging all scopes of work in order of priority.

Please note that *all applicable Codes and Guidelines apply to all work*, including the Planning Code and Building Code. If components of the proposed Plan require approvals by the Historic Preservation Commission, Planning Commission, Zoning Administrator, or any other government body, these **approvals must be secured prior to applying for a Mills Act Historical Property Contract**. This plan will be included along with any other supporting documents as part of the Mills Act Historical Property contract.

# _____ (Provide a scope number)	BUILDING FEATURE:
Rehab/Restoration <input type="checkbox"/> Maintenance <input type="checkbox"/> Completed <input type="checkbox"/> Proposed <input type="checkbox"/>	
CONTRACT YEAR FOR WORK COMPLETION:	
TOTAL COST (rounded to nearest dollar):	
DESCRIPTION OF WORK:	

# Draft Rehabilitation/Restoration/Maintenance Plan (Continued)

# _____ (Provide a scope number)	BUILDING FEATURE:		
Rehab/Restoration <input type="checkbox"/>	Maintenance <input type="checkbox"/>	Completed <input type="checkbox"/>	Proposed <input type="checkbox"/>
CONTRACT YEAR WORK COMPLETION:			
TOTAL COST (rounded to nearest dollar):			
DESCRIPTION OF WORK:			

# _____ (Provide a scope number)	BUILDING FEATURE:		
Rehab/Restoration <input type="checkbox"/>	Maintenance <input type="checkbox"/>	Completed <input type="checkbox"/>	Proposed <input type="checkbox"/>
CONTRACT YEAR WORK COMPLETION:			
TOTAL COST (rounded to nearest dollar):			
DESCRIPTION OF WORK:			

# _____ (Provide a scope number)	BUILDING FEATURE:		
Rehab/Restoration <input type="checkbox"/>	Maintenance <input type="checkbox"/>	Completed <input type="checkbox"/>	Proposed <input type="checkbox"/>
CONTRACT YEAR WORK COMPLETION:			
TOTAL COST (rounded to nearest dollar):			
DESCRIPTION OF WORK:			

## 6. Draft Mills Act Historical Property Agreement

Please complete the following Draft Mills Act Historical Property Agreement and submit with your application. A final Mills Act Historical Property Agreement will be issued by the City Attorney once the Board of Supervisors approves the contract. The contract is not in effect until it is fully executed and recorded with the Office of the Assessor-Recorder.

Any modifications made to this standard City contract by the applicant or if an independently-prepared contract is used, it shall be subject to approval by the City Attorney prior to consideration by the Historic Preservation Commission and the Board of Supervisors. This will result in additional application processing time and the timeline provided in the application will be nullified.

Recording Requested by,  
and when recorded, send notice to:  
Director of Planning  
1650 Mission Street  
San Francisco, California 94103-2414

## California Mills Act Historical Property Agreement

PROPERTY NAME (IF ANY)

PROPERTY ADDRESS

San Francisco, California

THIS AGREEMENT is entered into by and between the City and County of San Francisco, a California municipal corporation ("City") and \_\_\_\_\_ ("Owner/s").

### RECITALS

Owners are the owners of the property located at \_\_\_\_\_, in San Francisco, California

PROPERTY ADDRESS

\_\_\_\_\_. The building located at \_\_\_\_\_

BLOCK NUMBER

LOT NUMBER

PROPERTY ADDRESS

is designated as \_\_\_\_\_ (e.g. "a City Landmark pursuant to Article 10 of the Planning Code") and is also known as the \_\_\_\_\_

HISTORIC NAME OF PROPERTY (IF ANY)

Owners desire to execute a rehabilitation and ongoing maintenance project for the Historic Property. Owners' application calls for the rehabilitation and restoration of the Historic Property according to established preservation standards, which it estimates will cost approximately \_\_\_\_\_ (\$\_\_\_\_\_). See Rehabilitation Plan, Exhibit A.

AMOUNT IN WORD FORMAT

AMOUNT IN NUMERICAL FORMAT

Owners' application calls for the maintenance of the Historic Property according to established preservation standards, which is estimated will cost approximately \_\_\_\_\_ (\$\_\_\_\_\_). See Maintenance Plan, Exhibit B.

AMOUNT IN WORD FORMAT

AMOUNT IN NUMERICAL FORMAT

The State of California has adopted the "Mills Act" (California Government Code Sections 50280-50290, and California Revenue & Taxation Code, Article 1.9 [Section 439 et seq.) authorizing local governments to enter into agreements with property owners to potentially reduce their property taxes in return for improvement to and maintenance of historic properties. The City has adopted enabling legislation, San Francisco Administrative Code Chapter 71, authorizing it to participate in the Mills Act program.

Owners desire to enter into a Mills Act Agreement (also referred to as a "Historic Property Agreement") with the City to help mitigate its anticipated expenditures to restore and maintain the Historic Property. The City is willing to enter into such Agreement to mitigate these expenditures and to induce Owners to restore and maintain the Historic Property in excellent condition in the future.

NOW, THEREFORE, in consideration of the mutual obligations, covenants, and conditions contained herein, the parties hereto do agree as follows:



## 1. Application of Mills Act.

The benefits, privileges, restrictions and obligations provided for in the Mills Act shall be applied to the Historic Property during the time that this Agreement is in effect commencing from the date of recordation of this Agreement.

## 2. Rehabilitation of the Historic Property.

Owners shall undertake and complete the work set forth in Exhibit A ("Rehabilitation Plan") attached hereto according to certain standards and requirements. Such standards and requirements shall include, but not be limited to: the Secretary of the Interior's Standards for the Treatment of Historic Properties ("Secretary's Standards"); the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation ("OHP Rules and Regulations"); the State Historical Building Code as determined applicable by the City; all applicable building safety standards; and the requirements of the Historic Preservation Commission, the Planning Commission, and the Board of Supervisors, including but not limited to any Certificates of Appropriateness approved under Planning Code Article 10. The Owners shall proceed diligently in applying for any necessary permits for the work and shall apply for such permits not less than six (6) months after recordation of this Agreement, shall commence the work within six (6) months of receipt of necessary permits, and shall complete the work within three (3) years from the date of receipt of permits. Upon written request by the Owners, the Zoning Administrator, at his or her discretion, may grant an extension of the time periods set forth in this paragraph. Owners may apply for an extension by a letter to the Zoning Administrator, and the Zoning Administrator may grant the extension by letter without a hearing. Work shall be deemed complete when the Director of Planning determines that the Historic Property has been rehabilitated in accordance with the standards set forth in this Paragraph. Failure to timely complete the work shall result in cancellation of this Agreement as set forth in Paragraphs 13 and 14 herein.

## 3. Maintenance.

Owners shall maintain the Historic Property during the time this Agreement is in effect in accordance with the standards for maintenance set forth in Exhibit B ("Maintenance Plan"), the Secretary's Standards; the OHP Rules and Regulations; the State Historical Building Code as determined applicable by the City; all applicable building safety standards; and the requirements of the Historic Preservation Commission, the Planning Commission, and the Board of Supervisors, including but not limited to any Certificates of Appropriateness approved under Planning Code Article 10.

## 4. Damage.

Should the Historic Property incur damage from any cause whatsoever, which damages fifty percent (50%) or less of the Historic Property, Owners shall replace and repair the damaged area(s) of the Historic Property. For repairs that do not require a permit, Owners shall commence the repair work within thirty (30) days of incurring the damage and shall diligently prosecute the repair to completion within a reasonable period of time, as determined by the City. Where specialized services are required due to the nature of the work and the historic character of the features damaged, "commence the repair work" within the meaning of this paragraph may include contracting for repair services. For repairs that require a permit(s), Owners shall proceed diligently in applying for any necessary permits for the work and shall apply for such permits not less than sixty (60) days after the damage has been incurred, commence the repair work within one hundred twenty (120) days of receipt of the required permit(s), and shall diligently prosecute the repair to completion within a reasonable period of time, as determined by the City. Upon written request by the Owners, the Zoning Administrator, at his or her discretion, may grant an extension of the time periods set forth in this paragraph. Owners may apply for an extension by a letter to the Zoning Administrator, and the Zoning Administrator may grant the extension by letter without a hearing. All repair work shall comply with the design and standards established for the Historic Property in Exhibits A and B attached hereto and Paragraph 3 herein. In the case of damage to twenty percent (20%) or more of the Historic Property due to a catastrophic event, such as an earthquake, or in the case of damage from any cause whatsoever that destroys more than fifty percent (50%) of the Historic Property, the City and Owners may mutually agree to terminate this Agreement. Upon such termination, Owners shall not be obligated to pay the cancellation fee set forth in Paragraph 14 of this Agreement. Upon such termination, the City shall assess the full value of the Historic Property without regard to any restriction imposed upon the Historic Property by this Agreement and Owners shall pay property taxes to the City based upon the valuation of the Historic Property as of the date of termination.

## 5. Insurance.

Owners shall secure adequate property insurance to meet Owners' repair and replacement obligations under this Agreement and shall submit evidence of such insurance to the City upon request.

## 6. Inspections.

Owners shall permit periodic examination of the exterior and interior of the Historic Property by representatives of the Historic Preservation Commission, the City's Assessor, the Department of Building Inspection, the Planning Department, the Office of Historic Preservation of the California Department of Parks and Recreation, and the State Board of Equalization, upon seventy-two (72) hours advance notice, to monitor Owners' compliance with the terms of this Agreement. Owners shall provide all reasonable information and documentation about the Historic Property demonstrating compliance with this Agreement as requested by any of the above-referenced representatives.

## 7. Term.

This Agreement shall be effective upon the date of its recordation and shall be in effect for a term of ten years from such date ("Initial Term"). As provided in Government Code section 50282, one year shall be added automatically to the Initial Term, on each anniversary date of this Agreement, unless notice of nonrenewal is given as set forth in Paragraph 10 herein.

## 8. Valuation.

Pursuant to Section 439.4 of the California Revenue and Taxation Code, as amended from time to time, this Agreement must have been signed, accepted and recorded on or before the lien date (January 1) for a fiscal year (the following July 1-June 30) for the Historic Property to be valued under the taxation provisions of the Mills Act for that fiscal year.

## 9. Termination.

In the event Owners terminates this Agreement during the Initial Term, Owners shall pay the Cancellation Fee as set forth in Paragraph 15 herein. In addition, the City Assessor-Recorder shall determine the fair market value of the Historic Property without regard to any restriction imposed on the Historic Property by this Agreement and shall reassess the property taxes payable for the fair market value of the Historic Property as of the date of Termination without regard to any restrictions imposed on the Historic Property by this Agreement. Such reassessment of the property taxes for the Historic Property shall be effective and payable six (6) months from the date of Termination.

## 10. Notice of Nonrenewal.

If in any year after the Initial Term of this Agreement has expired either the Owners or the City desires not to renew this Agreement that party shall serve written notice on the other party in advance of the annual renewal date. Unless the Owners serves written notice to the City at least ninety (90) days prior to the date of renewal or the City serves written notice to the Owners sixty (60) days prior to the date of renewal, one year shall be automatically added to the term of the Agreement. The Board of Supervisors shall make the City's determination that this Agreement shall not be renewed and shall send a notice of nonrenewal to the Owners. Upon receipt by the Owners of a notice of nonrenewal from the City, Owners may make a written protest. At any time prior to the renewal date, City may withdraw its notice of nonrenewal. If in any year after the expiration of the Initial Term of the Agreement, either party serves notice of nonrenewal of this Agreement, this Agreement shall remain in effect for the balance of the period remaining since the execution of the last renewal of the Agreement.

## 11. Payment of Fees.

Within one month of the execution of this Agreement, City shall tender to Owners a written accounting of its reasonable costs related to the preparation and approval of the Agreement as provided for in Government Code Section 50281.1 and San Francisco Administrative Code Section 71.6. Owners shall promptly pay the requested amount within forty-five (45) days of receipt.

## 12. Default.

An event of default under this Agreement may be any one of the following:

- (a) Owners' failure to timely complete the rehabilitation work set forth in Exhibit A in accordance with the standards set forth in Paragraph 2 herein;
- (b) Owners' failure to maintain the Historic Property in accordance with the requirements of Paragraph 3 herein;
- (c) Owners' failure to repair any damage to the Historic Property in a timely manner as provided in Paragraph 4 herein;
- (d) Owners' failure to allow any inspections as provided in Paragraph 6 herein;
- (e) Owners' termination of this Agreement during the Initial Term;
- (f) Owners' failure to pay any fees requested by the City as provided in Paragraph 11 herein;
- (g) Owners' failure to maintain adequate insurance for the replacement cost of the Historic Property; or
- (h) Owners' failure to comply with any other provision of this Agreement.

An event of default shall result in cancellation of this Agreement as set forth in Paragraphs 13 and 14 herein and payment of the cancellation fee and all property taxes due upon the Assessor's determination of the full value of the Historic Property as set forth in Paragraph 14 herein. In order to determine whether an event of default has occurred, the Board of Supervisors shall conduct a public hearing as set forth in Paragraph 13 herein prior to cancellation of this Agreement.

### 13. Cancellation.

As provided for in Government Code Section 50284, City may initiate proceedings to cancel this Agreement if it makes a reasonable determination that Owners have breached any condition or covenant contained in this Agreement, has defaulted as provided in Paragraph 12 herein, or has allowed the Historic Property to deteriorate such that the safety and integrity of the Historic Property is threatened or it would no longer meet the standards for a Qualified Historic Property. In order to cancel this Agreement, City shall provide notice to the Owners and to the public and conduct a public hearing before the Board of Supervisors as provided for in Government Code Section 50285. The Board of Supervisors shall determine whether this Agreement should be cancelled. The cancellation must be provided to the Office of the Assessor-Recorder for recordation.

### 14. Cancellation Fee.

If the City cancels this Agreement as set forth in Paragraph 13 above, Owners shall pay a cancellation fee of twelve and one-half percent (12.5%) of the fair market value of the Historic Property at the time of cancellation. The City Assessor shall determine fair market value of the Historic Property without regard to any restriction imposed on the Historic Property by this Agreement. The cancellation fee shall be paid to the City Tax Collector at such time and in such manner as the City shall prescribe. As of the date of cancellation, the Owners shall pay property taxes to the City without regard to any restriction imposed on the Historic Property by this Agreement and based upon the Assessor's determination of the fair market value of the Historic Property as of the date of cancellation.

### 15. Enforcement of Agreement.

In lieu of the above provision to cancel the Agreement, the City may bring an action to specifically enforce or to enjoin any breach of any condition or covenant of this Agreement. Should the City determine that the Owners has breached this Agreement, the City shall give the Owners written notice by registered or certified mail setting forth the grounds for the breach. If the Owners do not correct the breach, or if it does not undertake and diligently pursue corrective action, to the reasonable satisfaction of the City within thirty (30) days from the date of receipt of the notice, then the City may, without further notice, initiate default procedures under this Agreement as set forth in Paragraph 13 and bring any action necessary to enforce the obligations of the Owners set forth in this Agreement. The City does not waive any claim of default by the Owners if it does not enforce or cancel this Agreement.

### 16. Indemnification.

The Owners shall indemnify, defend, and hold harmless the City and all of its boards, commissions, departments, agencies, agents and employees (individually and collectively, the "City") from and against any and all liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses incurred in connection with or arising in whole or in part from: (a) any accident, injury to or death of a person, loss of or damage to property occurring in or about the Historic Property; (b) the use or occupancy of the Historic Property by the Owners, their Agents or Invitees; (c) the condition of the Historic Property; (d) any construction or other work undertaken by Owners on the Historic Property; or (e) any claims by unit or interval Owners for property tax reductions in excess those provided for under this Agreement. This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, and experts and related costs that may be incurred by the City and all indemnified parties specified in this Paragraph and the City's cost of investigating any claim. In addition to Owners' obligation to indemnify City, Owners specifically acknowledge and agree that they have an immediate and independent obligation to defend City from any claim that actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered to Owners by City, and continues at all times thereafter. The Owners' obligations under this Paragraph shall survive termination of this Agreement.

### 17. Eminent Domain.

In the event that a public agency acquires the Historic Property in whole or part by eminent domain or other similar action, this Agreement shall be cancelled and no cancellation fee imposed as provided by Government Code Section 50288.

### 18. Binding on Successors and Assigns.

The covenants, benefits, restrictions, and obligations contained in this Agreement shall be deemed to run with the land and shall be binding upon and inure to the benefit of all successors and assigns in interest of the Owners.

19. Legal Fees.

In the event that either the City or the Owners fail to perform any of their obligations under this Agreement or in the event a dispute arises concerning the meaning or interpretation of any provision of this Agreement, the prevailing party may recover all costs and expenses incurred in enforcing or establishing its rights hereunder, including reasonable attorneys' fees, in addition to court costs and any other relief ordered by a court of competent jurisdiction. Reasonable attorneys fees of the City's Office of the City Attorney shall be based on the fees regularly charged by private attorneys with the equivalent number of years of experience who practice in the City of San Francisco in law firms with approximately the same number of attorneys as employed by the Office of the City Attorney.

20. Governing Law.

This Agreement shall be construed and enforced in accordance with the laws of the State of California.

21. Recordation.

The contract will not be considered final until this agreement has been recorded with the Office of the Assessor-Recorder of the City and County of San Francisco.

