

File No. 100151

Committee Item No. _____

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 03/16/10

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
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OTHER (Use back side if additional space is needed)

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|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Appeal of Determination of Exemption from Environmental</u> |
| | | <u>Review for 2462 – 27th Avenue</u> |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Joy Lamug

Date 03/11/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

The subject building and the surrounding buildings clearly meet the criteria set up by the City for an in depth review of properties for the potential to be considered at least a potential "historic resource" under CEQA. These buildings are ALL older than 80 years and are associated with persons of historic significance on the local level. The presence of such thresholds in this instance warrant, at a minimum, further study by the Department. It is inappropriate to exclude this proposed project from in depth environmental review and mitigations to ensure compliance with the Secretary of the Interior Standards for 'alteration.'

PROJECT DESCRIPTION

The project proposes to add more than 2000 square feet of new living space to the existing building. An additional floor is to be added and an extension of the building into the rear yard is to be added. The front façade of the building will be completely redesigned and the window and door configuration will also be completely rebuilt. The planned "alteration" is so extensive that the project at first review appears to be a demolition. However, the developers are already speaking openly of "dry-rot" and "insect damage" and it seems highly likely that once construction begins, little or no elements of the original building will be retained.

CEQA ISSUES/ WHY APPEAL SHOULD BE GRANTED

Potential Historic Resource and Incorrect Analysis Was Done

The appeal should be granted and the project returned to the Department for further consideration. The project is subject to CEQA because the administrative record will be augmented with substantial evidence supporting a fair argument that the property and the neighborhood qualify as a possible "historic resource" within the meaning of CEQA. Appellants will present professional opinion that the small house at 2462 27th Avenue is significant as defined in the California Environmental Quality Act (CEQA) Guidelines, Section 15064.5 because it is eligible for inclusion on the California Register.

The CEQA Guidelines provide that a categorical exemption, which is a *rebuttal presumption*, cannot be used for a project "which may cause a substantial adverse change in the significance of a historical resource." Section 15300.2 (f). When a fair argument is presented that a project may have a significant impact on the environment (including historic resources) a categorical exemption must fail. (See, Dunn Edwards Corp. v. Bay Area Air Quality Management District; Mountain Lion Foundation v. Fish & Game Commission.)

The City cannot rely on the categorical exemption because of the potential significant adverse impacts to the historic resources and potential historic resources nearby. The Department has failed to adhere to its own guidelines and its determination that this building and the surrounding buildings fail to constitute a historic resource/ potential historic district is in error.

The History and development of the Parkside District is Important to San Francisco

As required, the appellants submit herewith the proof that this project was held as categorically exempt under CEQA. Although the Department conducted a brief environmental review based on the developer's application, it simply came to the wrong conclusion and failed to recognize the building for what it is, one of the original "Parkside cottages" and as such, the building was not evaluated in its context within the surrounding community,

This house has excellent architectural integrity and merits consideration as an important resource to the Sunset and Parkside community. We urge the Board to Approve the Appeal because of significant new information not previously considered as well as significant procedural errors:

- Section 15064.5(4) clearly states that the building "does not need to be listed" on any register to be found significant under CEQA, recently completed studies and surveys on the Westside have acknowledged the value of these cottages;
- The Planning Commission was not given any information on the environmental review of the project and was not advised that this project is a de facto demolition. The California Appellate Court has directed in *League for the Protection of Oakland and Historical Resources v. City of Oakland* that demolition of historic resources requires the City to prepare an Environmental Impact Report. The City Attorney failed to explain how Appellate Court decision, *Architectural Heritage Association v. County of Monterey*, 122 Cal. App. 4th 1095, changed the CEQA Guidelines to clearly state that a building more than 50 years of age need not be listed on a local, state, or federal register to qualify as CEQA significant. In this "Monterey Jail" case, the Court also directed that an EIR needs to be prepared when demolition of a CEQA significant building is proposed;

There is a significant public controversy over disputed facts and differences of professional opinion on the historical importance of 2462 27th Avenue. Section 15064(4) of the CEQA Guidelines requires the City to prepare a mitigated negative declaration or an Environmental Impact Report (EIR) on the proposed demolition of 2462 27th Avenue and the adverse effects of the proposed project. A fair argument can be made to support 2462 27th Avenue as historically significant:

- The House at 2462 27th Avenue can be fairly argued as an excellent example of affordable housing in the 1920s; these small, affordable houses were part of a national home ownership movement called the Better Homes Movement;
- This Parkside Bungalow cottage contributes to our understanding of the 1922-1924

Better Homes Movement that began on the national promotion of the 100th anniversary of songwriter John Howard Payne's song "Home Sweet Home." Thus, the small house was "Home Sweet Home" for millions of Americans under this Movement. Without this national support, many would not have been able to afford a new home so soon after WWI and this cottage was built by a WWI veteran;

Visual Impacts of the Project Should be Reviewed

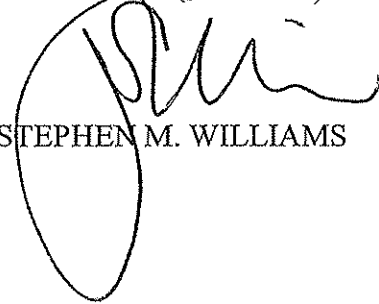
At the Planning Commission several of the Commissioner and the Zoning Administrator himself noted that this building will be the only one for blocks around that has a full third floor. Some pop-up rooms exist here and there, but no full build out of the top floor. In fact, the Zoning Administrator indicated that a "3-dimensional" study would be appropriate, but was not done by the builder. CEQA cites as appropriate the review of any project that may degrade the visual surroundings or which would impact the character and visual aspect of a site or neighborhood. In this instance, a review of the visual impacts of the project is appropriate.

