

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

August 6, 2017

Mayor's Office of Housing and Community Development
City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
415-701-5598

RECEIVED

AUG 10 2017

**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
CPC/HPC**

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Mayor's Office of Housing and Community Development

REQUEST FOR RELEASE OF FUNDS

On or about August 23, 2017 the Mayor's Office of Housing and Community Development of the City and County of San Francisco (MOHCD) will submit a request to the United States Department of Housing and Urban Development's (HUD) Office of Community Planning and Development for the release of an estimated \$10,000,000 in Home Investment Partnership Program (HOME) grants under Title II of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended to undertake a project known as the 1296 Shotwell Senior Affordable Housing.

The proposed action, located at 1296 Shotwell Street, involves the development of a nine-story building containing 94 dwelling units (93 affordable units plus one unit for the onsite property manager) for seniors age 62 and older. Development of the project includes demolition of the existing one-story industrial building on the project site. The ground-floor level would include a community room; two bicycle storage areas that would contain the Class I bicycle spaces; a meeting room; offices, the manager unit; two one-bedroom units; and an open space area. The project site is approximately 11,700 square feet and is bound by Shotwell Street to the east and Production, Distribution, and Repair (PDR) uses to the north, west, and south in San Francisco's Mission neighborhood. The proposed building would have a height of 84 feet (96 feet to top of elevator penthouse). The project site is within a 65-X height and bulk district. The proposed project would require the Planning Commission's approval of 100 percent Affordable Housing Bonus Program Project under Section 328 of the Planning Code for up to an additional 30 feet above the height district limit to be consistent with the height limit. The total project cost is estimated to be \$45,000,000.

FINDING OF NO SIGNIFICANT IMPACT

The Mayor's Office of Housing and Community Development has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Mayor's Office of Housing and Community Development, 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103 and may be examined or copied weekdays 9 A.M to 5 P.M. The ERR can also be viewed at the MOHCD website at <http://www.sfmohcd.org/index.aspx?page=1314>. The ERR can also be viewed at <https://www.hudexchange.info/programs/environmental-review/environmental-review-records>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Mayor's Office of Housing and Community Development, City and County of San Francisco, 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103, attn.: Eugene Flannery or to Eugene.flannery@sfgov.org. All comments received by 5:00 pm on August 22, 2017 will be considered by the Mayor's Office of Housing and Community Development prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City and County of San Francisco Mayor's Office of Housing and Community Development certifies to HUD that Katha Hartley in her capacity as Acting Director of the Mayor's Office of Housing and Community Development consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and

that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Mayor's Office of Housing and Community Development to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to the Responsible Entity's (RE) Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Mayor's Office of Housing and Community Development; (b) the Mayor's Office of Housing and Community Development has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the Mayor's Office of Housing and Community Development has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Director, Community Planning and Development, United States Department of Housing and Urban Development, 1 Sansome St #1200, San Francisco, CA 94104. Potential objectors should contact Director, Community Planning and Development, San Francisco Regional Office — Region IX, One Sansome Street, Suite 1200 San Francisco, California 94104-4430 to verify the actual last day of the objection period.

Katha Hartley
Acting Director, Mayor's Office of Housing and Community Development

From: [Ionin, Jonas \(CPC\)](#)
To: [Johnson, Christine \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Rich Hillis](#); [Rodney Fong](#); [Aaron Jon Hyland - HPC](#); [Andrew Wolfram \(andrew@tefarch.com\)](#); [Diane Matsuda](#); [Ellen Johnck - HPC](#); [Jonathan Pearlman](#); [Karl Hasz](#); [Richard S. E. Johns](#)
Cc: [Gerber, Patricia \(CPC\)](#); [Son, Chanbory \(CPC\)](#)
Subject: FW: Commission Update for Week of August 14, 2017
Date: Monday, August 14, 2017 10:32:56 AM
Attachments: [Commission Weekly Update 8.14.17.doc](#)

*Jonas P. Ionin,
Director of Commission Affairs*

Planning Department | City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: Tsang, Francis
Sent: Monday, August 14, 2017 9:51 AM
To: Tsang, Francis
Subject: Commission Update for Week of August 14, 2017

Colleagues,

Please find a memo attached that outlines items before commissions and boards for this week. Let me know if you have any questions or concerns.

Thanks!
Francis

Francis Tsang
Deputy Chief of Staff
Office of Mayor Edwin M. Lee
415.554.6467 | francis.tsang@sfgov.org



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From: [Ionin, Jonas \(CPC\)](#)
To: [Johnson, Christine \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Rich Hillis](#); [Rodney Fong](#); [Aaron Jon Hyland - HPC](#); [Andrew Wolfram \(andrew@tefarch.com\)](#); [Diane Matsuda](#); [Ellen Johnck - HPC](#); [Jonathan Pearlman](#); [Karl Hasz](#); [Richard S. E. Johns](#)
Cc: [Gerber, Patricia \(CPC\)](#); [Son, Chanbory \(CPC\)](#)
Subject: FW: Commission Update for Week of August 7, 2017
Date: Tuesday, August 08, 2017 12:00:18 PM
Attachments: [Commission Weekly Update 8.7.17.doc](#)

*Jonas P. Ionin,
Director of Commission Affairs*

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1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: Tsang, Francis
Sent: Monday, August 07, 2017 1:04 PM
To: Tsang, Francis
Subject: Commission Update for Week of August 7, 2017

Colleagues,

Please find a memo attached that outlines items before commissions and boards for this week. Let me know if you have any questions or concerns.