22. Amendments.

This Agreement may be amended in whole or in part only by a written recorded instrument executed by the parties hereto in the same manner as this Agreement.

23. No Implied Waiver.

No failure by the City to insist on the strict performance of any obligation of the Owners under this Agreement or to exercise any right, power, or remedy arising out of a breach hereof shall constitute a waiver of such breach or of the City's right to demand strict compliance with any terms of this Agreement.

24. Authority.

If the Owners sign as a corporation or a partnership, each of the persons executing this Agreement on behalf of the Owners does hereby covenant and warrant that such entity is a duly authorized and existing entity, that such entity has and is qualified to do business in California, that the Owner has full right and authority to enter into this Agreement, and that each and all of the persons signing on behalf of the Owners are authorized to do so.

25. Severability.

If any provision of this Agreement is determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

26. Tropical Hardwood Ban.

The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood or tropical hardwood product.

27. Charter Provisions.

This Agreement is governed by and subject to the provisions of the Charter of the City.

28. Signatures.

This Agreement may be signed and dated in parts

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as follows:

<div>CARMEN CHU ASSESSOR-RECORDER CITY &amp; COUNTY OF SAN FRANCISCO</div>	<div>Date</div>	<div>JOHN RAHAIM DIRECTOR OF PLANNING CITY &amp; COUNTY OF SAN FRANCISCO</div>	<div>Date</div>
<div>APPROVED AS PER FORM: DENNIS HERRERA CITY ATTORNEY CITY &amp; COUNTY OF SAN FRANCISCO</div>		<div>Signature</div>	<div>Date</div>
		<div>Print name DEPUTY CITY ATTORNEY</div>	
<div>Signature</div>	<div>Date</div>	<div>Signature</div>	<div>Date</div>
<div>Print name OWNER</div>		<div>Print name OWNER</div>	

Owner/s' signatures must be notarized. Attach notary forms to the end of this agreement.  
(If more than one owner, add additional signature lines. All owners must sign this agreement.)

## 7. Notary Acknowledgment Form

The notarized signature of the majority representative owner or owners, as established by deed or contract, of the subject property or properties is required for the filing of this application. (Additional sheets may be attached.)

State of California

County of: \_\_\_\_\_

On: \_\_\_\_\_ before me, \_\_\_\_\_,  
DATE INSERT NAME OF THE OFFICER

NOTARY PUBLIC personally appeared: \_\_\_\_\_,  
NAME(S) OF SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) who name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
SIGNATURE

( PLACE NOTARY SEAL ABOVE )

**PRELIMINARY CHANGE OF OWNERSHIP REPORT**

To be completed by the transferee (buyer) prior to a transfer of subject property, in accordance with section 480.3 of the Revenue and Taxation Code. A *Preliminary Change of Ownership Report* must be filed with each conveyance in the County Recorder's office for the county where the property is located.



Carmen Chu, Assessor-Recorder  
Office of the Assessor-Recorder  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 190  
San Francisco, CA 94102  
www.sfassessor.org (415) 554-5596

**FOR ASSESSOR'S USE ONLY**

ASSESSOR'S PARCEL NUMBER \_\_\_\_\_

SELLER/TRANSFEROR \_\_\_\_\_

BUYER'S DAYTIME TELEPHONE NUMBER \_\_\_\_\_

( ) \_\_\_\_\_

BUYER'S EMAIL ADDRESS \_\_\_\_\_

STREET ADDRESS OR PHYSICAL LOCATION OF REAL PROPERTY \_\_\_\_\_

MAIL PROPERTY TAX INFORMATION TO (NAME) \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP CODE \_\_\_\_\_

☐ YES ☐ NO This property is intended as my principal residence. If YES, please indicate the date of occupancy or intended occupancy.

MO \_\_\_\_\_

DAY \_\_\_\_\_

YEAR \_\_\_\_\_

**PART 1. TRANSFER INFORMATION***Please complete all statements.*

This section contains possible exclusions from reassessment for certain types of transfers.

YES NO

- ☐ ☐ A. This transfer is solely between spouses (*addition or removal of a spouse, death of a spouse, divorce settlement, etc.*).
- ☐ ☐ B. This transfer is solely between domestic partners currently registered with the California Secretary of State (*addition or removal of a partner, death of a partner, termination settlement, etc.*).
- ☐ ☐ \*C. This is a transfer: ☐ between parent(s) and child(ren) ☐ from grandparent(s) to grandchild(ren).
- ☐ ☐ \*D. This transfer is the result of a cotenant's death. Date of death \_\_\_\_\_
- ☐ ☐ \*E. This transaction is to replace a principal residence by a person 55 years of age or older.  
Within the same county? ☐ YES ☐ NO
- ☐ ☐ \*F. This transaction is to replace a principal residence by a person who is severely disabled as defined by Revenue and Taxation Code section 69.5. Within the same county? ☐ YES ☐ NO
- ☐ ☐ G. This transaction is only a correction of the name(s) of the person(s) holding title to the property (*e.g., a name change upon marriage*).  
If YES, please explain: \_\_\_\_\_
- ☐ ☐ H. The recorded document creates, terminates, or reconveys a lender's interest in the property.
- ☐ ☐ I. This transaction is recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (*e.g., cosigner*). If YES, please explain: \_\_\_\_\_
- ☐ ☐ J. The recorded document substitutes a trustee of a trust, mortgage, or other similar document.
- ☐ ☐ K. This is a transfer of property:
- ☐ ☐ 1. to/from a revocable trust that may be revoked by the transferor and is for the benefit of  
☐ the transferor, and/or ☐ the transferor's spouse ☐ registered domestic partner.
- ☐ ☐ 2. to/from a trust that may be revoked by the creator/grantor/trustor who is also a joint tenant, and which names the other joint tenant(s) as beneficiaries when the creator/grantor/trustor dies.
- ☐ ☐ 3. to/from an irrevocable trust for the benefit of the  
☐ creator/grantor/trustor and/or ☐ grantor's/trustor's spouse ☐ grantor's/trustor's registered domestic partner.
- ☐ ☐ L. This property is subject to a lease with a remaining lease term of 35 years or more including written options.
- ☐ ☐ M. This is a transfer between parties in which proportional interests of the transferor(s) and transferee(s) in each and every parcel being transferred remain exactly the same after the transfer.
- ☐ ☐ N. This is a transfer subject to subsidized low-income housing requirements with governmentally imposed restrictions.
- ☐ ☐ \*O. This transfer is to the first purchaser of a new building containing an active solar energy system.

\* Please refer to the instructions for Part 1.

**Please provide any other information that will help the Assessor understand the nature of the transfer.**



**PART 2. OTHER TRANSFER INFORMATION***Check and complete as applicable.*

A. Date of transfer, if other than recording date: \_\_\_\_\_

B. Type of transfer:

☐ Purchase ☐ Foreclosure ☐ Gift ☐ Trade or exchange ☐ Merger, stock, or partnership acquisition (Form BOE-100-B)☐ Contract of sale. Date of contract: \_\_\_\_\_ ☐ Inheritance. Date of death: \_\_\_\_\_☐ Sale/leaseback ☐ Creation of a lease ☐ Assignment of a lease ☐ Termination of a lease. Date lease began: \_\_\_\_\_

Original term in years (including written options): \_\_\_\_\_ Remaining term in years (including written options): \_\_\_\_\_

☐ Other. Please explain: \_\_\_\_\_C. Only a partial interest in the property was transferred. ☐ YES ☐ NO If YES, indicate the percentage transferred: \_\_\_\_\_ %**PART 3. PURCHASE PRICE AND TERMS OF SALE***Check and complete as applicable.*

A. Total purchase price

\$ \_\_\_\_\_

B. Cash down payment or value of trade or exchange excluding closing costs

Amount \$ \_\_\_\_\_

C. First deed of trust @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Monthly payment \$ \_\_\_\_\_

Amount \$ \_\_\_\_\_

☐ FHA (\_\_\_\_ Discount Points) ☐ Cal-Vet ☐ VA (\_\_\_\_ Discount Points) ☐ Fixed rate ☐ Variable rate☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller☐ Balloon payment \$ \_\_\_\_\_ Due date: \_\_\_\_\_

D. Second deed of trust @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Monthly payment \$ \_\_\_\_\_

Amount \$ \_\_\_\_\_

☐ Fixed rate ☐ Variable rate ☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller☐ Balloon payment \$ \_\_\_\_\_ Due date: \_\_\_\_\_E. Was an Improvement Bond or other public financing assumed by the buyer? ☐ YES ☐ NO Outstanding balance \$ \_\_\_\_\_

F. Amount, if any, of real estate commission fees paid by the buyer which are not included in the purchase price \$ \_\_\_\_\_

G. The property was purchased: ☐ Through real estate broker. Broker name: \_\_\_\_\_ Phone number: (\_\_\_\_) \_\_\_\_\_☐ Direct from seller ☐ From a family member-Relationship \_\_\_\_\_☐ Other. Please explain: \_\_\_\_\_

H. Please explain any special terms, seller concessions, broker/agent fees waived, financing, and any other information (e.g., buyer assumed the existing loan balance) that would assist the Assessor in the valuation of your property. \_\_\_\_\_

**PART 4. PROPERTY INFORMATION***Check and complete as applicable.*

A. Type of property transferred

☐ Single-family residence☐ Co-op/Own-your-own☐ Manufactured home☐ Multiple-family residence. Number of units: \_\_\_\_\_☐ Condominium☐ Unimproved lot☐ Other. Description: (i.e., timber, mineral, water rights, etc.) \_\_\_\_\_☐ Timeshare☐ Commercial/IndustrialB. ☐ YES ☐ NO Personal/business property, or incentives, provided by seller to buyer are included in the purchase price. Examples of personal property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships, etc. Attach list if available.

If YES, enter the value of the personal/business property: \$ \_\_\_\_\_ Incentives \$ \_\_\_\_\_

C. ☐ YES ☐ NO A manufactured home is included in the purchase price.

If YES, enter the value attributed to the manufactured home: \$ \_\_\_\_\_

☐ YES ☐ NO The manufactured home is subject to local property tax. If NO, enter decal number: \_\_\_\_\_D. ☐ YES ☐ NO The property produces rental or other income.If YES, the income is from: ☐ Lease/rent ☐ Contract ☐ Mineral rights ☐ Other: \_\_\_\_\_E. The condition of the property at the time of sale was: ☐ Good ☐ Average ☐ Fair ☐ Poor

Please describe: \_\_\_\_\_

**CERTIFICATION***I certify (or declare) that the foregoing and all information hereon, including any accompanying statements or documents, is true and correct to the best of my knowledge and belief.*

SIGNATURE OF BUYER/TRANSFeree OR CORPORATE OFFICER

DATE

TELEPHONE

NAME OF BUYER/TRANSFeree/LEGAL REPRESENTATIVE/CORPORATE OFFICER (PLEASE PRINT)

TITLE

EMAIL ADDRESS

The Assessor's office may contact you for additional information regarding this transaction.

## ADDITIONAL INFORMATION

Please answer all questions in each section, and sign and complete the certification before filing. This form may be used in all 58 California counties. If a document evidencing a change in ownership is presented to the Recorder for recordation without the concurrent filing of a *Preliminary Change of Ownership Report*, the Recorder may charge an additional recording fee of twenty dollars (\$20).

**NOTICE:** The property which you acquired may be subject to a supplemental assessment in an amount to be determined by the County Assessor. Supplemental assessments are not paid by the title or escrow company at close of escrow, and are not included in lender impound accounts. **You may be responsible for the current or upcoming property taxes even if you do not receive the tax bill.**

**NAME AND MAILING ADDRESS OF BUYER:** Please make necessary corrections to the printed name and mailing address. Enter Assessor's Parcel Number, name of seller, buyer's daytime telephone number, buyer's email address, and street address or physical location of the real property.

**NOTE:** Your telephone number and/or email address is very important. If there is a question or a problem, the Assessor needs to be able to contact you.

**MAIL PROPERTY TAX INFORMATION TO:** Enter the name, address, city, state, and zip code where property tax information should be mailed. This must be a valid mailing address.

**PRINCIPAL RESIDENCE:** To help you determine your principal residence, consider (1) where you are registered to vote, (2) the home address on your automobile registration, and (3) where you normally return after work. If after considering these criteria you are still uncertain, choose the place at which you have spent the major portion of your time this year. Check YES if the property is intended as your principal residence, and indicate the date of occupancy or intended occupancy.

### PART 1: TRANSFER INFORMATION

If you check YES to any of these statements, the Assessor may ask for supporting documentation.

**C,D,E, F:** If you checked YES to any of these statements, you may qualify for a property tax reassessment exclusion, which may allow you to maintain your property's previous tax base. **A claim form must be filed and all requirements met in order to obtain any of these exclusions.** Contact the Assessor for claim forms. **NOTE:** If you give someone money or property during your life, you may be subject to federal gift tax. You make a gift if you give property (including money), the use of property, or the right to receive income from property without expecting to receive something of at least equal value in return. The transferor (donor) may be required to file Form 709, Federal Gift Tax Return, with the Internal Revenue Service if they make gifts in excess of the annual exclusion amount.

**G:** Check YES if the reason for recording is to correct a name already on title [e.g., Mary Jones, who acquired title as Mary J. Smith, is granting to Mary Jones]. This is not for use when a name is being removed from title.

**H:** Check YES if the change involves a lender, who holds title for security purposes on a loan, and who has no other beneficial interest in the property.

**"Beneficial interest"** is the right to enjoy all the benefits of property ownership. Those benefits include the right to use, sell, mortgage, or lease the property to another. A beneficial interest can be held by the beneficiary of a trust, while legal control of the trust is held by the trustee.

**I:** A **"cosigner"** is a third party to a mortgage/loan who provides a guarantee that a loan will be repaid. The cosigner signs an agreement with the lender stating that if the borrower fails to repay the loan, the cosigner will assume legal liability for it.

**M:** This is primarily for use when the transfer is into, out of, or between legal entities such as partnerships, corporations, or limited liability companies. Check YES only if the interest held in each and every parcel being transferred remains exactly the same.

**N:** Check YES only if property is subject to subsidized low-income housing requirements with governmentally imposed restrictions; property may qualify for a restricted valuation method (i.e., may result in lower taxes).

**O:** If you checked YES, you may qualify for a new construction property tax exclusion. **A claim form must be filed and all requirements met in order to obtain the exclusion. Contact the Assessor for a claim form.**

### PART 2: OTHER TRANSFER INFORMATION

**A:** The date of recording is rebuttably presumed to be the date of transfer. If you believe the date of transfer was a different date (e.g., the transfer was by an unrecorded contract, or a lease identifies a specific start date), put the date you believe is the correct transfer date. If it is not the date of recording, the Assessor may ask you for supporting documentation.

**B:** Check the box that corresponds to the type of transfer. If OTHER is checked, please provide a detailed description. Attach a separate sheet if necessary.

**PART 3: PURCHASE PRICE AND TERMS OF SALE**

It is important to complete this section completely and accurately. The reported purchase price and terms of sale are important factors in determining the assessed value of the property, which is used to calculate your property tax bill. Your failure to provide any required or requested information may result in an inaccurate assessment of the property and in an overpayment or underpayment of taxes.

A. Enter the total purchase price, not including closing costs or mortgage insurance.

**"Mortgage insurance"** is insurance protecting a lender against loss from a mortgagor's default, issued by the FHA or a private mortgage insurer.

B. Enter the amount of the down payment, whether paid in cash or by an exchange. If through an exchange, exclude the closing costs.

**"Closing costs"** are fees and expenses, over and above the price of the property, incurred by the buyer and/or seller, which include title searches, lawyer's fees, survey charges, and document recording fees.

C. Enter the amount of the First Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

A **"balloon payment"** is the final installment of a loan to be paid in an amount that is disproportionately larger than the regular installment.

D. Enter the amount of the Second Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

E. If there was an assumption of an improvement bond or other public financing with a remaining balance, enter the outstanding balance, and mark the applicable box.

An **"improvement bond or other public financing"** is a lien against real property due to property-specific improvement financing, such as green or solar construction financing, assessment district bonds, Mello-Roos (a form of financing that can be used by cities, counties and special districts to finance major improvements and services within the particular district) or general improvement bonds, etc. Amounts for repayment of contractual assessments are included with the annual property tax bill.

F. Enter the amount of any real estate commission fees paid by the buyer which are not included in the purchase price.

G. If the property was purchased through a real estate broker, check that box and enter the broker's name and phone number. If the property was purchased directly from the seller (who is not a family member of one of the parties purchasing the property), check the "Direct from seller" box. If the property was purchased directly from a member of your family, or a family member of one of the parties who is purchasing the property, check the "From a family member" box and indicate the relationship of the family member (e.g., father, aunt, cousin, etc.). If the property was purchased by some other means (e.g., over the Internet, at auction, etc.), check the "OTHER" box and provide a detailed description (attach a separate sheet if necessary).

H. Describe any special terms (e.g., seller retains an unrecorded life estate in a portion of the property, etc.), seller concessions (e.g., seller agrees to replace roof, seller agrees to certain interior finish work, etc.), broker/agent fees waived (e.g., fees waived by the broker/agent for either the buyer or seller), financing, buyer paid commissions, and any other information that will assist the Assessor in determining the value of the property.

**PART 4: PROPERTY INFORMATION**

A. Indicate the property type or property right transferred. Property rights may include water, timber, mineral rights, etc.