Possible Impacts of Size

This proposed building will be by far the largest in the surrounding neighborhood. It is appropriate under CEQA to review the size and the impact on this 80 year neighborhood of this project. It will be by far the largest new addition to the neighborhood since its original construction in the late teens and early nineteen twenties. The Department does not pay much attention to such impacts on the Sunset and Richmond neighborhoods, but CEQA demands a review of potential visual and environmental disruption.

Appellants respectfully request that the Board of Supervisors reject the Department's determination of a categorical exemption and require an extended environmental review of the proposed project including an in-depth analysis of the potential demolition of historic resources at the site.

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

Why 2462 27th Ave. is a significant historical resource.

Under criterion 3: "It embodies the distinctive characteristic of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values;"

With the exception of a scattered handful of buildings by earlier settlers, the Parkside cottages were the first 62 houses built in the Parkside. 60 of the Parkside cottages have had garages added. One no longer exists. As there were six facades of the Parkside cottage from which to choose there may also have been Parkside cottage floor plans with small variations in each from which to choose. An examination of the G.H. Umbse "Suggestions for Parkside cottages" floor plan and the floor plan for 2462 27th Avenue shows an unmistakable match. 2462 27th Avenue was built in 1924 from the plans for a historic Parkside cottage.

As Richard Brandi and Woody LaBounty found, "Nearly every Parkside cottage has been extensively and, for the most part, unsympathetically, remodeled." Many of the facades have been heavily altered. Similar to the other Parkside cottages, 2462 27th Avenue has a garage, has a facade which only slightly resembles a Parkside cottage facade, has had a rear bedroom added after initial construction, and has had its kitchen updated. Yet structurally its interior floor plan retains the Parkside cottage plan. Most of the houses on this block do not have this floor plan.

This house is a historic resource for the first group of houses built in the Parkside. It embodies the distinctive characteristics of the Parkside cottage, the period 1908 to the early 1920s, and the Parkside District of San Francisco.

1) Richard Brandt and Woody LaBounty, San Francisco's Parkside District: 1905-1957, pp. 25-28, 51.

Under criterion 4: "It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation."

All of the prehistory and much of the history for this location has not been recorded and archived. The proposed project will necessitate excavating into the ground of the current backyard and current garage to lay a sewage line for the proposed new ground floor full bathroom. The project will dig into the rear of the property on a not insignificant 25 ft. wide by 22 ft. length to build the foundation necessary to support the heavy weight of a three story building. Planning Commissioner H. Sugaya has said that this space is as large as his condo. A proposed 15 feet 10 inch length rear deck supported on posts and rear staircase will require additional digging for their foundations.

In the Environmental Evaluation Application received Aug. 19, 2009 by the Planning Department MEA Division, the permit holder has certified that the project totals are:

Residential 4,240 sf

Total GSF 4,240 sf

The above 4,240 sf figures are wrong. As shown in our appellant's reply dated March 19, 2007, exhibit A3, the final plans under Building Data show that the correct project totals are:

Residential 4,485.5 sf

Total GSF 4,485.5 sf



**SAN FRANCISCO
PLANNING DEPARTMENT**

Date received:
RECEIVED

AUG 19 2009

Environmental Evaluation Application CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Kienker. For all other projects, please send the application materials to the attention of Mr. Bollinger.

Brett Bollinger
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9024, brett.bollinger@sfgov.org

Leigh Kienker
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9036, leigh.kienker@sfgov.org

PART 1 – EE APPLICATION CHECKLIST	Provided	Not Applicable
Two copies of this application with all blanks filled in	<input checked="" type="checkbox"/>	
Two sets of project drawings (see "Additional Information" at the end of page 4,)	<input checked="" type="checkbox"/>	
Photos of the project site and its immediate vicinity, with viewpoints labeled	<input checked="" type="checkbox"/>	See HRE
Fee	<input checked="" type="checkbox"/>	
<i>Supplemental Information Form for Historical Resource Evaluation</i> and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tree Disclosure Statement</i> , as indicated in Part 3 Question 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional studies (list) N/A	<input type="checkbox"/>	<input type="checkbox"/>

Applicant's Affidavit. I certify the accuracy of the following declarations:

- The undersigned is the owner or authorized agent of the owner(s) of this property.
- The information presented is true and correct to the best of my knowledge.
- I understand that other applications and information may be required.

Signed (owner or agent): *John Honey*

Date: 8/19/09

(For Staff Use Only) Case No. 2009.0797E

Address: 2462 27th Ave

Block/Lot: 2599/020

Narrative project description. Please summarize and describe the purpose of the project.

The project proposes a one-story vertical addition and a rear horizontal addition and interior remodeling in accordance with the attached plans.

PART 4 – PROJECT SUMMARY TABLE

If you are not sure of the eventual size of the project, provide the maximum estimates.

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	2,148 sf	2,148 sf	2,092 sf	4,240 sf
Retail	0	0	0	0
Office	0	0	0	0
Industrial	0	0	0	0
Parking	0	0	0	0
Other (specify use)	0	0	0	0
Total GSF	2,148 sf	2,148 sf	2,092 sf	4,240 sf
Dwelling units	1	1	0	1
Hotel rooms	0	0	0	0
Parking spaces	1	1	0	1
Loading spaces	0	0	0	0
Number of buildings	1	1	0	1
Height of building(s)	20 feet	20 feet	9 feet 6 inches	29 feet 6 inches
Number of stories	1 story over garage	1 story over garage	1 story	2 stories over garage

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
 CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