Thanks!
Francis

Francis Tsang
Deputy Chief of Staff
Office of Mayor Edwin M. Lee
415.554.6467 | francis.tsang@sfgov.org



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From: [Jonin, Jonas \(CPC\)](#)
To: [Aaron Jon Hyland - HPC](#); [Andrew Wolfram \(andrew@tefarch.com\)](#); [Diane Matsuda](#); [Ellen Johnck - HPC](#); [Jonathan Pearlman](#); [Karl Hasz](#); [Richard S. E. Johns](#)
Cc: [Son, Chanbory \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Chen, Josephine \(CPC\)](#)
Subject: FW: Inviting Commissioners for Summer Intern's Presentation
Date: Thursday, August 03, 2017 11:29:31 AM

Commissioners,
Please accept staff's invitation to view presentations from our summer interns. The schedule is provided below:

*Jonas P. Ionin,
Director of Commission Affairs*

Planning Department|City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309|Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org

From: Chen, Josephine (CPC)
Sent: Wednesday, August 02, 2017 5:01 PM
To: Ionin, Jonas (CPC)
Cc: Tam, Tina (CPC)
Subject: Inviting Commissioners for Summer Intern's Presentation

Dear Jonas,

Are there any special procedures to inviting the commissioners for intern presentations?
Staff may have mentioned to commissioners about the presentations but want to confirm with you before proceeding with anything formal or written.

Presentation schedule as followed,

Date	Order	Project	Intern	Mentor Supervisor
8/14/2017 at 10AM	1	A Transportation Element for the 21st Century and Beyond	Lauren Deaderick	Audrey Harris, Rachel Schuett
	2	Street Design Advisory Team / Shared Streets	Jill Schmidt	Paul Chasan, Seung Yen Hong, Lana Russell, Tina Chang
	3	Advancing Community Equity and Opportunity	Gabriela Navarro	Andrea Nelson, Claudia Flores
8/22/2017 at Noon	1	Mapping Development Activity	Brian Goggin	Manoj Madhavan
	2	Neighborhood Prototyping & Outreach	Kathleen Ma	Rachel Tanner, Ilaria Salvadori, Kay Cheng
	3	Policy Research to Advance Housing Affordability	Paige Dow	James Pappas, Kearstin Dischinger
	4	Public Art Survey and Process Improvements	Irene Ho	Carly Grob
8/23/2017 at Noon	1	Public Life Data Analysis	Svetha Ambati	Robin Abad
	2	Window and Siding Replacement Standards	Caitlyn Ewers	Justin Greving
	3	Mini-Historic Context Statement	Hannah Simonson	Stephanie Cisneros, Frances McMillen
	4	Mini-Historic Context Statement	Chris Purcell	Stephanie Cisneros, Frances McMillen
8/24/2017 at Noon	1	Transportation Impact Analysis Guidelines Update	Paul D'Eredita	Lana Russell, Jenny Delumo, Christopher Espiritu
	2	Climate Change and Greenhouse Gas Emissions Strategies Project	Jessica Wunsch	Lana Russell, Jenny Delumo, Christopher Espiritu
	3	Civil Rights / Underrepresented Communities	Ariadne Brancato	Shelley Caltagirone, Desiree Smith
	4	Civic Center	Carla Wietgreffe	Cassie Hoerprich, Nicholas Perry

Thank you,
Josephine

From: [Secretary, Commissions \(CPC\)](#)
To: [Aaron Jon Hyland - HPC](#); [Andrew Wolfram \(andrew@tefarch.com\)](#); [Diane Matsuda](#); [Ellen Johnck - HPC](#); [Jonathan Pearlman](#); [Karl Hasz](#); [Richard S. E. Johns](#)
Cc: [Son, Chanbory \(CPC\)](#)
Subject: FW: Planned Public Comments Statement at HPC Meeting, Aug. 16, 2017
Date: Wednesday, August 16, 2017 10:32:01 AM

Office of Commission Affairs

Planning Department|City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309|Fax: 415-558-6409

commissions.secretary@sfgov.org
www.sfplanning.org

From: lambertm1@aol.com [mailto:lambertm1@aol.com]
Sent: Wednesday, August 16, 2017 6:16 AM
To: andrew@tefarch.com
Cc: aaron.hyland.hpc@gmail.com; Frye, Tim (CPC); Secretary, Commissions (CPC); Gordon-Jonckheer, Elizabeth (CPC); Tam, Tina (CPC)
Subject: Planned Public Comments Statement at HPC Meeting, Aug. 16, 2017

Dear Commissioners,

Following is a copy with supporting documentation of the statement I plan to make later today during the General Public Comments period at the August 16, 2017 meeting of the Historic Preservation Commission.