B. Check YES if personal, business property or incentives are included in the purchase price in Part 3. Examples of personal or business property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships (golf, health, etc.), ski lift tickets, homeowners' dues, etc. Attach a list of items and their purchase price allocation. An adjustment will not be made if a detailed list is not provided.

C. Check YES if a manufactured home or homes are included in the purchase price. Indicate the purchase price directly attributable to each of the manufactured homes. If the manufactured home is registered through the Department of Motor Vehicles in lieu of being subject to property taxes, check NO and enter the decal number.

D. Check YES if the property was purchased or acquired with the intent to rent or lease it out to generate income, and indicate the source of that anticipated income. Check NO if the property will not generate income, or was purchased with the intent of being owner-occupied.

E. Provide your opinion of the condition of the property at the time of purchase. If the property is in "fair" or "poor" condition, include a brief description of repair needed.

# How is my property tax assessed and what is the impact on my property taxes?

To calculate your property tax savings, the Assessor-Recorder will perform a three-way value comparison as required by state law. The lowest of these three values will determine your taxable value for the year.

1. Restricted income approach (income capitalization method) per the Mills Act as prescribed by the California State Board of Equalization
2. Market value approach using comparable sales information
3. Factored base year value of your property and use

The following example shows how the Assessor-Recorder may assess your property value. Some components of the formula will vary each year (i.e. property tax rates and interest rates).

Step 1: Restricted Income Approach (per the Mills Act) is calculated.

## Net Income is Determined

Current Market Rent (annual)	\$ 72,000
– Vacancy & Collection Loss of 2%	– \$ 1,440
Effective Annual Income	= \$ 70,560
Less Anticipated Operating Expenses of 15% (i.e. – utilities, water, garbage, insurance, maintenance, management fee)	– \$ 10,584
<b>Net Income</b>	<b>= \$ 59,976</b>

## Capitalization Rate is Determined

Components of a Capitalization Rate Include:

Interest rate (changes every year and is determined annually by the State Board of Equalization – currently 4%)	+ .04000
Risk rate (4% for owner occupied or 2% for all other property types)	+ .04000
Property tax rate of 1.188% (2013 Tax Rate - changes every year as determined by the Board of Supervisors)	+ .01188
Amortization rate (Assuming 60 year remaining life; improvements constitute 40% of total property value; or .0167 x .40)	+ .00667
<b>Total Restricted Capitalization Rate</b>	<b>= .09855</b>

**Restricted income approach (per the Mills Act calculation)** **\$610,000**  
(net income \$59,976/restricted cap. rate .09858) (rounded)

Step 2: Estimated Market Value is Determined

Step 3: The Factored Base Year Value is Identified to determine the Assessed Value

Step 4: Three-Way Value Comparison is performed to determine the Assessed Value

<b>Restricted Income Approach (see Step 1 above)</b>	<b>\$610,000</b>
Estimated Market Value	\$1,500,000
Factored Base Year Value	\$1,064,403
<b>Lowest of the Three (Assessed Value)</b>	<b>= \$610,000</b>



# Step 5: Now, How to Estimate Your Tax Savings

(Assuming the assessed value would have been the factored base year value or Prop. 13 value)

<b>A. Calculate taxes Owed with Mills Act Assessment</b>	
Assessed Value (lowest of the three)	\$610,000
Multiply by tax rate (assumes 2013 rate)	$\times 1.188\%$
Equals Property Tax Owed	$= \$7,247$

<b>B. Calculate taxes Otherwise Owed with Factored Base Year Value</b>	
Factored Base Year Assessed Value	\$1,064,403
Multiply by tax rate (assumes 2013 rate)	$\times 1.188\%$
Equals Property Tax Owed	$= \$12,645$

<b>C. Compare Taxes for Savings</b>	
Mills Act Tax	\$7,247
Factored Base Year Tax	$= \$12,645$
Savings of \$5,398 or (\$12,645-\$7,247)	

# Frequently Asked Questions

## **1 If I own an historic property am I obligated to participate in the program?**

No. Participation is voluntary. The contracts are intended for property owners who have a strong commitment to historic preservation and to assist property owners who plan to rehabilitate their property.

## **2 What is the term of a Mills Act Historical Property Contract?**

The contract is written for an initial term of 10 years. However, the contract automatically renews each year on its anniversary date. The contract, in effect, runs in perpetuity with the land. The initial 10-year term is the period of time in which major rehabilitation projects should be substantially completed. If an owner desires to be released from the contract, a letter of non-renewal is submitted to the City within 60 days of the contract renewal date. The owner is released from the contract ten years after the notice of non-renewal is submitted.

## **3 Are certain properties more likely to benefit from the Mills Act?**

Properties purchased within the last ten years are most likely to receive the highest reduction.  
Properties purchased more than ten years ago will likely receive a minimal reduction.  
Properties purchased prior to 1978 (Proposition 13) are unlikely to receive a tax reduction.

## **4 How are my property taxes reduced?**

Please refer to the example calculation on page 23 of the Application Guide.

## **5 How much of a reduction will I receive?**

The Mills Act Historical Property Contract Program does not guarantee a reduction amount for any property. Properties that have more recently been purchased are likely to see greater tax reductions. Projects to date have identified property tax reductions ranging from 5% to 64%.

## **6 What happens if I want to sell my property after I have a Mills Act Contract?**

The contract will always remain with the property, and the new owner is obligated to meet the contract requirements. This can enhance the marketability of the property because it is not reassessed at its new market value when it changes hands. The new owners will likely pay property taxes based on the existing or proximate Mills Act Valuation notice.

## **7 Are there potential penalties for property owners with a Mills Act Contract?**

Yes. If a property is not maintained under the terms of the contract, is improperly altered, or if rehabilitation work is not performed, the owner could be found in breach of contract. If the breach of contract cannot be resolved to satisfy the contract, the Contract is cancelled and the owner is assessed a 12.5 percent penalty based on the current fair-market value of the property.

## **8 How long does it take to process a Mills Act Application?**

Please refer the process flowchart in the Application Guide.

**9 If I apply for a Mills Act Historic Property Contract, is the City obligated to enter into the contract?**

No. The City will evaluate each individual contract application alongside a set of priority criteria and determine which applications are most likely to yield the greatest public benefit.

**10 Am I required to open my property to the public?**

No. The Mills Act Historic Property Program does not require the property owner to grant public access to the property. The contract does specify that with an appointment, period inspections will be made by City officials to determine compliance with the terms and provisions of the contract.

**11 Where can I learn more about the Mills Act?**

The California State Office of Historic Preservation (OHP) is responsible for the administration of Federally and State mandated historic preservation programs in California. The OHP website offers information on a wide range of historic preservation topics including the Mills Act.

The link to the OHP website is: <http://www.ohp.parks.ca.gov>.

The direct link to the Mills Act program is: [http://ohp.parks.ca.gov/?page\\_id=21412](http://ohp.parks.ca.gov/?page_id=21412).

**12 How often will a property with a Mills Act Contract be assessed?**

The Office of the Assessor-Recorder will conduct a preliminary valuation during the application process and will review the Mills Act value annually on the lien date, January 1st, to determine the Mills Act value for that fiscal year.

**13 Can I expect the same amount of property tax savings every year?**

No. The Office of the Assessor-Recorder, as mandated by state law, reviews all Mills Act properties annually to determine the assessed value. Interest rates, market rates (the fair market rent your property can generate as of January 1st of each year) and the property tax rate change annually, which impacts the taxable value of the property.

**14 Is my contract final once it is approved by the San Francisco Board of Supervisors?**

No. The Board of Supervisors is the final hearing body in the approvals process. However, your contract is **not finalized** until it has been recorded with the Office of the Assessor-Recorder. The absolute deadline to have your property contract recorded is December 31st by 4pm. If the contract is not recorded by this date, the property cannot be reassessed on January 1st under the Mills Act valuation and the property owner will not receive a tax savings for the following tax year.

Contracts must be recorded in-person by the property owner at:

Office of the Assessor-Recorder  
City Hall, Room 190  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Website: [www.sfassessor.org](http://www.sfassessor.org)  
Recording Hours of Operation: Mon-Fri (8-4pm)



**15 Is there a fee to have my Mills Act Historical Property contract recorded with the Office of the Assessor-Recorder?**

Yes. Please visit the Assessor-Recorder's website at [www.sfassessor.org](http://www.sfassessor.org) for an up-to-date fee schedule as they may be amended from time-to-time. Please note special recording hours.

**16 What are the Recordation requirements of the San Francisco Assessor-Recorder?**

- Board of Supervisors approved and fully executed contract with all approvals, signatures, and recordation attachments;
- Preliminary Change of Ownership Report (visit [www.sfassessor.org](http://www.sfassessor.org) for an up-to-date PCOR);
- Check payable to the Office of the Assessor-Recorder with the appropriate recordation fee (visit [www.sfassessor.org](http://www.sfassessor.org) for up-to-date fee schedule).

**17 If I disagree with the Mills-Act assessed value of my property after the contract has been finalized and recorded, can I appeal the taxable value?**

Yes. If a property owner disagrees with the assessed value or the results of the Mills Act Assessment after the contract has been finalized and recorded, they may file a formal "Application for Changed Assessment" with the Assessment Appeals Board, an independently appointed review board. The application may be obtained in person, downloaded from the website, or requested in writing from:

Clerk of the Assessment Appeals Board  
City Hall, Room 405  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Website: [www.sfgov.org/aab](http://www.sfgov.org/aab)

**18 What is the deadline for filing an "Application for Changed Assessment" with the Assessment Appeals Board?**

Generally, assessment appeals applications may be filed between July 2nd and September 15th. Applications must be filed in on time to be considered. There are no exceptions to these dates.

**19 I received a "Notification of Assessed Value" letter for the current tax year. What is this letter and do I need to take any action?**

This is an informational letter used to notify property owners of their assessed property value for the current tax year. The assessed value minus exemptions is the basis for your property tax bill. The tax bill covers the fiscal year starting July 1st and ending June 30th.

You do not need to take any action unless you believe the market value of your property as of January 1st was less than the assessed value. If this is the case, a timely assessment appeal application must be filed.

**20 The "Notification of Assessed Value" letter states, "The assessed value shown may reflect an assessment that is not up to date." How will I know if my assessment is up to date?**

If the Mills Act contract was recorded on time (on December 31st or before), the assessed value indicated in this letter is up to date – unless the property was recently purchased and ownership changes or if any new construction occurred on your property.

**21** *I received a “Notification of Assessed Value” letter, but I have recently sold that property. Do I need to take any action?*

If you are no longer the current owner of the property, you may disregard this letter. The Office of the Assessor-Recorder will update the change in ownership accordingly.

**22** *When will I receive my property tax bill?*

The fiscal year annual secured property tax bill is mailed by the Tax Collector’s Office in October of each year and property owners should receive their property tax bills by November 1st. Please contact the Tax Collector’s Office if you do not receive your tax bill by dialing 311 or (415) 701-2311 if you are outside of San Francisco.

## Government Codes

### APPENDIX A: CALIFORNIA GOVERNMENT CODE SECTIONS 50280-50290

50280. Upon the application of an owner or the agent of an owner of any qualified historical property, as defined in Section 50280.1, the legislative body of a city, county, or city and county may contract with the owner or agent to restrict the use of the property in a manner which the legislative body deems reasonable to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of Sections 50281 and 50282.

50280.1. "Qualified historical property" for purposes of this article, means privately owned property which is not exempt from property taxation and which meets either of the following:

- (a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.
- (b) Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

50281. Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.
- (b) Where applicable, the contract shall provide the following:
  - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
  - (2) For the periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.
  - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.
- (c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

50281.1. The legislative body entering into a contract described in this article may require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

50282. (a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or



the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

50284. The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

50285. No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

50286. (a) If a contract is canceled under Section 50284, the owner shall pay a cancellation fee equal to 12 ½ percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county auditor, at the time and in the manner that the county auditor shall prescribe, and shall be allocated by the county auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the auditor allocates the annual tax increment in that tax rate area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue received by a school district pursuant to this section shall be considered property tax revenue for the purposes of Section 42238 of the Education Code, and revenue received by a county superintendent of schools pursuant to this section shall be considered property tax revenue for the purposes of Article 3 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1 of the Education Code.

50287. As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

50288. In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

50289. In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

50290. Local agencies and owners of qualified historical properties may consult with the State Historical Resources Commission for its advice and counsel on matters relevant to historical property contracts.

## Government Codes

### APPENDIX B: CALIFORNIA REVENUE AND TAXATION CODE, ARTICLE 1.9, SECTIONS 439-439.4

#### 439. HISTORICAL PROPERTY RESTRICTIONS; ENFORCIBLY RESTRICTED PROPERTY.

For the purposes of this article and within the meaning of Section 8 of Article XIII of the Constitution, property is "enforceably restricted" if it is subject to an historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

#### 439.1. HISTORICAL PROPERTY; DEFINITIONS.

For purposes of this article "restricted historical property" means qualified historical property, as defined in Section 50280.1 of the Government Code, that is subject to a historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. For purposes of this section, "qualified historical property" includes qualified historical improvements and any land on which the qualified historical improvements are situated, as specified in the historical property contract. If the historical property contract does not specify the land that is to be included, "qualified historical property" includes only that area of reasonable size that is used as a site for the historical improvements.

#### 439.2. HISTORICAL PROPERTY; VALUATION.

When valuing enforceably restricted historical property, the county assessor shall not consider sales data on similar property, whether or not enforceably restricted, and shall value that restricted historical property by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

- (1) Where sufficient rental information is available, the income shall be the fair rent that can be imputed to the restricted historical property being valued based upon rent actually received for the property by the owner and upon typical rentals received in the area for similar property in similar use where the owner pays the property tax. When the restricted historical property being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the property shall be the amount for which the property would be expected to rent were the rental payment to be renegotiated in the light of current conditions, including applicable provisions under which the property is enforceably restricted.
- (2) Where sufficient rental information is not available, the income shall be that which the restricted historical property being valued reasonably can be expected to yield under prudent management and subject to applicable provisions under which the property is enforceably restricted.
- (3) If the parties to an instrument that enforceably restricts the property stipulate therein an amount that constitutes the minimum annual income to be capitalized, then the income to be capitalized shall not be less than the amount so stipulated. For purposes of this section, income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, that the property can be expected to yield to an owner-operator annually on the average from any use of the property permitted under the terms by which the property is enforceably restricted. Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing the revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the property, property taxes, corporation income taxes, or corporation franchise taxes based on income.

- (b) The capitalization rate to be used in valuing owner-occupied single family dwellings pursuant to this article shall not be derived from sales data and shall be the sum of the following components:
  - (1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.
  - (2) A historical property risk component of 4 percent.
  - (3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.
  - (4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.
- (c) The capitalization rate to be used in valuing all other restricted historical property pursuant to this article shall not be derived from sales data and shall be the sum of the following components:
  - (1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.
  - (2) A historical property risk component of 2 percent.
  - (3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.
  - (4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.
- (d) Unless a party to an instrument that creates an enforceable restriction expressly prohibits the valuation, the valuation resulting from the capitalization of income method described in this section shall not exceed the lesser of either the valuation that would have resulted by calculation under Section 110, or the valuation that would have resulted by calculation under Section 110.1, as though the property was not subject to an enforceable restriction in the base year.
- (e) The value of the restricted historical property shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b) or (c).
- (f) The ratio prescribed in Section 401 shall be applied to the value of the property determined in subdivision (d) to obtain its assessed value.

#### 439.3. HISTORICAL PROPERTY; NOTICE OF NON-RENEWAL.

Notwithstanding any provision of Section 439.2 to the contrary, if either the county or city or the owner of restricted historical property subject to contract has served notice of nonrenewal as provided in Section 50282 of the Government Code, the county assessor shall value that restricted historical property as provided in this section.

- (a) Following the hearing conducted pursuant to Section 50285 of the Government Code, subdivision (b) shall apply until the termination of the period for which the restricted historical property is enforceably restricted.
- (b) The board or assessor in each year until the termination of the period for which the property is enforceably restricted shall do all of the following:
  - (1) Determine the full cash value of the property pursuant to Section 110.1. If the property is not subject to Section 110.1 when the restriction expires, the value shall be determined pursuant to Section 110 as if the property were free of contractual restriction. If the property will be subject to a use for which this chapter provides a special restricted assessment, the value of the property shall be determined as if it were subject to the new restriction.
  - (2) Determine the value of the property by the capitalization of income method as provided in Section 439.2 and without regard to the fact that a notice of nonrenewal or cancellation has



occurred.

(3) Subtract the value determined in paragraph (2) of this subdivision by capitalization of income from the full cash value determined in paragraph (1).

(4) Using the rate announced by the board pursuant to paragraph (1) of subdivision (b) of Section 439.2, discount the amount obtained in paragraph (3) for the number of years remaining until the termination of the period for which the property is enforceably restricted.

(5) Determine the value of the property by adding the value determined by the capitalization of income method as provided in paragraph (2) and the value obtained in paragraph (4).

(6) Apply the ratios prescribed in Section 401 to the value of the property determined in paragraph (5) to obtain its assessed value.

#### 439.4. HISTORICAL PROPERTY; RECORDATION.

No property shall be valued pursuant to this article unless an enforceable restriction meeting the requirements of Section 439 is signed, accepted and recorded on or before the lien date for the fiscal year in which the valuation would apply.