CLASS 1 (e)
[Signature] 11/16/09



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>Perry Chia</u>	Address of Project: <u>2462 27th Avenue</u>
Neighborhood Organization: <u>SPEAK</u>	Planning Case No: <u>2009.0797E</u>
Applicant's Address: <u>2471 26th Ave. SF CA 94116</u>	Building Permit No: <u>1110513</u>
Applicant's Daytime Phone No: <u>(415) 731-9231</u>	Date of Decision:
Applicant's Email Address:	

DCP STAFF USE ONLY	
<input type="checkbox"/> Appellant authorization	Planner's Name: _____
<input type="checkbox"/> Current organization registration	Date: _____
<input type="checkbox"/> Minimum organization age	Planner's Signature: _____
<input type="checkbox"/> Project impact on organization	
<input checked="" type="checkbox"/> WAIVER APPROVED <input type="checkbox"/> WAIVER DENIED	

SPEAK SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE
1329 7th Avenue, San Francisco, CA 94122-2507 (415)976-4816

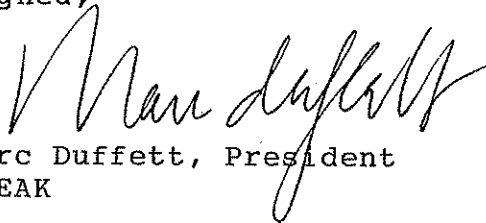
January 29, 2010

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

RE: Appeal to the Board of Supervisors of the Categorical
Exemption from Environmental Review, Issued to 2462
27th Avenue on 11/16/2009, Planning Department Case
No. 2009.0797E.

At the request of the neighbors surrounding the proposed
project at 2462 27th Avenue, SPEAK, the Sunset Parkside
Education and Action Committee, authorizes one of our
members, Mr. Perry Chia, to file with the San Francisco
Board of Supervisors an appeal of the categorical exemption
from environmental review, issued on 11/16/2009, which is
Planning Department case no. 2009.0797E.

Signed,



Marc Duffett, President
SPEAK



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 MAR 11 PM 3:21

MEMO

BY le

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

APPEAL OF CATEGORICAL EXEMPTION

2462 27th Avenue

DATE: March 10, 2010
TO: President David Chiu, and Members of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer – (415) 558-9048
Michael Smith, Case Planner – Planning Department (415) 558.6322
RE: File No. 10-0151, Planning Case No. 2009.0797E
Appeal of Categorical Exemption for 2462 27th Avenue
HEARING DATE: March 16, 2010
ATTACHMENTS: A – Certificate of Exemption from Environmental Review
B – Project drawings and plans
D – Photo of subject building
E – Diagrams of Parkside Cottages
F – BOS Motion M07-82, File No. 07-0966

PROJECT SPONSOR: Brett Gladstone on behalf of Peter and Delly Wong

APPELLANT: Stephen Williams on behalf of Sunset Parkside Education & Action Committee (SPEAK)

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption Certificate under the California Environmental Quality Act ("CEQA Determination") for a project at 2462 27th Avenue (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption Certificate for 2462 27th Avenue on November 16, 2009, finding that the proposed project will not have a adverse impact to a historic resource.¹

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a

¹ California Code of Regulations, Title 14, Section 15301(e)(2): Class 1 Exemption.

categorical exemption and return the project to the Department staff for additional environmental review.

SITE DESCRIPTION & PRESENT USE:

2462 27th Avenue is located mid-block on the east side of the avenue, between Taraval and Ulloa Streets. The subject property is in a residential neighborhood that is characterized by one-story over garage, single-family dwellings constructed primarily in the 1920's and 1930's. The subject lot measures approximately 25' wide and 120' deep, with a 20-foot tall, two-story, single-family building, consisting of a two-bedroom and one-bath residence in approximately 1,173 square-feet of habitable area on the lot. The building's ground floor is undeveloped. County Assessor's records indicate that the subject building was constructed in 1924. There is a legislated front set-back on the street face of approximately 12' deep.

The subject building is not included in the 1968 Here Today Historic Resources Survey, nor was it included in the 1976 San Francisco Architectural Survey. The subject property is not a designated San Francisco Landmark nor located within a designated local historic district pursuant to Article 10, nor is it listed nor has it been determined eligible for listing on the National or California State register.

PROJECT DESCRIPTION:

The proposed project for 2462 27th Avenue is to construct a horizontal addition at the rear of the building and a one-story vertical (rooftop) addition that is set back 11-feet from the front building wall (see Attachment B). The height of the building would increase from 20' to 29'-6" and the rear yard would be reduced to 44-feet. The project includes developing habitable space at the ground floor. In total, the project would add approximately 1,800 square-feet to the existing building.

BACKGROUND:

2005 Building Permit Filed

The project sponsor submitted a building permit to perform the above-mentioned work in October of 2005. Department staff reviewed the application and, pursuant to Section 311 of the Planning Code, a 30-day *Notice of Building Permit Application* was mailed to neighbors within a 150' radius of the project, as well as posted on the site, on December 6, 2005. At this time the Department determined the project Categorical Exempt from environmental review.

Discretionary Review Filed

On January 6, 2006, an application for Discretionary Review ("DR") was filed by Denis McCarthy, owner and resident of the property located at 2455 26th Avenue, a lot behind the subject property. On October 5, 2006, the Planning Commission conducted a DR hearing to consider the request. Issues raised by the DR filer McCarthy focused on the height and depth of the proposed addition, its compatibility with the surrounding neighborhood, and its impact to the block's existing mid-block open space.

At the Commission hearing, a number of neighbors on 26th Avenue voiced opposition to the project because they were concerned about the precedence of a vertical (rooftop) addition on the street below them. A motion to take DR with a Notice of Special Restrictions ("NSR") to restrict the use of the building to a single-family dwelling and to require a 15' setback from the front building wall at the top floor of the proposed addition failed (+3-2). Due to the failure of a vote on the DR, the project was approved as proposed.