Sincerely,
Marvin Lambert

Hello Commissioners. My name is Marvin Lambert

A. I am hear to put you on public notice of the following:

1. Both Planning and Parks Departments staffs are engaged with the project sponsor for the proposed Zen rock garden in the Cottage Row mini park to revise and revive the proposal.

2. The revised proposal is being constructed in a way that would circumvent the law.

The email copies on the following page provide ample evidence of Staff's complicity in this attempt at illegal activity. This suggests that Staff either has malintent or is willfully ignorant of certain key legal requirements for this project to move forward.

Their scheme involves attempting to avoid the requirement for a COA by changing the garden design to reduce the size of a retaining wall such that a

DBI permit would not be required.

Staff is apparently unaware of certain details of Planning Code Article 10 and particularly its Appendix K. **This code specifies several conditions, including landscaping and retaining walls, where a COA is required in a Historic District even when a building permit is not required.** (Code sections relevant to this project have been extracted and also copied below).

B. It is clear that the HPC needs to take as a minimum the following immediate actions:

1. Instruct your Planning Dept. support staff to stop egging on the Parks Dept. to develop a Zen garden plan in a way that would attempt to circumvent the law.
2. Advise the Parks Department that they cannot move forward on a plan such as the proposed Zen rock garden in the Bush St. -Cottage Row Historic District without first obtaining a COA.

C. In the meantime, both you and Staff have continued to conceal the details behind how the previous ACOA was dispensed with and apparently replaced with the requirement for a standard COA. For now, I will continue to pursue this matter with the Sunshine Ordinance Task Force.

From: Gordon-Jonckheer, Elizabeth (CPC)

To: Perez, Janice (REC); Maher, Abigail (REC)
Subject: FW: Japanese Garden "Urgent"
Date: Monday, July 31, 2017 6:13:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Hi Janice,

Can we discuss Paul's email tomorrow. I some again with Tim, and we feel that if RPD needs to get a permit for any aspect of the project then it needs a COA. If RPD can issue the permit without DBI approval or items are under 3 feet and don't need a permit from DBI, that would clearly be considered landscaping.

Thanks,
Elizabeth

From: Paul Osaki
To: Frye, Tim (CPC); Gordon-Jonckheer, Elizabeth (CPC)
Subject: Japanese Garden "Urgent"
Date: Monday, July 31, 2017 1:44:40 PM

Hi Tim/Elizabeth,

I'm sorry to bother you, (Tim I know that you just got back to work today) but I'm getting calls from the local neighborhood press wanting to know whats going on with the garden.

Apparently Marvin Lambert has contacted them saying that he put an end to the garden

project and its over, so the press wants to know whats going on....? If you can get back to me on the follow-up discussion of the CoA I would appreciate it. I believe the main issue is the height of the stones that make up the dry waterfall concept? Please let me know if you have made a determination and what would be the next steps of the process for me to make those changes to the design concept.
Thank you so much for your guidance and support.
With much appreciation,
Paul Osaki

ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS

SEC. 1005. CONFORMITY AND PERMITS

(c) Where so provided in the designating ordinance for a historic district, any or all exterior changes visible from a public street or other public place shall require approval in accordance with the provisions of this [Article 10](#), regardless of whether or not a City permit is required for such exterior changes. Such exterior changes may include, but shall not be limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and other building appendages.

APPENDIX K TO ARTICLE 10 - BUSH STREET - COTTAGE ROW HISTORIC DISTRICT

SEC. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS.

The following provisions shall apply to all applications for Certificates of Appropriateness in the Bush Street-Cottage Row Historic District in addition to the procedures, requirements, controls and standards of [Article 10](#) and this Code. If any conflict or inconsistency between the following provisions and [Article 10](#) arises, the procedures, requirements, controls and standards affording stricter protection to the landmark, landmark site, or Historic District shall prevail.

A. **Character of the Historic District.** The standards for review of all applications for Certificates of Appropriateness are set forth in Section [1006.7](#) of [Article 10](#). For purposes of

review pursuant to these standards, the character of the Historic District shall mean the exterior architectural features, Cottage Row right-of-way, and the Cottage Row Mini Park of the Bush Street-Cottage Row Historic District described in Section 6.

B. Exterior Changes Requiring Approval. A Certificate of Appropriateness shall be required for all exterior changes within the Historic District that are visible from a public street, the Cottage Row right-of-way, or the Cottage Row Mini Park. Such exterior changes requiring approval shall include, but not be limited to, the installation or replacement of fences, retaining walls, windows, security grates, lighting fixtures, and other building features visible from the public way.

C. Additions, Alterations, or New Construction. Additions, exterior alterations, and new construction shall be compatible with the scale, architectural details, fenestration, and materials of the District as described in this Appendix K. Any new work shall be compatible with the historic materials, features, size, scale, proportions and massing. New or replacement fences shall be compatible with the scale, height, materials, details, and topography of the Historic District.

D. Street and Park Furniture. Any new or replacement street or park furniture, including but not limited to light fixtures and trash receptacles, shall require a Certificate of Appropriateness