## Government Codes

### APPENDIX C: SAN FRANCISCO ADMINISTRATIVE CODE, CH. 71: MILLS ACT CONTRACT PROCEDURES

#### SEC. 71.1. PURPOSE.

(a) This Chapter 71 implements the Mills Act, California Government Code Sections 50280 et seq. The Mills Act authorizes local governments to enter into contracts with owners of private historical property who will rehabilitate, restore, preserve, and maintain qualified historical property. As consideration for the rehabilitation, restoration, preservation and maintenance of the qualified historical property, the City and County of San Francisco may provide certain property tax reductions in accordance with Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

(b) San Francisco contains many historic buildings which add to its character and international reputation. Many of these buildings have not been adequately maintained, may be structurally deficient, or may need rehabilitation. The costs of properly rehabilitating, restoring and preserving historic buildings may be prohibitive for property owners. Implementation of the Mills Act in San Francisco will make the benefits of the Mills Act available to many property owners.

(c) The benefits of the Mills Act to the individual property owners must be balanced with the cost to the City and County of San Francisco of providing the property tax reductions set forth in the Mills Act as well as the historical value of individual buildings proposed for historical property contracts, and the resultant property tax reductions, under the Mills Act.

#### SEC. 71.2. QUALIFIED HISTORICAL PROPERTY.

An owner, or an authorized agent of the owner, of a qualified historical property may apply for a historical property contract. For purposes of this Chapter 71, "qualified historical property" shall mean privately owned property that is not exempt from property taxation and that is one of the following:

(a) Individually listed in the National Register of Historic Places or the California Register of Historical Resources;

(b) Listed as a contributor to an historic district included on the National Register of Historic Places or the California Register of Historical Resources;

(c) Designated as a City landmark pursuant to San Francisco Planning Code Article 10;

(d) Designated as contributory to an historic district designated pursuant to San Francisco Planning Code Article 10; or

(e) Designated as Significant (Categories I or II) or Contributory (Categories III or IV) pursuant to San Francisco Planning Code Article 11.

#### SEC. 71.3. APPLICATION FOR HISTORICAL PROPERTY CONTRACT.

An owner, or an authorized agent of an owner, of a qualified historical property may submit an application for a historical property contract to the Planning Department on forms provided by the Planning Department. The property owner shall provide, at a minimum, the address and location of the qualified historical property, evidence that the property is a qualified historical property, the nature and cost of the rehabilitation, restoration or preservation work to be conducted on the property, financial information necessary for the Assessor-Recorder to conduct the valuation assessment under the Mills Act, including any information regarding income generated by the qualified historical property, and a plan for continued maintenance of the property. The Planning Department, the Historic Preservation Commission, or the Assessor-Recorder may require any further information it determines necessary to make a recommendation on or conduct the valuation of the historical property contract.

#### SEC. 71.4. APPROVAL PROCESS.

(a) Assessor-Recorder Review. The Planning Department shall refer the application for historical property contract to the Assessor-Recorder for his or her review and recommendation. Within 60 days of the receipt of a complete application, the Assessor-Recorder shall provide to the Board of Supervisors and the Historic Preservation Commission a report estimating the yearly property tax revenue to the City under the proposed Mills Act contract valuation method and under the standard method without the Mills Act contract and showing the difference in property tax assessments under the two valuation methods. If the Assessor-Recorder determines that the proposed rehabilitation includes substantial new construction or a change of use, or the valuation is otherwise complex, he or she may extend this period for up to an additional 60 days by providing written notice of the extension to the applicant. Such notice shall state the basis for the extension.

(b) Historic Preservation Commission Review. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission shall hold a public hearing to review the application for the historical property contract and make a recommendation regarding whether the Board of Supervisors should approve, disapprove, or modify the historical property contract within 90 days of receipt of the Assessor-Recorder's report. The recommendation of the Historic Preservation Commission may include recommendations regarding the proposed rehabilitation, restoration, and preservation work, the historical value of the qualified historical property, and any proposed preservation restrictions or maintenance requirements to be included in the historical property contract. The Planning Department shall forward the recommendation of the Historic Preservation Commission to approve or modify an historical property contract, with its application, to the Board of Supervisors. If the Historic Preservation Commission recommends disapproval of the historical property contract, such decision shall be final unless the property owner files an appeal with the Clerk of the Board of Supervisors within 10 days of the final action of the Historic Preservation Commission. Failure of the Historic Preservation Commission to act within the 90-day time limit shall constitute a recommendation of approval disapproval for the purposes of this subsection, and the Planning Department shall notify the property owner in writing of the Historic Preservation Commission's failure to act; provided, however, that the Board of Supervisors by resolution may grant an extension of time to the Historic Preservation Commission for its review.

(c) Budget Analyst Review. Upon receipt of the recommendation of the Historic Preservation Commission or upon receipt of a timely appeal, the Clerk of the Board of Supervisors shall forward the application and the Assessor-Recorder's report to the Budget Analyst, who, notwithstanding any other provision of this Code, shall prepare a report to the Board of Supervisors on the fiscal impact of the proposed historical property contract.

(d) Board of Supervisors Decision. The Board of Supervisors shall conduct a public hearing to review the Historic Preservation Commission's recommendation, the Assessor-Recorder's report, the Budget Analyst's report, and any other information the Board requires in order to determine whether the City should execute a historical property contract for a particular property. The Board of Supervisors shall have full discretion to determine whether it is in the public interest to enter a Mills Act historical property contract regarding a particular qualified historical property. The Board of Supervisors may approve, disapprove, or modify and approve the terms of the historical property contract. Upon approval, the Board of Supervisors shall authorize the Director of Planning and the Assessor-Recorder to execute the historical property contract.

#### SEC. 71.5. TERMS OF THE HISTORICAL PROPERTY CONTRACT.

(a) The historical property contract shall set forth the agreement between the City and the property owner that as long as the property owner properly rehabilitates, restores, preserves and maintains the qualified historical property as set forth in the contract, the City shall comply with California Revenue and Taxation Code Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1, provided that the Assessor determines that the specific provisions of the Revenue and Taxation Code are applicable to the property in question. A historical property contract shall contain, at a minimum, the following provisions:

- (1) The initial term of the contract, which shall be for a minimum period of 10 years;

(2) The owner's commitment and obligation to preserve, rehabilitate, restore and maintain the property in accordance with the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation and the United States Secretary of the Interior's standards for the Treatment of Historic Properties;

(3) Permission to conduct periodic examinations of the interior and exterior of the qualified historical property by the Assessor-Recorder, the Department of Building Inspection, the Planning Department, the Office of Historic Preservation of the California Department of Parks and Recreation and the State Board of Equalization as may be necessary to determine the owner's compliance with the historical property contract;

(4) That the historical property contract is binding upon, and shall inure to the benefit of, all successors in interest of the owner;

(5) An extension to the term of the contract so that one year is added automatically to the initial term of the contract on the anniversary date of the contract or such other annual date as specified in the contract unless notice of nonrenewal is given as provided in the Mills Act and in the historical property contract;

(6) Agreement that the Board of Supervisors may cancel the contract, or seek enforcement of the contract, when the Board determines, based upon the recommendation of any one of the entities listed in Subsection (3) above, that the owner has breached the terms of the contract. The City shall comply with the requirements of the Mills Act for enforcement or cancellation of the historical property contract. Upon cancellation of the contract, the property owner shall pay a cancellation fee of 12.5 percent of the full value of the property at the time of cancellation (or such other amount authorized by the Mills Act), as determined by the Assessor-Recorder without regard to any restriction on such property imposed by the historical property contract; and

(7) The property owner's indemnification of the City for, and agreement to hold the City harmless from, any claims arising from any use of the property.

(b) The City and the qualified historical property owner shall comply with all provisions of the Mills Act, including amendments thereto. The Mills Act, as amended from time to time, shall apply to the historical property contract process and shall be deemed incorporated into each historical property contract entered into by the City.

#### SEC. 71.6. FEES.

The Planning Department shall determine the amount of a fee necessary to compensate the City for processing and administering an application for a historical property contract. The fee shall pay for the time and materials required to process the application, based upon the estimated actual costs to perform the work, including the costs of the Planning Department, the City Attorney, and the Assessor-Recorder. The City may also impose a separate fee, following approval of the historical property contract, to pay for the actual costs of inspecting the qualified historical property and enforcing the historical property contract. Such estimates shall be provided to the applicant, who shall pay the fee when submitting the application. In the event that the costs of processing the application are lower than the estimates, such differences shall be refunded to the applicant. In the event the costs exceed the estimate, the Planning Department shall provide the applicant with a written analysis of the additional fee necessary to complete the review of the application, and applicant shall pay the additional amount prior to execution of the historical property contract. Failure to pay any fees shall be grounds for cancelling the historical property contract.

#### SEC. 71.7. DEPARTMENTAL MONITORING REPORT.

On March 31, 2013 and every three years thereafter, the Assessor-Recorder and the Planning Department shall submit a joint report to the Board of Supervisors and the Historic Preservation Commission providing the Departments' analysis of the historical property contract (Mills Act) program. The report shall be calendared for hearing before the Board of Supervisors and the Historic Preservation Commission.





**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department

**Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415.558.6409**  
WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary. Request Preservation Staff when  
calling in or visiting at the PIC counter.*

**Office of the Assessor-Recorder**

City Hall, Room 190  
San Francisco, CA 94102

TEL: **415.554.5596**  
Recording Hours:  
**8:00a.m. – 4:00p.m.**

## **California Government Code, Article 12, Sections 50280 - 50290**

### **50280. Restriction of property use.**

Upon the application of an owner or the agent of an owner of any qualified historical property, as defined in Section 50280.1, the legislative body of a city, county, or city and county may contract with the owner or agent to restrict the use of the property in a manner which the legislative body deems reasonable to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of Sections 50281 and 50282.

### **50280.1. Qualified historic property.**

"Qualified historical property" for purposes of this article, means privately owned property which is not exempt from property taxation and which meets either of the following:

- (a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.
- (b) Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

### **50281. Required contract provision.**

Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.
- (b) Where applicable, the contract shall provide the following:
  - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
  - (2) For the periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.
  - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.
- (c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

### **50281.1. Fees.**

The legislative body entering into a contract described in this article may require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

### **50282. Renewal.**

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

#### **50284. Cancellation.**

The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

#### **50285. Consultation with state commission.**

No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

#### **50286. Cancellation.**

(a) If a contract is canceled under Section 50284, the owner shall pay a cancellation fee equal to 12 1/2 percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county auditor, at the time and in the manner that the county auditor shall prescribe, and shall be allocated by the county

auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the auditor allocates the annual tax increment in that tax rate area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue received by a school district pursuant to this section shall be considered property tax revenue for the purposes of Section 42238 of the Education Code, and revenue received by a county superintendent of schools pursuant to this section shall be considered property tax revenue for the purposes of Article 3 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1 of the Education Code.

**50287. Action to enforce contract.**

As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

**50288. Eminent domain.**

In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

**50289. Annexation by city.**

In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

**50290. Consultation with state commission.**

Local agencies and owners of qualified historical properties may consult with the State Historical Resources Commission for its advice and counsel on matters relevant to historical property contracts.



## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 4:57 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Needles being discarded onto preschool playground

**From:** Sarah C. Abbott [mailto:sabbott29@gmail.com]  
**Sent:** Monday, February 05, 2018 1:59 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; mayormarkferrell@sfgov.org  
**Subject:** Needles being discarded onto preschool playground

Dear Supervisors,

Last week a parent found a used syringe discarded on my daughter's preschool playground, an area inaccessible to the public and surrounded by an imposing wall. Despite reporting this to police last week, today several more syringes were found on the playground, apparently tossed over the fence by a homeless person this morning. Things must change immediately.

I have lived in San Francisco for almost 20 years and have, until today, been firmly committed to staying in the city for the long term. I have made a very conscious choice to raise my children here. I choose to send my son to an SFUSD public school and intend to do the same for my daughter in the fall. I am active in planning events to make my home neighborhood, Russian Hill, a more welcoming place for families. I walk to work in the Civic Center. My life is intentionally based in the city and I want to stay. But things like this - used syringes in playgrounds on a repeated basis despite reports to the police - make me question everything.

Phoebe Hearst Preschool is a magical preschool which is bordered on one side by subsidized housing. Dedicated individuals work so hard at ensuring a safe, happy environment for all the young children who attend, parents, and everyone who works there. I am told that the police department (Northern Station) while nice, has mostly been unresponsive to calls regarding human waste, disturbances caused by intoxicated individuals, and the homeless that often end up sleeping on school property. This school year, multiple dirty needles have been found, and the amount of human waste has skyrocketed. Discarded used needles, solid human waste, and homeless encampments—anywhere – much less at a school – is unacceptable by any measure. At a minimum, these are public health hazards.

Collectively as a city, we have become inured to the abject human suffering on our streets. We are blessed to live in a city of tremendous wealth, full of innovative, transformative ideas, and breathtaking beauty. Yet, we “allow” people to live and behave like animals on the streets; they need help urgently. Homelessness and the crime that comes with it is a complicated and seemingly intractable problem with few solutions we are told. We accept that homelessness is not a crime, that addicts who threaten themselves and others have rights, and cannot

be “forced” off the street. What about the rights of children, and all of all the other people who just want to feel safe in the city they call home? I refuse to believe no one has any good ideas, no outside the box solutions to this problem. We elect politicians to find solutions for us, and to **lead**.

I respectfully demand a response.

Sincerely,

Sarah Abbott

1329 Vallejo Street

SF, CA 94109

"Live colorfully. Laugh easily. Befriend all."

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:29 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Dirty needle on school property

**From:** Sandy Woo [mailto:sandy.t.woo@gmail.com]  
**Sent:** Friday, February 02, 2018 4:54 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Dirty needle on school property

Dear Supervisors,

This past week I found a used syringe discarded on my son's preschool playground, an area inaccessible to the public and surrounded by an imposing wall. I have lived in San Francisco for over 20 years, including the formative ones where I attended public high school. I choose to live in an urban setting, raise my child here, and have seen my fair share of crime and whatnot. Finding my first used syringe shook me to the core, slapped me out of the fog necessary to avoid the daily suffering on our streets. I was horrified, sickened to my stomach, and tortured with an endless reel of "what ifs" had a child found the syringe instead. School is and should be a safe haven for all children.

Phoebe Hearst is a magical preschool which is bordered on one side by subsidized housing. Dedicated individuals work so hard at ensuring a safe, happy environment for all the little ones, parents, and everyone who works there. I am told that the police department (Northern Station) while nice, has mostly been unresponsive to calls regarding human waste, disturbances caused by intoxicated individuals, and the homeless that often end up sleeping on school property. This school year, two dirty needles have been found, and the amount of human waste has skyrocketed. Discarded used needles, solid human waste, and homeless encampments—anywhere—much less at a school is unacceptable by any measure. At a minimum, these are public health hazards.

Collectively as a city, we have become inured to the abject human suffering on our streets. We are blessed to live in a city of tremendous wealth, full of innovative, transformative ideas, and breathtaking beauty. Yet, we "allow" people to live and behave like animals on the streets; they need help urgently. Homelessness and the crime that comes with it is a complicated and seemingly intractable problem with few solutions we are told. We accept that homelessness is not a crime, that addicts who threaten themselves and others have rights, and cannot be "forced" off the street. *What about the rights of children, and all of all the other people who just want to feel safe?* I refuse to believe no one has any good ideas, no outside the box solutions to this problem. We elect politicians to find solutions for us, and to **lead**.

I respectfully demand a response.

Sincerely,

Sandy Woo

26 Lupine Avenue

San Francisco Ca 94118

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 11:08 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Dirty needle on school property

**From:** ibone santiago [mailto:ibonest@gmail.com]  
**Sent:** Monday, February 05, 2018 8:42 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Dirty needle on school property

Dear Supervisors,

This past week a fellow Mom found a used syringe discarded on my daughter's preschool playground, an area inaccessible to the public and surrounded by an imposing wall. I have lived in San Francisco for over 10 years, specifically in the Upper Haight. I choose to live in an urban setting, raise my children here, and have seen my fair share of crime and whatnot. Finding my first used syringe shook me to the core, slapped me out of the fog necessary to avoid the daily suffering on our streets. I was horrified, sickened to my stomach, and tortured with an endless reel of "what ifs" had a child found the syringe instead. School is and should be a safe haven for all children.

Phoebe Hearst is a magical preschool which is bordered on one side by subsidized housing. Dedicated individuals work so hard at ensuring a safe, happy environment for all the little ones, parents, and everyone who works there. I am told that the police department (Northern Station) while nice, has mostly been unresponsive to calls regarding human waste, disturbances caused by intoxicated individuals, and the homeless that often end up sleeping on school property. This school year, two dirty needles have been found, and the amount of human waste has skyrocketed. Discarded used needles, solid human waste, and homeless encampments—anywhere—much less at a school is unacceptable by any measure. At a minimum, these are public health hazards.

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I respectfully demand a response.