On November 27, 2006, the Department approved the Building Permit Application.

2007 Appeals

On February 15, 2007 the Appellant appealed the issuance of the building permit that was subject to the DR hearing to the Board of Appeals.

On May 15, 2007, the Appellant appealed the Department's environmental determination to the Board of Supervisors (the Board of Appeals hearing was continued until the CEQA issues were determined). At the June 26, 2007 CEQA appeal hearing the Board voted to disapprove the categorical exemption that was issued by the Planning Department. The project was sent back to the Department to undergo additional CEQA evaluation.

Specifically, the Board, in Motion 07-82, found that there was evidence presented that 2462 27th Avenue may contribute to a historic district in the area consisting of 1920's houses. They requested that the Department

"...review the questions [raised in the motion and hearing] and other information in the whole record that raise concerns about the possibility that the project may have a significant environmental effect, and at the conclusion of that review, undertake such additional environmental review as is required and appropriate under the California Environmental Quality Act."

2007-2010 Review

In August, 2009, the project sponsor submitted a Historic Resource Evaluation Report that was prepared by Carey & Company, which evaluated the building as a possible historic resource. The Department, using this report plus additional information submitted and the information in the record from the Board hearing, issued a new Categorical Exemption Certificate on November 16, 2009, finding that 2462 27th Avenue was not a historic resource because it is not individually eligible and there was no historic district in the neighborhood. The building is not listed on any State or local registers or surveys, nor has it been declared eligible for any State or local historical registers. Similarly, there is no historic district in the area which is listed on any registers or surveys. The Carey & Company Report further analyzed the historic value of the building, individually and as part of a potential historic district, and concluded that the building does not otherwise qualify as a historic resource under CEQA. Because the building is not considered a historical resource for purposes of CEQA, the Planning Department was not required to consider whether there was an adverse impact to a historic resource.

The Carey & Company Historic Resource Evaluation Report is attached to project sponsor's submittal as Exhibit D.

CEQA GUIDELINES:

Section 21084 of the California Public Resources Code² requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333,³ do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15301(e)(2) (Existing Facilities), or Class 1, provides an exemption from environmental review for an additions to an existing structure provided that the addition will not result in an increase of more than 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. The area in which the project is located is not environmentally sensitive. CEQA Guidelines Section 15300.2(f) does not allow a categorical exemption to be used for a project that may cause a substantial adverse change in the significance of a historic resource. Accordingly, the Department evaluated whether the building here would be considered a historic resource. If it is considered a historic resource, the Department would be required to consider whether the Project would result in a substantial adverse change to the building's significance as a historic resource.

With regard to historic resource review under CEQA, the first step in the evaluation process is to determine whether there is a historic resource present. Public Resources Code Section 21084.1 (Historical Resources) and CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts on Historical and Unique Archaeological Resources) detail what qualifies as a historic resource under the Act.

The second step (if necessary) in the CEQA review process is to determine whether the action or project proposed would cause a "substantial adverse change" to the historic resource. Section 15064.5 CEQA defines a substantial adverse change as one may have a significant effect on the environment.

"Substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource or of its immediate surroundings such that the significance of the historical resource would be materially impaired."⁴

² 21084: Guidelines shall list classes of projects exempt from this Act.

³ California Code of Regulations, Title 14, Chapter 3.

⁴ *Ibid.* 15064.5(b)(1): Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

Department Analysis of 2462 27th Avenue

After reviewing the report submitted by Carey & Company, additional material in the record, and based on the direction given by the Board of Supervisors, the Department determined that 2462 27th Avenue is not an individual historic resource, and that there is no potential historic district in the neighborhood. 2462 27th Avenue is not eligible for the California Register of Historical Resources, either individually or as part of a potential historic district. As detailed in Attachment A, the Department found that the building does not qualify for any one of the four criteria under the California Register of Historical Resources. Further, while the broader neighborhood was developed in the 1920's, the immediate neighborhood was found not to be a potential historic district under the California Register because the area does not have a specific association with the evolution of the Parkside neighborhood. There is substantial evidence in the record to support these conclusions, both in the Carey & Company Report and the Department's analysis.

Because the building was found not to qualify as a historic resource under CEQA, there was no need to determine whether the proposed Project would result in a substantial adverse change to the significance of a historic resource.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the February 3, 2010 Appeal Letter are cited in a summary below and are followed by the Department's responses.

Issue #1: "The project proposes to add more than 2000 square feet of new living space to the existing building. The front façade of the building will be completely redesigned and the window and door configuration will also be completely rebuilt."

Response #1: These statements misrepresent the nature of the project. The project will add approximately 1,800 square-feet of habitable area to the building with a portion of the square-footage located within the currently undeveloped ground floor of the building. The building's front façade, and window and door configuration will not be altered. This misunderstanding of the project forms the basis for the appellant's erroneous argument that the project is a de facto demolition.

Issue #2: "A preliminary survey of the buildings in the neighborhood, given their age and vintage, leads to the conclusion that this building and the neighboring buildings must be considered potential historic resources and are worthy of further consideration of further consideration from the Department as a group and as a potential historic district."

Response #2: The appellant asserts that the Department did not consider whether a historic district is present. To the contrary, the Department specifically considered this issue with thorough research and analysis by historic preservation experts. Based upon a brief visual analysis the Appellant concludes that the neighborhood is located within a historic district. The Appellant does not provide any information supporting these conclusions, nor for the methodology in analyzing the neighborhood as a historic district. In addition, this conclusion is inconsistent with the findings in the hand written attachment (author unknown) that cites the book *San Francisco's Parkside District* by Richard Brandi and Woody LaBounty and concludes that the building is an individual resource that is eligible for the California Register under Criterion C (Architecture) because it is a Parkside Cottage that represents the earliest development of the

Parkside neighborhood. (This erroneous conclusion about the building's individual characterization as a Parkside Cottage is discussed below in Response #5.)