Sincerely,

Ibone Santiago

504 Clayton st

[San Francisco CA 94117](#)

## Mchugh, Eileen (BOS)

---

**From:** ibone santiago <ibonest@gmail.com>  
**Sent:** Monday, February 05, 2018 8:42 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Dirty needle on school property

Dear Supervisors,

This past week a fellow Mom found a used syringe discarded on my daughter's preschool playground, an area inaccessible to the public and surrounded by an imposing wall. I have lived in San Francisco for over 10 years, specifically in the Upper Haight. I choose to live in an urban setting, raise my children here, and have seen my fair share of crime and whatnot. Finding my first used syringe shook me to the core, slapped me out of the fog necessary to avoid the daily suffering on our streets. I was horrified, sickened to my stomach, and tortured with an endless reel of "what ifs" had a child found the syringe instead. School is and should be a safe haven for all children.

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I respectfully demand a response.

Sincerely,

Ibone Santiago

[504 Clayton st](#)

[San Francisco CA 94117](#)

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:33 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Small Business Perspective

**From:** Lori Livingston [mailto:lorihunterlivingston@gmail.com]  
**Sent:** Saturday, February 03, 2018 9:43 PM  
**To:** Yee, Norman (BOS) <norman.yee@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Re: Small Business Perspective

Apologies, I had an error in my earlier email. Corrected version here:

Dear SF Board of Supervisors:

My son and I are considering buying a small tutoring business in San Francisco. It's a good fit for our education-minded family. It serves a compelling and diverse set of kids who need a leg up in school. It generates enough net profit that my son might one day be able to afford to rent a one-bedroom apartment in San Francisco. It's located in a city that we both love.

San Francisco does not love us back.

Of course we knew that the business would be paying federal and state income tax, state and federal unemployment taxes, state payroll taxes, franchise taxes, Social Security and Medicare. We're good, life-long Democrats: We don't complain about paying taxes.

Then we entered the SF Small Business Portal. Two head-spinning hours later, we had jotted down a formidable list of additional, local regulations and taxes for which we would be responsible, including: The 2017 Gross Receipts Tax and Payroll Expense Tax; the Healthcare Security Ordinance; the SF Commuter Benefits Ordinance; the Formula Retail Employee Rights Ordinance; the Accessible Business Entrance Program. I'm sure we missed some. We read the ordinances, watched the webinars, read the slide decks. I tried to make sense of the suggested process for calculating San Francisco's Gross Receipts Tax and Payroll Expense Tax, but my Ivy League MBA failed me. We wondered how the many less-well educated, non-English speaking, would-be SF small business owners can even begin to make sense of this maze of regulation. We were getting nervous.



We learned that because our intended business relies on part-time tutors to deliver services, our count of over 20 employees would catapult us into a "medium business" category and trigger our need to comply with the Healthcare Security Ordinance (HSO). The rest of the nation embraces the concept of "full time equivalent" employees, as reflected in the Affordable Care Act. Not San Francisco: An employee who works two hours per week employees counts as a full-on employee for purposes of HSO compliance. We calculated that we will spend hundreds of dollars of employee time and resources tracking and administering what will amount to less than \$800 in annual health care benefits for an eight hour per week employee. This caution from the HSO website did nothing to relieve our growing anxieties "In any instance where the Administrative Guidance, or the Regulations, conflict with the Ordinance, the Ordinance itself governs and should be followed instead."

We can live with the HSO. We are, to repeat, good Democrats and believe that universal health care should be in our nation's future. What may finally force us out of the city is the fact that our small, family run business would be classified as a "Formula Retail" business, a.k.a. "chain store", because it is a franchise. We are confronted with a likely 25% rent increase when our current, assumed lease expires, because... San Francisco. No problem, I reassured my son, we can relocate to a less expensive commercial neighborhood if necessary. A call to the Planning Department dashed that plan. In order to locate in any of the few neighborhoods in SF that cater to young families, we would need to go through the lengthy and cumbersome conditional use review because of our "Formula Retail" status. It would be a financial disaster for us to attempt to secure a retail space by paying SF-level rents during the many-month review process. There is no way that we could compete effectively for retail space given the burden of our "formula retail" status. We also would be required to comply with the "Formula Retail Employee Rights Ordinance", a worthy effort to protect big-box store employees. The unintended consequence of this ordinance for our business is that we will need to shrink it to under 20 employees so as to avoid an unwieldy scheduling and tracking process that would unnecessarily drag down productivity. This shrinkage would also get us out from underneath the HSO and free us up to implement a health care plan on our own terms.

And then there's the building that would house our "medium-sized" tutoring business. We have already established that compliance posters would be the cornerstone of our interior décor. However, we would also like to replace the yellowed, decrepit, 25-year-old linoleum flooring in the bathrooms with an inexpensive, durable, tile flooring. Easy decision? Not so much. To replace linoleum with tile means we have to pull a building permit. If we pull a building permit, we trigger an ADA review which could wipe out our profits for the year. Which might be gone anyway given the inspection and potential construction work required to comply with the Accessible Business Entrance Program.

Redwood City...Pleasanton...San Jose: Our love could grow.

Lori Livingston

Prospective SF Small Business Owner

On Sat, Feb 3, 2018 at 9:09 PM, Lori Livingston <[lorihunterlivingston@gmail.com](mailto:lorihunterlivingston@gmail.com)> wrote:

Dear SF Board of Supervisors:

My son and I are considering buying a small tutoring business in San Francisco. It's a good fit for our education-minded family. It serves a compelling and diverse set of kids who need a leg up in school. It generates enough net profit that my son might one day be able to afford to rent a one-bedroom apartment in San Francisco. It's located in a city that we both love.

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that would unnecessarily drag down productivity. This shrinkage would also get us out from underneath the HSO and free us up to implement a health care plan on our own terms.

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Redwood City...Pleasanton...San Jose: Our love could grow.

Lori Livingston

Prospective SF Small Business Owner



## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, February 08, 2018 8:30 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Response requested

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**From:** Allen Jones [mailto:jones-allen@att.net]  
**Sent:** Thursday, February 01, 2018 1:35 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** joe@sfxaminer.com; metro@sfchronicle.com; Newstips <newstips@sfxaminer.com>; 48 Hills <tim@48hills.org>; Matier and Ross <matier&ross@sfchronicle.com>; Taylor Otis <otaylor@sfchronicle.com>; editor@sfbayview.com; mawuli.tugenyon@sfgov.org; Dominic Fracassa <dfracassa@sfchronicle.com>; Heather Knight <hknight@sfchronicle.com>  
**Subject:** Response requested

Attention All Members of the San Francisco Board of Supervisors:

I am sure this board is willing to move on; in opposed to apologizing for what I, and many San Franciscans view as White privilege run-amok.

Though a Mayor Mark Farrell for 4 months, is not the end of the world, my outrage is the conduct of a self-righteous Board of Supervisors who by your 6 to 3 vote believes has placed politics over people, especially members of the SF Black community.

How this board allowed Mayor Mark Farrell to ride off into the sunset as the savior of "fairness" and democracy in The City, when in fact Farrell lacks "integrity" according to the Ethics Commission is reprehensible and my personal interactions describe him as condescending as well as San Francisco's Prince of White privilege.

The board surely knows that Farrell took in \$191,000.00 in an illegal campaign contribution. He got away with claiming innocence by blaming someone else on his team, he refused to give up the \$191K when it was the right thing to do. And the \$25,000.00 fine, he can laugh at as being returned to him as part of his 4-months of income as mayor.

On May 24, 2012, as chair of budget and oversight, Farrell paved the way, allowing the 49ers out of their last year's Candlestick park lease of \$5 million; for a mere \$1 million and a fraudulent promise from him or the team to make the city "Whole." I say mere because the team took a \$1.3 billion stadium project out of one of the most depressed areas of the City.

When I tried to object in the very same budget and oversight committee meeting, then Supervisor Mark Farrell called me up to speak for my allotted two-minutes. He then immediately turned to have a two-minute conversation with a colleague who was not even on that committee. This disrespect of a any resident of San Francisco, let alone a longtime (1960) resident is even harder to accept when one considers how difficult it is for a person who has never been able to walk makes the journey to City Hall only to be ignored.

As proof, I am providing the link to that entire committee meeting but the first 12:08 is enough:  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=11&clip\\_id=15236&meta\\_id=](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=11&clip_id=15236&meta_id=)

This May 24, 2012 meeting is especially hard when you juxtapose how Farrell treated the 49ers representatives present by moving the 49ers item up from 4<sup>th</sup> to 1<sup>st</sup> and then not listening to me for 2 minutes. It marked the last time I ever attended a board meeting at City Hall. Why come clear across town to speak for two minutes, only to be ignored.

Its just like this letter to the full board, it too will be ignored. But at least I didn't have to go to City Hall to be ignored.

Allen Jones  
(415) 756-7733  
[jones-allen@att.net](mailto:jones-allen@att.net)

The only thing I love more than justice is the freedom to fight for it!

*--Allen Jones--*

**Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, February 08, 2018 8:36 AM  
**To:** BOS-Supervisors  
**Subject:** FW: fleeing felons

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**From:** NEIL ORNSTEIN [mailto:ornstein.neil@gmail.com]  
**Sent:** Monday, February 05, 2018 6:14 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** fleeing felons

**IF YOU CAN'T PROTECT YOUR OFFICERS BY NOT  
LETTING THEM SHOOT AT VEHICLES THAT IMPERIL  
OFFICERS (AND THE PUBLIC), THEN I DO NOT  
INTEND TO VISIT YOUR CITY EVERY YEAR AND  
SPEND MY MONEY.**

**NEIL ORNSTEIN**



## Shipyard workers demand environmental justice

February 1, 2015

*by Ahimsa Porter Sumchai, M.D.*

*"Parcel A never underwent a full cleanup as required by the federal Superfund Act and was transferred with a litany of residual contaminants from lead and asbestos in buildings to arsenic, metals, motor oil and breakdown products of diesel in soil and groundwater." This is documented in the Parcel A Record of Decision, a copy of which is included in my private archives of Navy cleanup documents. – Ahimsa Porter Sumchai, M.D. "The Liars Club," SF Bay View, Sept. 26, 2007*

In its first year of earthmoving, 2006-2007, Lennar excavated 1.2 million cubic yards of earth. Many dangerous toxins are present in the soil and the dust. – Photo: Paul Chinn, SF Chronicle

A cleanup worker at the decommissioned Hunters Point Naval Shipyard (HPS) in southeast San Francisco is facing a rare life threatening cancer he believes is caused by his exposure to known toxins at the federal Superfund site.

Diagnosed with a Peripheral T Cell Lymphoma (PTCL), an aggressive high grade lymphoid malignancy arising from cells of the lymphatic system with a five year survival rate of 32 percent, the worker has retained the high powered New York law firm Weitz & Luxenberg. Representatives of W&L's Environmental Protection, Toxic Tort, Consumer Protection Team will be in Bayview Hunters Point this week conducting meetings and investigations.

On Dec. 17, 2014, Weitz & Luxenberg announced a New York jury took less than two hours to award a \$20 million verdict to the family of a Navy shipfitter who died last year of mesothelioma, against defendant corporation Burnham, LLC. In issuing the verdict the jury opined, "The defendant corporation acted with reckless disregard for the plaintiff's safety when it caused him to be exposed to asbestos insulating their boilers."

T lymphocytes are a type of white blood cell that plays a central role in cell mediated immunity. Many people are familiar with T lymphocytes because they are attacked by the AIDS virus and we measure their levels in people with HIV disease. In an aggressive lymphoma like PTCL, up to 70 percent of the circulating T cells can be in a cancerous blast form.

Research conducted in the 1990s linked solid cancers arising from cells of the lymphatic system to environmental exposures to PCBs, benzene, ionizing radiation, UV light and pesticides – all toxins that are widespread at HPS. In 2010 the Navy conducted a massive PCB cleanup action at HPS involving over 300 trucks.

The volatile organic compound benzene is listed as a carcinogen by the World Health Organization. Elevated benzene levels have been documented in numerous air monitoring studies conducted in Bayview Hunters Point.



Radium 226 is the most ubiquitous radioactive material found at HPS. Present in “Black Beauty sandblast,” radium dials buried in landfills and poured down the drains of the Naval Radiological Defense Laboratory (NRDL) on Parcel A, inhaled or ingested radium heightens the risk of developing diseases like [lymphoma](#), bone cancers, leukemia and aplastic anemia.

Radium 226 is found at HPS in ambient levels so high that in October 2012, the U.S. Navy detected discrepancies in post remediation soil samples submitted by Tetra Tech field workers because the concentrations of radioactive potassium and Radium 226 were suspiciously **low**!

Lennar’s construction of its first 88 condos at the Hunters Point Shipyard, renamed The Shipyard by Lennar, was underway in June 2014. If potential buyers knew the dangers of the chemical and radiological toxins in the soil, would they pay a half million dollars to live there? – Photo: SF Curbed

Tetra Tech is the Navy contractor overseeing the cleanup at HPS. A laboratory computer data base search identified 2,500 fraudulent samples collected from 20 survey sites involving Tetra Tech workers from 2008 to 2012.

Radiation Control Technician Ray Roberson was one of several field employees and supervisors listed on the chain of custody for the suspicious soil samples. Two of the field workers were terminated and Ray Roberson conveniently died at the conclusion of the damaging investigation.

“The investigation revealed that Ray Roberson was listed on chains of custody for four sets of systematic samples ... These chains of custody are in conflict with statements made by these individuals ... Shortly after this investigation, Ray Roberson passed away,” according to a report titled “[Investigation Conclusion Anomalous Soil Samples at Hunters Point Naval Shipyard](#)” by Tetra Tech Inc., dated April 201.

“It’s playing Russian Roulette with the people that handle it and the environment ... Someone from the general public could walk in, get contaminants on their clothes, their person, eat the food. They could have an intake of radioactive contaminants and it would never have been caught or avoided,” commented Bert Bowers, former radiation safety officer for Tetra Tech at the Hunters Point Naval Shipyard.

Bert Bowers was hired by Tetra Tech to maintain compliance with federal mandates governing radiation protection and the handling of radioactive materials. He was just doing his job when he notified superiors he witnessed violations of protocols for the proper storage of contaminated radiation detection devices and inadequate signage and barriers to keep the public out of radioactive areas that had not been cleared.

[Bowers told the NBC Investigative News Team](#) on May 19, 2014, his experience at HPS was “the most egregious violation of standard protocol” he had encountered in his 35-year career.

In 2010 Bowers took photos of trucks and tanks hauling dirt and contaminated water from the shipyard that had not been tested for radiation or cleared for disposal.

Susan Andrews, a radiation safety technician who worked for Tetra Tech at HPS under Bowers, claims the sensitivity of portal monitors used to screen trucks for radiation leaving the job site was deliberately decreased below standards. The NBC News team confirmed her allegations that by lowering radiation sensitivity of the portal monitors, Navy contractors were able to “get dirt out that’s contaminated that should never have left Hunters Point. It’s not right. They can’t be shipping contaminated soil as clean landfill into the city of San Francisco!”

**Bowers told the NBC Investigative News Team on May 19, 2014, his experience at HPS was “the most egregious violation of standard protocol” he had encountered in his 35-year career.**

Bowers and Andrews submitted 30 formal complaints to the Nuclear Regulatory Commission, which investigated the claims as late as 2012 but was unable to substantiate the allegations. Bowers and Andrews lost their jobs with Tetra Tech after contacting federal regulators. They call it retaliation and have filed civil lawsuits.

There was no response to a sternly worded email I sent to the San Francisco Board of Supervisors on Oct. 1, 2014:

Dr. Ahimsa Porter Sumchai used her mayoral campaign in 2007 to call attention to the urgent need for environmental justice. – Photo: Luke Thomas

“As the 2001 founding chair of the Hunters Point Naval Shipyard Restoration Advisory Board’s Radiological Subcommittee and contributor to the 2005 Draft Historical Radiological Assessment, I am submitting the Tetra Tech Investigation of Anomalous Soil Samples for your review. Please direct this serious matter to the Land Use Committee.

“This investigation documents from January 2008 to October 2012 2,500 anomalous soil samples were collected from 20 survey sites on Parcels C and E at HPS. These samples were thoroughly investigated and found to be fraudulent at 16 sites.

“At one site, soil was found to contain elevated levels of Radium 226, a gamma emitter capable of stripping electrons from human tissue. Please note the radiation control technician most closely implicated in the collection of the fraudulent samples via chain of custody determinations died at the conclusion of the investigation.

“I am demanding the San Francisco Board of Supervisors investigate the health and human safety consequences of four years of documented negligence and fraud in the handling of radiation contaminated soils at HPS and demand that Cal OSHA investigate the cause of death of a worker linked to handling of radioactive soils.

“The Board of Supervisors must demand that the Nuclear Regulatory Commission, the California Department of Health and the Navy Radiological Affairs Office respond to public and



worker health and safety risks posed by the damaging findings of this investigation.” – Ahimsa Porter Sumchai, M.D.

*Ahimsa Porter Sumchai, M.D., founding chair of the Hunters Point Naval Shipyard Restoration Advisory Board's Radiological Subcommittee and contributor to the 2005 Draft Historical Radiological Assessment, can be reached at [asumchai@gmail.com](mailto:asumchai@gmail.com).*

**Is the Shipyard safe? Dr. Sumchai writes EPA opposing transfer of more Hunters Point Shipyard land to San Francisco and Lennar, as NBC questions radiation testing**

***by Ahimsa Porter Sumchai, M.D.***

To: Lily Lee, Cleanup Project Manager, Superfund Division, U.S. Environmental Protection Agency Region 9, 75 Hawthorne St., San Francisco, California 94105

Re: Public Comment – Proposed Transfer of Hunters Point Naval Shipyard Parcels D2, UC1 and UC2

Dear Ms. Lee,

Ahimsa Porter Sumchai, M.D.