The Appellant cites a "fair argument" based upon disputed facts and differences of professional opinion as a basis for his appeal. However, the Appellant misstates the standard of review for the determination of whether a building is a historic resource for purposes of CEQA. The California Court clearly rejected the "fair argument" standard for the question of determining whether a building is a historic resource. In *Valley Advocates et al. v. City of Fresno* (2008), 160 Cal. App. 4th 1039, the Court concluded that the "substantial evidence" rule applied to a local agency's determination of whether a building is a historic resource under CEQA.

Moreover, the hand written note submitted by Appellants does not arrive at the conclusion that the building is within a historic district. Appellant does not provide any factual/background information to support the argument that the building is within a historic or that it is an individual resource. Lastly, the author of the hand written portion of Mr. Williams appeal is unknown and there are no credentials or qualifications provided about the author.

In contrast, the 2008 Carey & Company Report did a more thorough survey of the two-block radius of the neighborhood surrounding the property. The survey area is bounded by Santiago Street to the south, Vicente Street to the north, 26th Avenue to the east, and 28th Avenue to the west. Carey & Co. concluded that the neighborhood surrounding 2462 27th Avenue does not appear to be a potential historic district. Although there is general uniformity in the scale, design, and materials of the buildings surveyed, the blocks lack any definable or distinctive characteristics that would differentiate them from the many other similar blocks within the Parkside neighborhood. Furthermore, the buildings lack material and design integrity which is a crucial element given the relatively simple and uniform plan, massing, and construction materials of these homes. The survey also found that the stucco Mediterranean homes that define these blocks are interrupted by buildings from other eras which impact their integrity as a District.

In determining the significance of environmental effects caused by a project, Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines Section 15604(f)(5) offers the following guidance:

"Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

The Appellant has not offered credible, expert opinion supported by specific facts relevant to the determination of whether this building is a historic resource under CEQA.

Issue #3: "The subject building and the surrounding buildings clearly meet the criteria set up by the City for an in depth review of properties for the potential to be considered at least a potential "historic resource under CEQA. These buildings are ALL older than 80 years and are associated with persons of historic significance on the local level."

Response #3: The Appellant makes no acknowledgment of the analysis of whether a potential district is present as discussed on pages 17 and 18 of the Carey & Co. Report. As stated above, the Carey & Co. Report analyzed the neighborhood within a two block radius of the subject property and determined that there was no potential historic district present.

The Appellant is correct in stating that most if not all of the surrounding buildings are 80 years of age or older. However, Appellants' statement that the buildings are "associated with persons of historic significance at the local level" provides no specific examples or information to support this statement. The Carey & Co. Report, using the CEQA Guidelines, came to the conclusion that no persons of historic significance were associated with 2462 27th Avenue.

Issue #4: "The Planning Commission was not given any information on the environmental review of the project and was not advised that this project is a de facto demolition."

Response #4: Staff did a thorough review of the plans against the demolition criteria contained in Section 317 (Loss of Dwelling Units through Merger, Conversion, and Demolition) of the Code. This Code Section provides detailed guidelines of what qualifies as a "de facto demolition" and concluded that the project does not meet the definition.

Attachment B shows that the front of the building is not being altered as the Appellant suggests. The roof, rear façade, and a few of the interior walls would be removed. The building fabric that composes the street façade of the building would remain intact. (NOTE that the Appellant raised the same concern at the Discretionary Review hearing but the Planning Commission and the Zoning Administrator disagreed with this claim.)

Issue #5: "Although the Department conducted a brief environmental review based on the developer's application, it simply came to the wrong conclusion and failed to recognize the building for what it is, one of the original "Parkside cottages" and as such, the building was not evaluated in its context within the surrounding community."

Response #5: Unequivocally, the subject building is not a "Parkside Cottage." Attachment E shows typical styles of Parkside Cottages. 2462 27th Avenue is not a Parkside Cottage; in fact, it is designed in the Marina style, featuring the garage and building entrance on the ground floor and a row of windows in a bowed bay on the upper floor. Carey & Co. came to the same conclusion as the Department – that 2462 27th Avenue is not a Parkside Cottage as claimed by the Appellant. (See Carey & Company Report, the Department's analysis and the attached Parkside Cottage plans and elevations).

The Appellant attached a hand written letter, author unknown, which asserts that 2462 27th Avenue is a Parkside cottage and therefore is a historic resource. This letter does not provide any support or methodology for this conclusion, nor does Appellant provide any information about the qualifications of the author. This hand written letter does not provide any substantive or new information regarding the style of the building.

Issue #6: "There is a significant public controversy over disputed facts and differences of professional opinion on the historical importance of 2462 27th Avenue. Section 15064(4) of the CEQA Guidelines requires the City to prepare a mitigated negative declaration or an Environmental Impact Report (EIR) on the demolition of 2462 27th Avenue and the adverse

effects of the proposed project. A fair argument can be made to support 2462 27th Avenue as historically significant.”

Response #6: As discussed above, the issue of whether 2462 27th Avenue is a historic resource should be decided based on the substantial evidence test. Since the building is not listed on any registers or surveys and has not been determined eligible for the California Register, the Department evaluated whether the building might otherwise qualify as a historic resource under CEQA. This evaluation was thoroughly completed, and concluded that there is no historic resource here, either individually or as a historic district. That conclusion is supported by substantial evidence in the record. The relevant standard for *whether there is a historic resource* is the substantial evidence test, as the Court concluded in Valley Advocates.

CONCLUSION

The Department, based on the Board of Supervisors Motion 07-82, conducted an in-depth and thorough analysis of 2462 27th Avenue under the CEQA Guidelines. The Department found that the building is not a historic resource either individually or as a part of a potential historic district in the area. The Appellant has misunderstood the scope of the project and has not provided any substantial evidence to refute the conclusion of the Department.

For the reasons stated above and in the November 16, 2009 Certificate of Determination, the CEQA Determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore recommends that the Board uphold the Determination of Exemption/Exclusion from Environmental Review and deny the appeal of the CEQA Determination.



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED

Date received:
AUG 19 2009

Environmental Evaluation Application CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Kienker. For all other projects, please send the application materials to the attention of Mr. Bollinger.

Brett Bollinger
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9024, brett.bollinger@sfgov.org

Leigh Kienker
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9036, leigh.kienker@sfgov.org

PART 1 - EE APPLICATION CHECKLIST	Provided	Not Applicable
Two copies of this application with all blanks filled in	<input checked="" type="checkbox"/>	
Two sets of project drawings (see "Additional Information" at the end of page 4,)	<input checked="" type="checkbox"/>	
Photos of the project site and its immediate vicinity, with viewpoints labeled	<input checked="" type="checkbox"/>	See HRE
Fee	<input checked="" type="checkbox"/>	
<i>Supplemental Information Form for Historical Resource Evaluation</i> and/or <i>Historic Resource Evaluation Report</i> , as indicated in Part 3 Questions 1 and 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tree Disclosure Statement</i> , as indicated in Part 3 Question 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional studies (list) N/A	<input type="checkbox"/>	<input type="checkbox"/>

Applicant's Affidavit. I certify the accuracy of the following declarations:

- a. The undersigned is the owner or authorized agent of the owner(s) of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. I understand that other applications and information may be required.

Signed (owner or agent): *Justin Blum*

Date: 8/9/09

(For Staff Use Only) Case No. 2009.0797E

Address: 2462 27th Ave

Block/Lot: 2399 / 026

PART 2 – PROJECT INFORMATION

Property Owner	Peter Cheong Wong and Delly Chiu wong Revocable Trust dated February 15, 1994	Telephone No.	(415) 228-1877
Address	2462 - 27th Avenue San Francisco, CA 94116	Fax No.	
Project Contact	M. Brett Gladstone	Telephone No.	(415) 420-5718
Company	Gladstone & Associates	Fax No.	(415) 394-5188
Address	177 Post Street San Francisco, CA 94108	Email	Brett@GladstoneAssociates.com

Site Address(es):	2462 - 27 th Avenue		
Nearest Cross Street(s)	Taraval and Ulloa Streets		
Block(s)/Lot(s)	2399 / 026	Zoning District(s)	RH-1
Site Square Footage	3,000sf	Height/Bulk District	40-X
Present or previous site use	Residential		
Community Plan Area (if any)	None		

<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> Change of use	<input type="checkbox"/> Zoning change	<input type="checkbox"/> New construction
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Demolition	<input type="checkbox"/> Lot split/subdivision or lot line adjustment	
<input type="checkbox"/> Other (describe)		Estimated Cost	\$346,000
Describe proposed use	Residential		

Narrative project description. Please summarize and describe the purpose of the project.
The project proposes a one-story vertical addition and a rear horizontal addition and interior remodeling in accordance with the attached plans.

PART 3 – ADDITIONAL PROJECT INFORMATION		Yes	No
1.	Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district? If yes, submit a <i>Supplemental Information Form for Historical Resource Evaluation</i> . Instructions on how to fill out the form are outlined in the <i>San Francisco Preservation Bulletin No. 16</i> (see pages 28-34 in Appendix B).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district? If yes, a Historic Resource Evaluation Report (HREER)* will be required. The scope of the HREER will be determined in consultation with the Department's Preservation Coordinator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3a.	Would the project result in excavation or soil disturbance/modification greater than 10 feet below grade? If yes, how many feet below grade would be excavated? <u> N/A </u> What type of foundation would be used (if known)? <u> N/A </u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3b.	Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more? If yes to either Question 3a or 3b, please submit a Geotechnical Report.*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Would the project involve expansion of an existing building envelope, or new construction, or grading, or new curb cuts, or demolition? If yes, please submit a <i>Tree Disclosure Statement</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Would the project result in ground disturbance of 5,000 gross square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Would the project result in any construction over 40 feet in height? If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center, 1660 Mission Street, First Floor.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Would the project result in a construction of a structure 80 feet or higher? If yes, an initial review by a wind expert, including a recommendation as to whether a Wind Analysis* is needed, may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks? If yes, please submit a Phase I Environmental Site Assessment (ESA).* A Phase II ESA (for example, soil testing) may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Is the project related to a larger project, series of projects, or program? If yes, please describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.	Is the project in a Community Plan Area? If yes, please identify the area (for example, Market/Octavia). _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

PART 4 - PROJECT SUMMARY TABLE				
If you are not sure of the eventual size of the project, provide the maximum estimates.				
Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	2,148 sf	2,148 sf	2,092 sf	4,240 sf
Retail	0	0	0	0
Office	0	0	0	0
Industrial	0	0	0	0
Parking	0	0	0	0
Other (specify use)	0	0	0	0
Total GSF	2,148 sf	2,148 sf	2,092 sf	4,240 sf
Dwelling units	1	1	0	1
Hotel rooms	0	0	0	0
Parking spaces	1	1	0	1
Loading spaces	0	0	0	0
Number of buildings	1	1	0	1
Height of building(s)	20 feet	20 feet	9 feet 6 inches	29 feet 6 inches
Number of stories	1 story over garage	1 story over garage	1 story	2 stories over garage
Please describe any additional project features that are not included in this table:				
<p>Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.</p>				