I wish to submit the following comments regarding human health and safety concerns stemming from the proposed transfer of HPNS (Hunters Point Naval Shipyard) Parcels D2, UC1, UC2 and associated buildings 813, 819, 823 and IR 50 storm drains and sanitary sewer lines.

In August 2001, I founded the Radiological Subcommittee of the HPNS Restoration Advisory Board and submitted comments to the HRA (Historical Radiological Assessment) iterations beginning in 2002 until publication of the Draft [Final HRA](#) in 2004. Additionally, I served as the attending physician for the Palo Alto Veterans Administration Hospital Persian Gulf, Agent Orange, Ionizing Radiation Registry in 1997 and as the health and environmental science editor of the San Francisco Bay View newspaper beginning in 2000.

The Radiological Subcommittee of the Hunters Point Naval Shipyard Restoration Advisory Board played an instrumental role in advocating for Navy, public and regulatory response to radiation impacted structures on former Parcel A, slated for transfer to the City and County of San Francisco in 2004, including laboratories of the NRDL (National Radiological Defense Laboratory) and radiation contaminated storm drains and sanitary sewer lines designated IR 50.

My principle concerns center on the presence of lead based paint (LBP) and asbestos containing material (ACM) in buildings on these parcels that may ultimately be used for residential development. The U.S. Navy states in Section 3.6 of the UC1 FOST (Finding of Suitability to Transfer), “In the event Buildings 819 and 823 will be reused as residential property, the Transferee will be required to renovate them consistent with regulatory requirements for abatement of LBP hazards.”

Research by Dr. Sumchai and by NBC Bay Area's Investigative Unit finds that several building on parcels proposed to be transferred from the Navy to the City and then to Lennar for development have not been cleaned of radiation and other toxins that would threaten the health of anyone who may work or live on the Hunters Point Shipyard. This photo was taken in 2011. – Photo: Crystal Carter

Additionally, I am concerned about potential radiation contamination from storm drains and sewer lines emanating from Building 813 on Parcel D2 that did not undergo excavation and disposal by the Navy as documented in the Parcel D2 FOST dated Aug. 9, 2010.

The Naval Radiological Defense Laboratories were located along Crisp Avenue and included Buildings 816 and 821 on Parcel A and Building 322 on Parcel D. The HRA documents that scientists of the NRDL poured effluents of radioactive waste down laboratory drains of the main laboratories located along Crisp Avenue, communicating with the sanitary and storm sewer system, constructed in the 1940s to drain via conveyance piping and 40 separate discharge outfalls into San Francisco Bay.

The Parcel D2 FOST documents sewer lines were not excavated on the north side of Building 813. The Department of Toxic Substances Control memo dated Oct. 28, 2009, clearly states, "This memo does not issue radiological-free release of the subsurface sewer and utility lines emanating from Building 813."

Parcel D2 was created in March 2004 when the Navy revised the southeastern boundary of Parcel A to exclude structures identified by the HRA as being radiologically impacted, including Buildings 813 and Buildings 819. Thus, adjacency issues are evident that challenge the U.S. Navy covenant warranting "all remedial action necessary has been taken" and its decision not to utilize covers or institutional controls at Parcel D2 (7.0 Covenants Parcel UC1 FOST).

Hunters Point Shipyard Building 813 is a large, 262-by-262-foot, four-story reinforced concrete, flat-roofed building.

My major concern about the proposed transfer centers on the U.S. Navy's admission in the UC1 FOST Section 3.1 CERCLA, "No soil samples have been collected at the property for chemical analysis, except for samples collected for radiological removals." Samples were not collected for other chemical constituents because "no known sources of chemical contamination are present" and soil conditions at the property can be represented by Hunters Point ambient levels (HPALS).

This conclusion is stated in stark contrast to the U.S. Navy's admission that "demolition of non-residential buildings and structures constructed prior to 1978 creates the possibility of lead being found in soil." Buildings 819 and 823 on UC1 were not surveyed for LBP, as they were not residential structures; however, "they are assumed to contain LBP based on the date of construction."

The Navy's statement in Section 3.6 that it is "not aware of any LBP that has been released into the environment and poses a threat to human health on the property" is not true and should be deleted from the Parcel UC1 FOST, given this parcel was created by redefining the southeast boundary of Parcel A. The U.S. Navy should correct this statement to reflect the findings of the Parcel A FOST dated Oct. 14, 2004, Section 3.0 Regulatory Coordination:

"In November 1996 SFDPH (San Francisco Department of Public Health) sent a letter stating the Navy did not adequately address SFDPH's concerns about lead based paint in soil. Soil at former residential structures on Parcel A were sampled during a 1993 LBP survey (TetraTech 1993a). Elevated concentrations of lead were detected in soil samples collected from former housing unit R-105.

Hunters Point Shipyard Building 819 is a sewage lift station containing dry and wet wells, both approximately 20 feet deep.

"It was resampled in 1997 and when the supplemental sampling was complete, the BRAC (Base Realignment and Closure) Cleanup Team reviewed all data on lead for Parcel A (1993-1997) with respect to the 221 mg/kg health based cleanup standard set by DTSC's (California Department of Toxic Substances Control) blood level computer model (DTSC 1994). The average concentration of lead in soils across Parcel A derived from the 1993 and 1997 sampling events was 215 mg/kg (EPA 1998).

"The transferee acknowledges that the transferor assumes no liability for costs of any kind or for damages for personal injury, illness, disability or death to the transferee, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or activity causing or leading to contact of any kind whatsoever with ACM in the improvements including, but not limited to, the buildings, structures, facilities, and utilities on the property."

Obvious concerns are raised by the known presence of asbestos containing material in Buildings 819 and 823. Remediation of ACM by the Navy is not required on buildings, structures, facilities scheduled for demolition by the transferee. Transfer documents prohibit occupation of buildings until ACM is abated or the building demolished and the transferee is responsible for ACM.

In 1945, when this aerial photo was taken, the Hunters Point Shipyard was the nation's center for radiological research. Some 20,000 people worked there, the majority Black people recruited from Texas and Louisiana and living in barracks on Hunters Point Hill that rises to the right, just out of view in this photo.

Finally, it should be brought to public awareness that significant adjacency issues are evident from Parcel B benzene vapor intrusion. "2010 soil gas samples collected from portions of southeast Parcel B indicated concentrations that could pose an unacceptable risk to potential

future residential receptors via vapor intrusion (Sealaska 2010).” Section 6.0 identifies that “risk to human health may exist from potential intrusion of VOC (volatile organic compounds) vapors into structures built at the property in certain areas as designated in Figure 5.”

CERCLA institutional controls will be implemented to prevent exposure to chemicals of concern in soil and groundwater on the property. It should be restated the Navy conducted no soil sampling on Parcel D2 for chemicals other than radiological contaminants despite the potential for lead and asbestos from demolished buildings being present on the base and known elevations in average lead samples approaching remediation standards.

In conclusion, I do not support the proposed transfer of Parcels UC-1, UC-2 and D2 to the City and County of San Francisco and ask that CCSF not accept the covenant (Section 7.0) by the United States, made pursuant to the provisions of CERCLA and as set forth in DoD (Department of Defense) Instructions 4165.72 that “all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer.”

cc: Mara Rosales, chairperson, Commission on Community Investment and Infrastructure; Tiffany Bohee, executive director, Office of Community Investment and Infrastructure; Willie Ratcliff, publisher, SF Bay View newspaper; Veronica Hunnicutt, chairperson, Hunters Point Shipyard Citizens Advisory Committee Executive Committee; Mayor Edwin Lee; San Francisco Board of Supervisors; Elizabeth Wagner, NBC News.

*Ahimsa Porter Sumchai, M.D., founded and chaired the Radiological Subcommittee of the Hunters Point Shipyard Restoration Advisory Board in August 2001 and was an elected member of the Hunters Point Shipyard Restoration Advisory Board from November 2000 to June 2005. She can be reached at 415-859-5471. This letter was transmitted on April 30, 2015.*

BOS-11

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 FEB -1 PM 2:49  
BY en

Brian L. Larsen, Esq. (SB# 158252)  
Thuy M. Le, Esq. (SB# 265000)  
LAW OFFICES OF BRIAN L. LARSEN  
530 Jackson Street, Second Floor  
San Francisco, CA 94133  
(415) 398-5000

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO  
(UNLIMITED JURISDICTION)

FRANCES SMITH,  
  
Petitioner,  
  
vs.  
  
CITY AND COUNTY OF SAN FRANCISCO,  
  
Respondent(s).

Case No.: CPF-18-516005  
  
NOTICE OF POSTING COURT  
REPORTER FEE FOR PETITION  
FOR RELIEF FROM CLAIM  
REQUIREMENT [Gov. Code Sec.  
946.6]  
  
Reservation No.: 01180215-09  
  
Date: February 15, 2018  
Time: 9:30 a.m.  
Dept.: 302

TO THE COURT, ALL PARTIES AND THEIR ATTORNEY OF RECORD:

Petitioner hereby posts court reporter fees for the hearing on petitioner's petition for relief from claim requirement, which will be heard on February 15, 2018 at 9:30 a.m. in Dept. 302.

Dated: January 29, 2018

  
BRIAN L. LARSEN  
THUY M. LE  
Attorneys for Plaintiff

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PROOF OF SERVICE BY UNITED STATES POSTAL SERVICE

I, the undersigned, declare:

I am over the age of 18 years, I am not a party to this action, and work at 530 Jackson St. San Francisco, California.

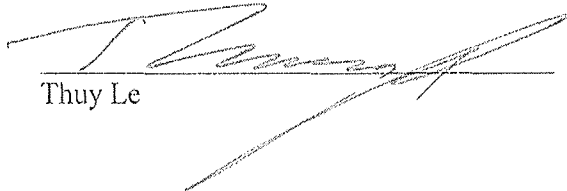
On **January 29, 2018**, I personally deposited a copy of the following into the United States Mail first class postage prepaid:

**NOTICE OF POSTING COURT REPORTER FEE FOR PETITION FOR RELIEF  
FROM CLAIM REQUIREMENT [Gov. Code Sec. 946.6] Mailed To:**

City and County of San Francisco  
Attn: Board of Supervisor  
1 Dr Carlton B Goodlett Place, #244  
San Francisco, CA 94102

City and County of San Francisco  
Attn: Clerk  
1 Dr Carlton B Goodlett Place, #168  
San Francisco, CA 94102

I swear under penalty of perjury that the foregoing is true and correct; and that this declaration was executed this **January 29, 2018** at San Francisco, California.

  
\_\_\_\_\_  
Thuy Le

BOS-11

OFFICE OF THE  
CITY ADMINISTRATOR

MEMORANDUM

**Date:** February 5, 2018  
**To:** Board of Supervisors; Angela Calvillo, Clerk of the Board  
**From:** Tom Fung, Central Shops  
**RE:** Annual Telematics Report

**Telematics Installation**

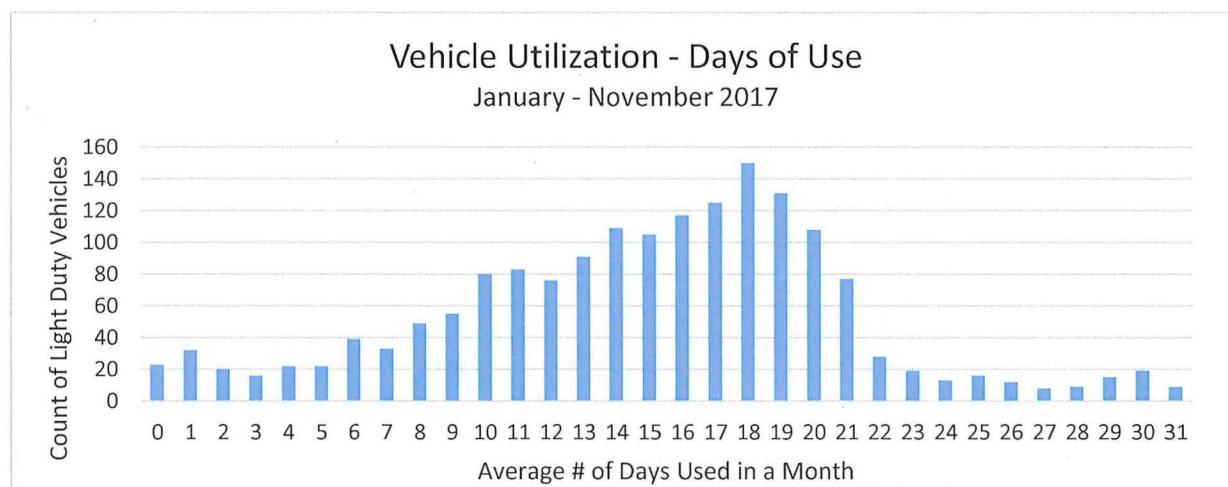
Administrative Code Section 4.10-2 requires all City vehicles be equipped with telematics systems by January 1, 2017, except for those used for public safety and investigative service. All non-exempted City vehicles were equipped with telematics by that deadline. Currently, there are 4,163 vehicles equipped with telematics. This memo summarizes key findings from the telematics data between January and November 2017.

Table of Telematics Device Installation Status (as of end of Nov 2017)

Group	Installed	Exempt	Need <sup>1</sup>	TOTAL
All vehicles currently mandated by Admin Code	4,163 (54%)	1,823 (23%)	74 (1%)	6,060 (78%)
Public safety & investigative services vehicles <sup>2</sup>	-	1,683 (22%)	-	1,683 (22%)
<b>TOTAL</b>	<b>4,163</b>	<b>3,506</b>	<b>74</b>	<b>7,743</b>

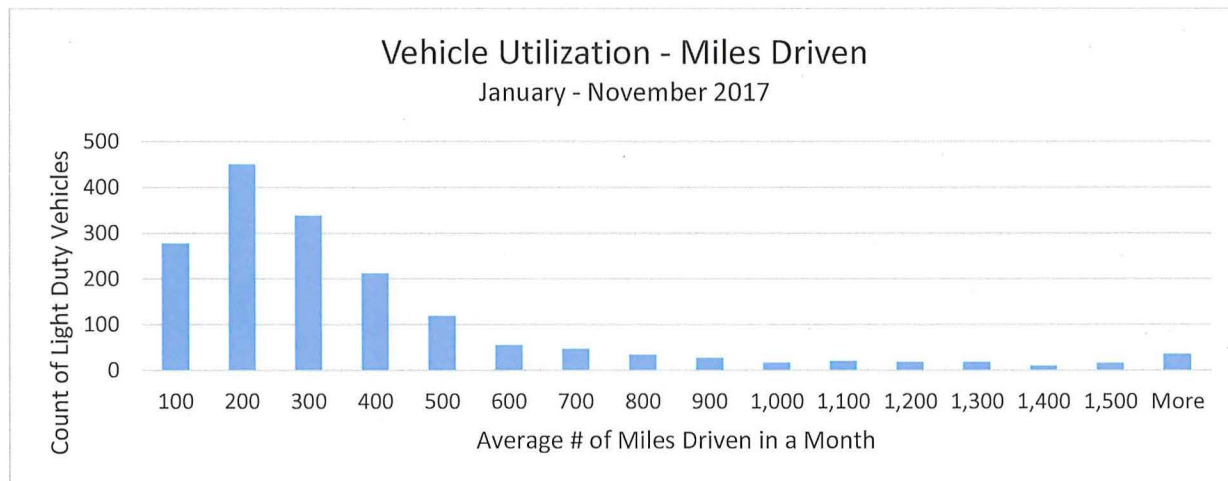
**Vehicle Utilization**

A key set of metrics available from the Telematics system is vehicle utilization. Utilization can be measured in various ways, but the metrics that are readily available in monthly reports are "miles driven," "days used," and "trips taken". Fleet Management analyzes these three metrics to identify vehicles that are potentially underutilized. The citywide profile of the first two utilization metrics are shown below for light-duty passenger vehicles, and calculates average monthly values in 2017.



<sup>1</sup> There will always be a small group of vehicles that need installation because they are new or reassigned.

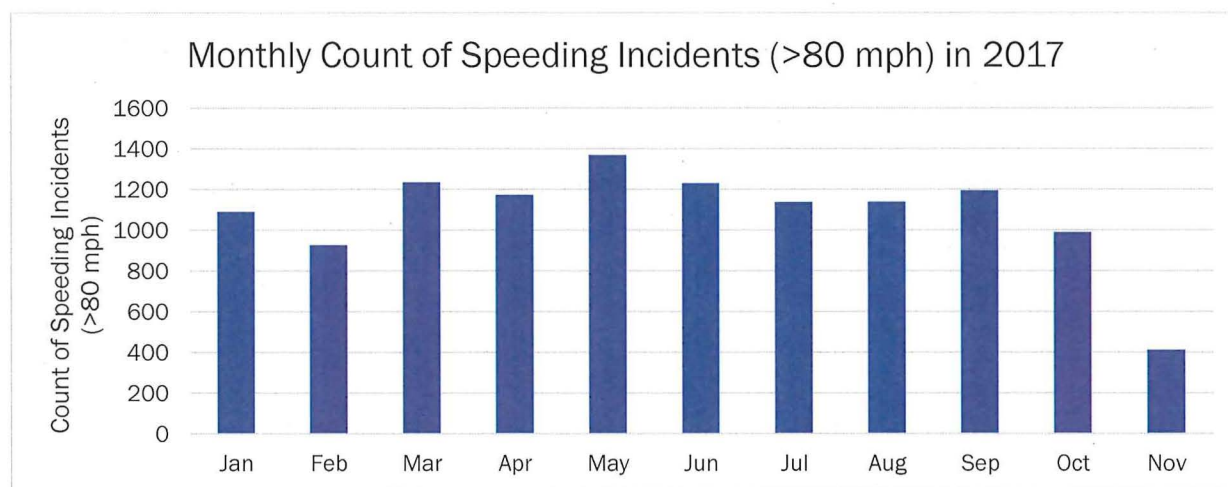
<sup>2</sup> Includes vehicles used for law enforcement, emergency response, and investigative services by the following departments: Police, Sheriff, Juvenile Probation, Adult Probation, Fire, City Attorney's Office and District Attorney's Office.



The data shows that a substantial number of vehicles are used sparingly, suggesting opportunities for rightsizing and optimization. For example, there are 135 vehicles used 5 or fewer days in a given month, less than a quarter of business days. Based on the findings, Fleet Management has initiated a fleet reduction policy, and these utilization metrics are expected to improve over the upcoming year.

### Vehicle Speed

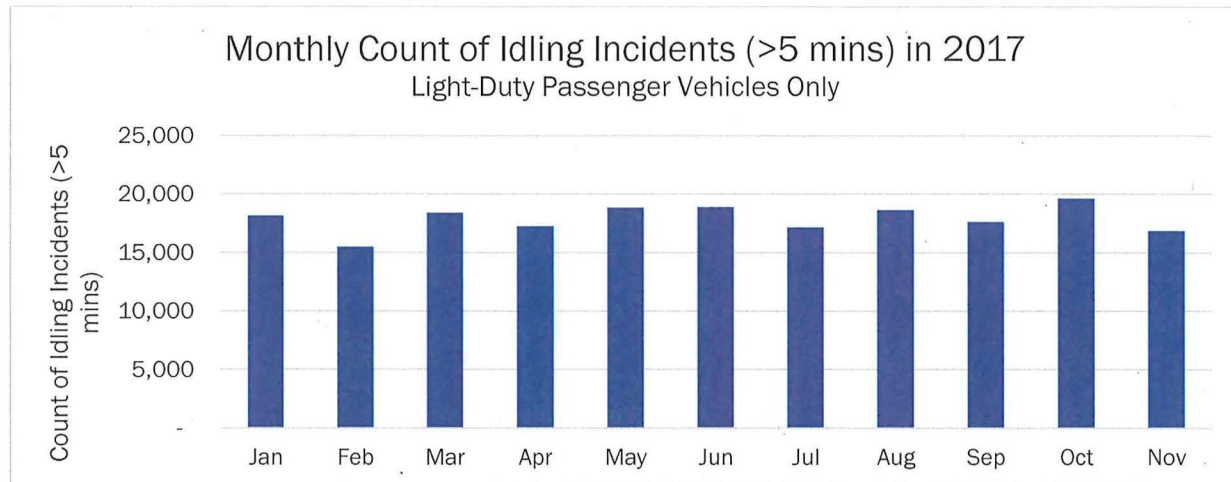
Vehicle speed is an important safety metric to consider. All departmental fleet managers and coordinators have access to this data in the system and its reports, and they are able to set automated alerts based on user-defined thresholds such as max speed. The chart below shows the citywide view of the monthly count of incidents where a vehicle was speeding over 80 mph.



Since October 2017, Fleet Management has consulted with departments on telematics reporting, including safety measures, which has likely led to the steep downward trend in the number of speeding incidents.

## Vehicle Idling

The time that a vehicle spends idling is also a key performance indicator, and opportunity to reduce emissions and fuel use. The telematics system recognizes a vehicle is idling when its engine is running but its transmission is in the “park” position. The chart below shows the citywide view of monthly count of idling incidents over the state mandated threshold of 5 minutes. Similar to vehicle utilization, the data is limited to light-duty passenger vehicles, since heavier duty vehicles tend to have special operational needs for the vehicle’s engine to be running for extended periods of time while parked in one place.



## Actions by Fleet Management

All mandated vehicles have had telematics devices for close to a year, and Fleet Management is using that full set of data to promote efficient and safe use of the city’s fleet. Starting in October 2017, Fleet Management have taken specific measures to improve the issues of underutilization, speeding, and idling.

For vehicle underutilization, Fleet Management is using utilization data from telematics to identify underutilized vehicles, and asking user departments for justification on the use pattern. Departments are asked to turn in vehicles that do not have adequate justifications.

For speeding and idling, Fleet Management has taken steps to communicate the data to the user departments in multiple ways. Fleet Management has either called or individually met with management of select departments to present the data, and relay that it is the responsibility of the department to take remedial action.

Fleet Management has also created a dashboard that presents all the above-mentioned telematics data. It is updated on a monthly basis, and it is shared with the departmental fleet managers, any of their supervisors, their department head, and their department’s HR personnel.



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 FEB 6 AM 11:11

From: Mr. Michael Decarlo 3/night  
To: Mrs/Miss. Wilbury Pomen & BOS. off of 204.  
Date: January 6, 2018.

Dear,

For you record + my objection on 440 TURK ST Building should be for HOMELESS people and 2 Homelish sets of family people + KIDS. NOT JEFF the director of Homeless programmes!! 440 TURK ST is 28,000 Sq FEET, with 2 very large 2 units that should be for Homeless family. Where as the remainder of the footage should be a total of 79 STUDIO apartment for Homeless people. A standard size of a Studio Apartment unit is 316 Sq. Feet which means a total of 79 Studio units on the 2ED + TOP floor, + 79 units on the bottom floor. Total of 158 STUDIO apt. units and 2 large family units for Homeless people NOT City employees who already have a office + job site location. Moreover JEFF wants to spend a total of 32.00 MILLION dollars for this Building + we have a 88.3 Million NEGATIVE CASH FLOW + ED LEE said the flow will be 262 MILLION if we keep rolling in this manner. ED also said NO HIRING NEW employees and cut Back 5% spending of all City Departments

From Mr. Michael Decarlo 3/night

February 6, 2018

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

RECEIVED  
MAYOR'S OFFICE

2018 FEB -6 AM 11:52

18 FEB -6 AM 11:45

Dear SF temporary mayor, Mark Ferrell, and the rest of your Board of Supervisor

I come before you as an American Egyptian native who spent about 3 years as a homeless advocate and Community activist to help the poor people in the richest country in the world. My name, as you know, is Abdalla Megahed. In 2017 we lost SF mayor Ed Lee. I would like to give my sympathy to his widow and to his daughters Tania Brianna Lee. I would like to see them involved with us as homeless advocates to resolve the homeless problem. In SF, the homeless situation is a major problem such as the city hiring dishonest people to run the shelter provided for the homeless. I have personal knowledge of the abuses by these thieving managers. Next door, Envelope south of Mission Rock, whose manager was arrested and is serving in Federal Jail for having people cut up a cot supply so he could sell the aluminum for cash. I would like to remind you all about a piece of mass media history namely when Oprah Winfrey went to Glide and donated a large amount of money. The next day she went back and dressed and pretended to be a homeless person. The People at Glide treated her badly and she demanded the donation back or she would use her next media expose to scandalize Glide's reputation. They gave her donation back. To address this homeless situation, I would like to suggest we create the position of vice-mayor or assistant mayor to be responsible for the shelters'

employees and management. The position of vice-mayor is working in other cities taking some of the stress of the mayor's job action.

Sincerely,

Abdalla Megahed



Homeless advocate, Community activist for 33 years.

Phone (415) 374-4141.

Copy to: SF board of supervisors, SF temporary mayor, London Breed, Jane Kim, Mark Leno, Amy Weiss, Ellen Zhou, Michelle Bravo, Richie GreenBerg

Final Notes: I hope and I wish to see the daughters of our late Mayor Ed Lee can involve with us as homeless advocate at least they can continue their fathers fight by them to resolve the homeless problem. That's because many people blend to run for mayor or any other job to get money for themselves and the people that work in the shelter take advantage and steal the homeless boxes, food, and donation for themselves. My opinion is right, if we can have vice mayor or assistant mayor to handle the shorter issues and to stop the thieves.



BOS-11

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Hello San Francisco Board of Supervisors,

FEB 2 PM 2:49

BY AK

Now that the SF Board of Supervisors have renamed Columbus Day to "Indigenous Peoples Day," will the board also pass an ordinance banning advertisers from using Columbus Day with their Columbus Day sales? Because when Mattress Firm, GAP, or BMW of San Francisco place a sales ad in the San Francisco Chronicle or airtime on KPIX 5, for Columbus Day Sales, will people know what the day is? Will people boycott those merchants because the ad mentioned Columbus? Will they only buy sale merchandise on an "Indigenous Peoples Day" sale?

If the change will not take place, then what was the point of changing the name of the day, if the name Columbus will still be around?

Are you going to send a delegation to the nation's capitol, Washington-District of Columbia, to change the name of the nation's capitol, too? "Washington - District of Indigenous Peoples." Which other parts of United States history would you like to erase?

Thank you for your time in reading.

sincerely, *Michael Wasielewski*

Michael Wasielewski  
PO Box 112  
Olema, CA 94950

20

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 5:00 PM  
**To:** BOS-Supervisors  
**Subject:** FW: "indigenous Peoples Day"

**From:** mary.kazmer@comcast.net [mailto:mary.kazmer@comcast.net]  
**Sent:** Saturday, February 03, 2018 10:00 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** letters@italoamericano.com  
**Subject:** "indigenous Peoples Day"

I just read in *Ll'italo-Aamericano* that you have voted almost unanimously (with only Aaron Peskin dissenting) to change Columbus Day to Indigenous People's Day. I agree that this is an insult to the Italian community. I think virtually everyone would agree that the massacre of the Native Americans was a great injustice. But it is so unfair to blame Columbus for it. It was not his intention; he was simply seeking a shortcut to India. He was smart enough to figure out that the earth was round, and brave enough to defy the religious authorities who prosecuted people for saying so, but he didn't realize how big the earth was or what was beyond the ocean. Is it fair to blame him for what was done by other people later on? As far as that goes, is it fair to hate all people of European descent for what was done centuries ago?

Actually these "indigenous people" are not really indigenous to the western hemisphere. Scientists now agree that the first humans arose in what is now Ethiopia and eventually migrated all over the globe. So at one time they were immigrants just as the Europeans and others were later. Certainly their culture should be honored, but not in such a way as to unsult the Italians, who were once the plurality in San Francisco.



BOS-11

BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JAN 31 PM 3:03  
AK

January 25, 2018

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

Dear President Breed:

At the January 24, 2018 meeting of the San Francisco Democratic County Central Committee, its members voted to approve the a resolution urging certain actions by the San Francisco Planning Commission on the project located at 1979 Mission Street.

The resolution is attached for the Planning Commission's reference and to be included in the file of this project.

Please do not hesitate to contact me should you have any questions regarding this letter or the attached resolution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Mehis".

Adam Mehis  
Executive Director

Enclosure: *Resolution Opposing the "Monster in the Mission" and Supporting Mission District Community*

Cc: Angela Calvillo, Clerk

12

**Resolution Opposing the “Monster in the Mission” and Supporting Mission District Community**

Sponsors: F. Hsieh, DeJesus, Groth, Gupta, Gallotta

Whereas, the proposal by Maximus Real Estate Partners for 1979 Mission Street, which includes two 10-story buildings on 16th and Mission Streets and one 5-story building on Capp Street, is a project by developer Robert Rosania, who is a member of the National MultiFamily Housing Council, an organization which has been actively lobbying in favor of the Republican Tax Bill, the largest transfer of wealth from the working and middle-class to the 1%, that has employed one of San Francisco’s top donors for Republican Donald J. Trump for President, Jack Davis, who has waged yet another campaign of alternative facts about the project - 'Mission for All' - which has included harassment and intimidation of local youth; and

Whereas, this project would cast a shadow over the Marshall School playground, a Spanish/English dual immersion school that has received national recognition for its success; does not include any housing for low-income, and working-class students, families, and individuals onsite; has already produced a ripple effect of gentrification and displacement around the site, including an Ellis Act of a whole building of mostly long-term working-class Latinx tenants; and has drawn the opposition of over 100 community organizations and local merchants over the past 4 years because of the accelerated displacement they believe it would cause of low and middle-income families from the neighborhood and city; and,

Whereas, the Mission District community has presented an alternative vision for the the development of this space, which includes the preservation and development of affordable housing sufficient to meet Mission District’s share of the housing affordability goals of the Housing Element of the San Francisco General Plan, promotes and retains light industrial and artisan businesses and living wage employment opportunities, and ensures community input into future changes to land use controls for area; now, therefore, be it

Resolved that the SF Democratic Party stands in solidarity with the residents, businesses, and community organizations in the Mission District and opposes the Maximus Real Estate Partners proposed project for 1979 Mission Street; and be it

Further Resolved, that by transmission of this resolution, the San Francisco Democratic Party urges the Planning Commission, Board of Education, and Board of Supervisors to oppose this project and disapprove any agreements or permits put forward by Maximus Real Estate Partners for 1979 Mission Street that come before their consideration.



**BAY AREA TOLL AUTHORITY**

BAY AREA METRO CENTER  
375 BEALE STREET  
SAN FRANCISCO, CA 94105

TEL 415.778.6700  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 JAN 30 AM 10:20

AK

**JAKE MACKENZIE, CHAIR**  
Sonoma County and Cities

**SCOTT HAGGERTY, VICE CHAIR**  
Alameda County

**ALICIA C. AGUIRRE**  
Cities of San Mateo County

**TOM AZUMBRADO**  
U.S. Department of Housing  
and Urban Development

**JEANNIE BRUINS**  
Cities of Santa Clara County

**DAMON CONNOLLY**  
Marin County and Cities

**DAVE CORTESE**  
Santa Clara County

**CAROL DUTRA-VERNACI**  
Cities of Alameda County

**DORENE M. GIACOPINI**  
U.S. Department of Transportation

**FEDERAL D. GLOVER**  
Contra Costa County

**ANNE W. HALSTED**  
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and Development Commission

**NICK JOSEFOWITZ**  
San Francisco Mayor's Appointee

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**SAM LICCARDO**  
San Jose Mayor's Appointee

**ALFREDO PEDROZA**  
Napa County and Cities

**JULIE PIERCE**  
Association of Bay Area Governments

**BIJAN SARTIPI**  
California State  
Transportation Agency

**LIBBY SCHAAF**  
Oakland Mayor's Appointee

**WARREN SLOCUM**  
San Mateo County

**JAMES P. SPERING**  
Solano County and Cities

**AMY R. WORTH**  
Cities of Contra Costa County

**STEVE HEMINGER**  
Executive Director

**ANDREW B. FREMIER**  
Deputy Executive Director

January 29, 2018

To Whom it May Concern:

Please see attached certified true and correct copy of Bay Area Toll Authority Resolution No. 123 adopted by the Authority at a duly held regular meeting of the Authority on January 24, 2018 in San Francisco.

Sincerely,

**Rosy Leyva**  
Commission Secretary

Attachments

Date: January 24, 2018  
W.I.: 1254  
Referred by: BATA Oversight

ABSTRACT

BATA Resolution No. 123

This resolution calls for a ballot measure, known as Regional Measure 3 (RM3), to be placed on the ballot of an election to be held on June 5, 2018, concurrent and consolidated with the statewide election to be held on the same date, establishes the RM3 ballot language to be used in all nine counties of the Bay Area and directs staff to work with the registrars and county clerks in each of the nine counties to place RM3 on the ballot.

Further discussion of this resolution is contained in the Executive Director's memorandum to the BATA Oversight Committee dated January 3, 2018.