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
 CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

CLASS (e)
 [Signature] 11/16/09

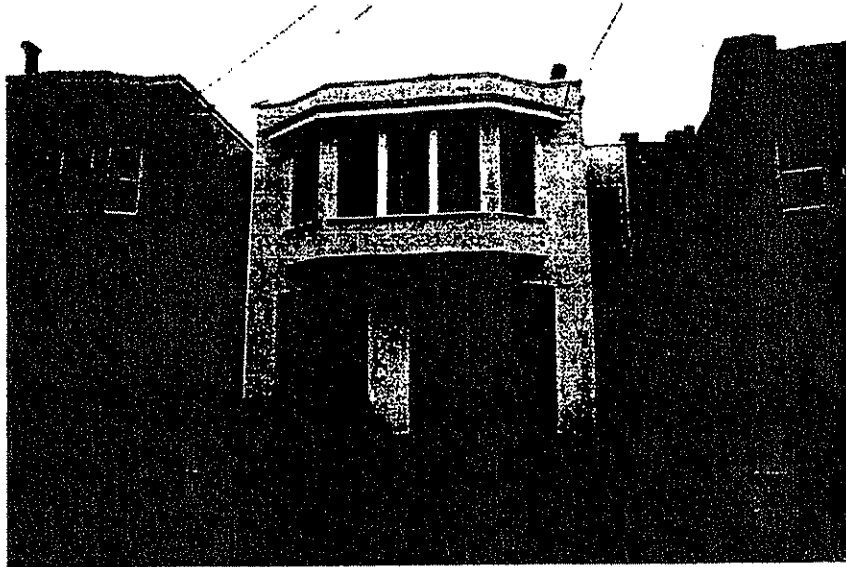


Fig. 1: View east toward the façade
(Carey & Co., August 15, 2008)

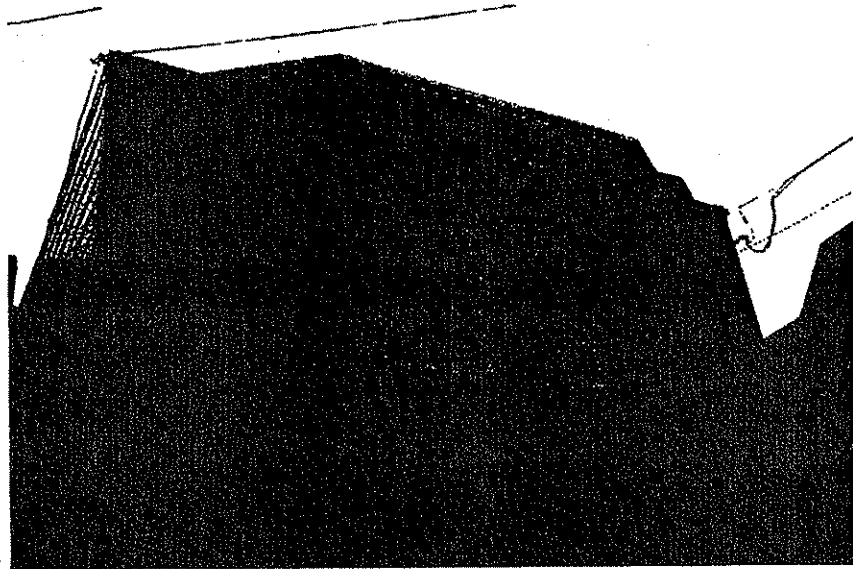


Fig. 2: Detail of the façade's bay window
(Carey & Co., August 15, 2008)



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

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

MEA Planner: Brett Bollinger
Project Address: 2462 27th Avenue
Block/Lot: 2399/026
Case No.: 2009.0797E
Date of Review: October 23, 2009
Planning Dept. Reviewer: Michael Smith
(415) 558-6322 | michael.e.smith@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROPOSED PROJECT Demolition Alteration

PROJECT DESCRIPTION

The proposal is to construct a one-story vertical addition, a rear horizontal addition, and development of the ground floor.

PRE-EXISTING HISTORIC RATING / SURVEY

Assessor's records and archival permit records both indicate that 2462 27th Avenue was constructed in 1924. The property is not included on any local historic surveys, and is not included on the National or the California Registers. Because the building is older than fifty years of age it is a "Category B" building for the purposes of CEQA review by the Planning Department.

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The parcel is located on the east side of the street between Taraval and Ulloa Streets in the Parkside neighborhood. The immediate context is predominantly one-story over garage single-family dwellings of similar height with flat roofs and stucco cladding. The buildings' dates of construction range from 1910 to 1960. Architectural continuity in the neighborhood is mixed though most of the buildings are 1920's row houses with Mediterranean Revival detailing.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. (This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)

Event: or Yes No Unable to determine
Persons: or Yes No Unable to determine
Architecture: or Yes No Unable to determine
Information Potential: Further investigation recommended.

District or Context: Yes, may contribute to a potential district or significant context

If Yes; Period of significance:

Notes: 2462 27th Avenue is a wood framed one-story over garage single-family dwelling that is clad in stucco and has a flat roof. The façade features a recessed porch and a slanted bay window with a cornice at the upper floor. The bay window features five metal-sash sliding windows. The façade steps back 11-feet on the south side and features a secondary pedestrian entrance at the ground floor and a metal-sash sliding window at the upper floor. The building's secondary facades are clad in wood siding. There is a second floor addition supported by posts at the rear of the building. Below is an analysis of the building's historic significance per the California Register criteria.