Date: January 24, 2018  
W.I.: 1254  
Referred by: BATA Oversight

Re: Calling Regional Measure 3 Election

BAY AREA TOLL AUTHORITY  
RESOLUTION NO. 123

WHEREAS, the Bay Area Toll Authority ("Authority") is established pursuant to Section 30950 of the California Streets and Highways Code ("Code") and is responsible for the administration of all toll revenues from state-owned toll bridges within the geographic jurisdiction of the Metropolitan Transportation Commission; the geographic jurisdiction being comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma (individually, "County" and collectively, "Counties"), and the cities located in said Counties; and

WHEREAS, the Authority is authorized pursuant to subdivision (a) of Section 30923 of the Code to select a toll increase amount, of up to three dollars (\$3), to be placed on the ballot in the City and County of San Francisco and each of the Counties; and

WHEREAS, the Authority is authorized pursuant to paragraph (1) of subdivision (c) of Section 30923 of the Code to select the date of the election for voters to consider such toll increase, which shall be consolidated with a statewide primary or general election; and

WHEREAS, paragraph (2) of subdivision (c) of Section 30923 of the Code provides that the ballot question addressing such toll increase shall be submitted to voters as "Regional Measure 3" and shall be stated separately in the ballot from state and local measures; and

WHEREAS, paragraph (1) of subdivision (c) of Section 30916 of the Code provides that the Authority may phase in such toll increase over a period of time with the first rate increase to commence not sooner than six months after the election approving such toll increase; and

WHEREAS, pursuant to paragraph (1) of subdivision (g) of Section 30923 of the Code, each County and the City and County of San Francisco is required to share translation services

for the ballot pamphlet and shall provide the Authority a certified invoice that details the incremental cost of including the measure on the ballot as well as the total costs associated with the election; and

WHEREAS, pursuant to paragraph (2) of subdivision (g) of Section 30923 of the Code, the Authority is required to reimburse each County and the City and County of San Francisco participating in the election for the incremental cost of submitting the measure to the voters and such costs shall be paid from bridge toll revenue administered by the Authority; and

WHEREAS, pursuant to subdivision (d) of Section 30923 of the Code, the Metropolitan Transportation Commission shall prepare a summary of the Regional Measure 3 expenditure plan, now, therefore, be it

RESOLVED, that the Authority specifically finds and declares that the statements, findings and determinations of the Authority set forth in the preambles above are true and correct; and be it further

RESOLVED, that the Authority hereby calls upon each Board of Supervisors in the City and County of San Francisco and each of the Counties to call a special election on June 5, 2018 to be conducted in the City and County of San Francisco and each of the Counties and place on the ballot as a measure separate from state and local measures the following question as Regional Measure 3:

*BAY AREA TRAFFIC RELIEF PLAN. Shall voters authorize a plan to reduce auto and truck traffic, relieve crowding on BART, unclog freeway bottlenecks, and improve bus, ferry, BART and commuter rail service as specified in the plan in this voter pamphlet, with a \$1 toll increase effective in 2019, a \$1 increase in 2022, and a \$1 increase in 2025, on all Bay Area toll bridges except the Golden Gate Bridge, with independent oversight of all funds?*

and, be it further

RESOLVED, that the Registrars of Voters for the City and County of San Francisco and each of the Counties are hereby requested to reprint Regional Measure 3, together with the summary of the Regional Measure 3 expenditure plan to be prepared by the Metropolitan Transportation Commission regarding the eligible projects and programs to be funded pursuant to Section 30914.7 of the Code, in the voter information pamphlet to be distributed to voters pursuant applicable law; and be it further

RESOLVED, that Authority staff is directed to work with the City and County of San Francisco and each of the Counties, including their respective Registrars of Voters and County Clerks to facilitate the placing of Regional Measure 3 on the ballot; and be it further

RESOLVED, that the election shall be consolidated with the statewide direct primary election to be held on June 5, 2018, and pursuant to paragraph (1) of subdivision (c) of Section 30923 of the Code and all applicable law, the Boards of Supervisors in the City and County of San Francisco and in each of the Counties are hereby requested to direct the Registrar of Voters in the City and County of San Francisco and in each of the respective Counties and to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same. The Authority hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by all applicable law, including, where applicable, the California Elections Code; and be it further

RESOLVED, that pursuant to paragraph (2) of subdivision (g) of Section 30923 of the Code, the Authority shall reimburse the City and County of San Francisco and each of the Counties participating in the election for the incremental cost of submitting the measure to the voters, with such costs to be paid from bridge toll revenue administered by the Authority; and be it further

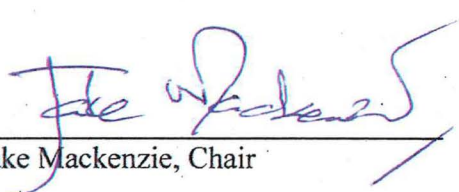
RESOLVED, that the Secretary of the Authority is hereby directed to cause to be filed as soon as practicable, and in any event no later than March 9, 2018 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to each of the

Registrars of Voters, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the City and County of San Francisco and of each of the Counties; and be it further

RESOLVED, that the Commissioners of the Authority, the Executive Director, any officer and all other staff of the Authority, are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution in accordance with the terms hereof and of applicable provisions of law; and be it further

RESOLVED, that this Resolution shall take effect from and after its adoption.

BAY AREA TOLL AUTHORITY

  
\_\_\_\_\_  
Jake Mackenzie, Chair

The above resolution was first entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California, on January 24, 2018.

CERTIFIED A TRUE COPY.

  
\_\_\_\_\_  
Rosy Lerma  
Commission Secretary

1-29-2018  
Date

**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:29 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013

**From:** SAM [mailto:sulaimanworld@yahoo.com]  
**Sent:** Friday, February 02, 2018 10:21 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013

Dear SF Board of Supervisors,

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

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

Regard,

## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:29 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street, file no. 180013

---

**From:** Salah Sanad [mailto:bahaasal3@yahoo.com]  
**Sent:** Friday, February 02, 2018 10:02 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Fw: Support for Saba Live at 1526 Wallace Street, file no. 180013

----- Forwarded Message -----

**From:** Salah Sanad <bahaasal3@yahoo.com>  
**To:** [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>; [sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; [aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; [katy.tang@sfgov.org](mailto:katy.tang@sfgov.org) <[katy.tang@sfgov.org](mailto:katy.tang@sfgov.org)>; [breedstaff@sfgov.org](mailto:breedstaff@sfgov.org) <[breedstaff@sfgov.org](mailto:breedstaff@sfgov.org)>; [jane.kim@sfgov.org](mailto:jane.kim@sfgov.org) <[jane.kim@sfgov.org](mailto:jane.kim@sfgov.org)>; [norman.yee@sfgov.org](mailto:norman.yee@sfgov.org) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; [jeff.sheehy@sfgov.org](mailto:jeff.sheehy@sfgov.org) <[jeff.sheehy@sfgov.org](mailto:jeff.sheehy@sfgov.org)>; [hilary.ronen@sfgov.org](mailto:hilary.ronen@sfgov.org) <[hilary.ronen@sfgov.org](mailto:hilary.ronen@sfgov.org)>; [malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org) <[malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org)>; [ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; [brittni.chicuata@sfgov.org](mailto:brittni.chicuata@sfgov.org) <[brittni.chicuata@sfgov.org](mailto:brittni.chicuata@sfgov.org)>  
**Sent:** Thursday, February 1, 2018, 8:28:27 PM PST  
**Subject:** Support for Saba Live at 1526 Wallace Street, file no. 180013

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



**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:28 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013

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

From: Habeb Qaid [mailto:habeb.qaid@icloud.com]  
Sent: Friday, February 02, 2018 12:28 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Support for Saba Live at 1526 Wallace Street; file no. 180013

Dear SF Board of Supervisors,

I'm writing to you, because we need Saba Poultry on Wallace Street San Francisco . Their fresh and healthy food is needed in the area .

Driving to their shop in Oakland location is too far and too hard.

Best Regard,

Sent from my iPhone

## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:28 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013

**From:** wael Abu regal [mailto:harounaburegal@gmail.com]  
**Sent:** Friday, February 02, 2018 10:11 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013

Dear SF Board of Supervisors,

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

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

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

I know people from other communities that go all the way to the farms buy live animals and slaughter them and dump the inedibles on the freeway.

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

Best Regards,

Lee xui  
a Resident of San Francisco

## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:29 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Saba live

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

From: Abdo Alawdi [mailto:alawdi@aol.com]  
Sent: Friday, February 02, 2018 7:15 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Saba live

"Support for Saba Live Poultry at 1526 Wallace Street; file no. 180013"

To whom may concern,

I have been a customer at Saba Live Poultry for a long time, during each of my visits I have found the facility to be clean, the workers are very sanitary and always wear gloves. The animals are taken care of very well compared to what you would get at a grocery store from factory farms. They show you exactly where your food is coming from, which customers deserve to see and know. The meat you get is fresh, the animal is slaughtered upon your purchase. I have never had any negative experiences with Saba Live, I don't see why they shouldn't be introduced to a new community. I hope the court will allow Saba Live to continue expanding their business and provide more excellent service to the community.

Thank you,

M.S.

(I prefer to keep my name anonymous)

Abdo Alawdi

**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:28 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Saba live

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

From: Abdo Alawdi [mailto:alawdi@aol.com]  
Sent: Friday, February 02, 2018 10:02 AM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Saba live

I am supporting the slugger house in Sfo we need the quality meat and fresh meat in our community we need the healthy meat. This the place for the meat. I would like from u to allowed them to open the location in sf I had been on the place on oakland is very clean and fantastic I love the place but is fare way from me. I would love to make its happening and open the one in sf will be close to me we need its in our community pleases allowed them to open the sbsa live in sf. Thanks a lot Abdo Alawdi

## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, February 05, 2018 3:28 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013

**From:** Hesham Hussain [mailto:taizz2002@gmail.com]  
**Sent:** Friday, February 02, 2018 9:32 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013

Dear SF Board of Supervisors,

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

Their Oakland location is a good example of their quality and cleanliness. We want to have location in more areas to be able to get fresh meat.

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

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

--

Best Regards,

Hesham Hussain

## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:23 AM  
**To:** BOS-Supervisors  
**Subject:** FW:

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

From: Mourad [mailto:ouarsafi1@gmail.com]  
Sent: Thursday, February 01, 2018 8:27 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject:

Dear SF Board of Supervisors,

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

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

My best regards,

Mourad

Sent from my iPhone



**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:23 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013

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

From: abdul tinham [mailto:abdultinham@yahoo.com]  
Sent: Thursday, February 01, 2018 7:43 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Support for Saba Live at 1526 Wallace Street; file no. 180013

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

Sent from my iPhone

## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:11 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street, file no. 180013

**From:** Salah Sanad [mailto:bahaasal3@yahoo.com]  
**Sent:** Thursday, February 01, 2018 8:28 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; hilary.ronen@sfgov.org; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Chicuata, Brittni (BOS) <brittni.chicuata@sfgov.org>  
**Subject:** Support for Saba Live at 1526 Wallace Street, file no. 180013

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

**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:11 AM  
**To:** BOS-Supervisors  
**Subject:** FW: "Support for Saba Live at 1526 Wallace Street; file no. 180013"

**From:** Hana Anakeeb [mailto:mohamadw2008@icloud.com]  
**Sent:** Thursday, February 01, 2018 8:16 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013"

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

Greetings

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

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

## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:12 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street; file no. 180013"

**From:** mutaher altareb [mailto:eastbayservices1@gmail.com]  
**Sent:** Thursday, February 01, 2018 7:55 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support for Saba Live at 1526 Wallace Street; file no. 180013"

Im support saba live pottery  
Sent from my iPhone

## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:11 AM  
**To:** BOS-Supervisors  
**Subject:** FW: "Support for Saba Live at 1526 Wallace Street; file no. 180013" please email below

**From:** Hameza Musid [mailto:zalol2003@gmail.com]  
**Sent:** Thursday, February 01, 2018 9:24 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013" please email below

Dear SF Board of Supervisors,

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

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

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

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

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

Best Regards,

Hameza Musid  
A resident of San Francisco

**Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:11 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Support for Saba Live at 1526 Wallace Street, file no. 180013

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

From: Naz Ahmed [mailto:naztareb@yahoo.com]  
Sent: Thursday, February 01, 2018 9:02 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Support for Saba Live at 1526 Wallace Street, file no. 180013

We want to support this business these are amazing people there really honest and I believe it will open more opportunities for the community.

Sent from my iPhone



## **Mchugh, Eileen (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:11 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Case 180013

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

From: Musa J [mailto:moseslimosf@icloud.com]  
Sent: Thursday, February 01, 2018 8:36 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Case 180013

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

Sent from my iPhone

## Mchugh, Eileen (BOS)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:04 AM  
**To:** BOS-Supervisors  
**Subject:** FW: 180013

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

From: Omar Wahib [mailto:travel.wahib@yahoo.com]  
Sent: Thursday, February 01, 2018 10:17 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: 180013

Greetings,

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

Sent from my iPhone

**Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS).  
**Sent:** Friday, February 02, 2018 9:04 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Saba live business

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

From: Ibrahim Hugais [mailto:yemeny48@me.com]  
Sent: Thursday, February 01, 2018 10:11 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Saba live business

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

Sent from my iPhone

## **Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:04 AM  
**To:** BOS-Supervisors  
**Subject:** FW: "Support for Saba Live at 1526 Wallace Street; file no. 180013"

**From:** manal al-Gamri [mailto:manalalgamri@gmail.com]  
**Sent:** Thursday, February 01, 2018 9:31 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** "Support for Saba Live at 1526 Wallace Street; file no. 180013"

Dear SF Board of Supervisors,

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

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

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

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

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

Best Regards,

Manual Algamri  
A resident of San Francisco 94124

## **Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:03 AM  
**To:** BOS-Supervisors  
**Subject:** FW:

**From:** Nagi Alkarthi [mailto:alkarthin@yahoo.com]  
**Sent:** Thursday, February 01, 2018 10:22 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:**

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

من الـ iPhone الخاص بي

**Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 9:01 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Saba live

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

From: Abdul [mailto:bettertradetobacco@yahoo.com]  
Sent: Thursday, February 01, 2018 10:25 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Saba live

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

## **Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:55 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: Saba Live Poultry

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

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

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

Sent from my iPhone



**Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:52 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW:

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

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

Dear to whom it may concern,

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

Sent from my iPhone

## **Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:51 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: Saba live

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

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

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

## **Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:51 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: Saba Live

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

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

Hello,

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

Thank you,  
Sina A.

## **Mchugh, Eileen (BOS)**

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

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

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

## Mchugh, Eileen (BOS)

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

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

To whom it may concern:

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

Sincerely Yours  
Isaac

## Mchugh, Eileen (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:47 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: In the subject line, include "Support for Saba Live at 1526 Wallace Street; file no. 180013"

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

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

**Mchugh, Eileen (BOS)**

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, February 02, 2018 8:30 AM  
**To:** BOS-Supervisors  
**Subject:** FW:

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

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

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

Sent from my iPhone



**Mchugh, Eileen (BOS)**

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**From:** Mohamed Dabwan <dabwanmohamed@icloud.com>  
**Sent:** Thursday, February 01, 2018 10:25 PM  
**To:** Board of Supervisors, (BOS)

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

Sent from my iPhone

February 2, 2018

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 FEB -7 PM 3:55

Re: February 9, 2018 hearing on project proposed for 1526 Wallace Ave to produce and sell livestock.

Dear Ms. Calvillo,

On November 24, 2017, I sent the attached email in opposition to the above-referenced project. However, I just received a notice of public hearing, which offered the opportunity to submit another written statement concerning this project. So, I assume that my first objection needs to be re-stated for this hearing.

I am in New Mexico and therefore cannot attend the hearing, but I continue to manage family-owned rental property located at 1580 -1584 Wallace Avenue just west of the proposed project and as such am concerned that this project if allowed to go forward without environmental protections in place will negatively impact my tenants and thus the elderly member of my family that owns the property and depends upon its income for her care and housing.

My objections as stated in the attached email remain the same. I would appreciate that they be entered into the proceedings.

Thank you,



Seth Mosgofian

seth d. mosgofian 1309 calle ramon santa fe new mexico 87501

● Seth Mosgofian <quepasasf@comcast.net>

November 24, 2017 at 6:28 PM



Case No: 2017-010819CUA, Conditional Use Authorization for 1526 Wallace Ave, S.F. CA

[Details](#)

To: harvey@harveyhacker.com, Cc: Tony Olea <info@oleaplastering.com> & 1 more

Dear Mr. Hacker,

As the manager of family-owned property located at 1580 Wallace Ave. I received a *Notice of Public Hearing* before the *Planning Commission* on Thursday, November 30, 2017, concerning the above-referenced property.

I am in New Mexico and cannot attend the hearing, but wish to express my concerns regarding the proposal to use the property at 1526 Wallace Avenue for the purpose of processing and selling poultry.

**1st:** I think the location is inappropriate for this purpose.

**2nd:** By admission in the document I received the poultry processing will be done within an entirely enclosed structure with no openings, only fixed windows, and with only minimum exits as required by law. Clearly this means that the poultry will be continuously caged and apparently with minimal fresh air.

**3rd:** I consider this animal cruelty and have notified PETA.

**4th:** I believe the waste from these animals will seriously over-burden the sewage system causing problems for all other properties tied into the common sewer line.

**5th:** I further believe, having grown up in San Francisco when this area was known as "butcher town", that the stench and the noise from this facility will be obnoxious to businesses and residents in the neighborhood as it was decades ago. There is no mention of ventilation or air quality/scrubbing to eliminate animal odors and no mention of sound-proofing.

**6th:** This location is but one block from residential neighborhoods. Not that it won't be offensive to nearby businesses, but that residents will have to tolerate the odors and noise 24/7.

The area businesses are generally repair, fabrication and service oriented. Cabinet shops, plastering companies, auto services, plant services, wholesale and retail businesses, all unrelated to animal processing of any kind that I am aware of. The addition of a poultry processing facility would be a serious departure from the norm for this area and it's effect could negatively impact property values.

I think before any consideration for approval is to take place that the company requesting the conditional use permit, **Saba Live Poultry**, should be required to complete an environmental impact study to show just how other business owners and residents of the neighborhood will be affected by the location of a poultry processing company so close by and so out of character for the area.

Without such a study I am adamantly opposed to the approval of the Conditional Use Authorization.

Thank you for your consideration of this letter.

Yours truly,

Seth Mosgofian

**seth d. mosgofian**  
[quepasasf@comcast.net](mailto:quepasasf@comcast.net)