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

Archival research yielded no information that would indicate that 2462 27th Avenue is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. In general, the subject building is associated with the rapid development of the Parkside neighborhood during the 1920's. As such, the house is one of hundreds of similar structures constructed during this stage of development. The building does not have a specific association with the evolution of the neighborhood as required by the guidelines. Therefore, the property does not meet the criteria for listing on the California Register under Criterion 1.

Criterion 2: It is associated with the lives of persons important in our local, regional, or national past;

In 1924, Arnoldi Seibel applied for a permit to construct 2462 27th Avenue. Mr. Seibel was German immigrant who served in World War I but did not achieve any significance while doing so, and participation in the war alone does not make a person significant under this criteria. Mr. Seibel held many local jobs while living at the subject property. His wife was a bookkeeper. Neither the Seibel's nor any of the subsequent owners of the property were important in our local, regional, or national past, therefore, the property does not meet the criteria for listing on the California Register under Criterion 2.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

2462 27th Avenue is similar in appearance to many buildings in the neighborhood of the same vintage; therefore, it is likely that its design was taken from a similar pattern book. The buildings from the pattern book do not represent the work of a master or possess high artistic values. Furthermore, the house is not associated with a prominent developer. 2462 27th Avenue is not architecturally distinctive from the many other houses that populate the Parkside neighborhood thus it does not meet the criteria for listing on the California Register under Criterion 3.

Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;

An archeological analysis of the site was not performed because the project does not involve extensive excavation of the site.

Although the immediate neighborhood is associated with the 1920's building boom of the Parkside and it has a definable character it does not in any way appear to be distinguishable from many other blocks in the Parkside neighborhood. Due to the similarity of building types and their predominance within the Parkside neighborhood, a potential district must possess specific significant associations that contextually unite the buildings. The subject block does not appear to meet this requirement as it no direct association with events that have come to define the Parkside neighborhood. The immediate neighborhood does not appear to meet the requirements of a potential historic district.

Based on the criteria for eligibility for the California Register, 2462 27th Avenue does not appear to be eligible for inclusion on the California Register individually or as a contributor to a potential historic district.

-
2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location: Retains Lacks
Association: Retains Lacks
Design: Retains Lacks
Workmanship: Retains Lacks

Setting: Retains Lacks
Feeling: Retains Lacks
Materials: Retains Lacks

Notes: The subject building is not eligible for the California register, therefore an investigation into the subject building's integrity was not conducted.

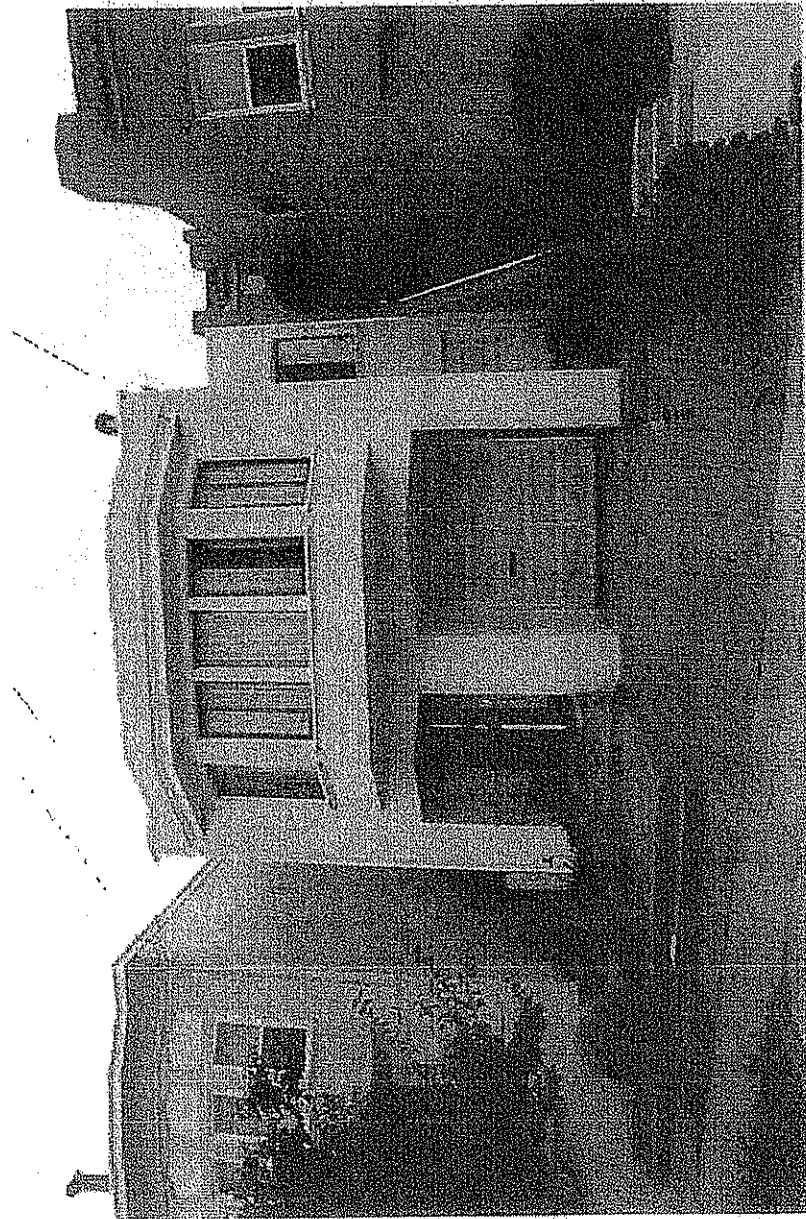
-
3. **Determination** Whether the property is an "historical resource" for purposes of CEQA

No Resource Present (Go to 6. below)

Historical Resource Present (Continue to 4.)

-
4. If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

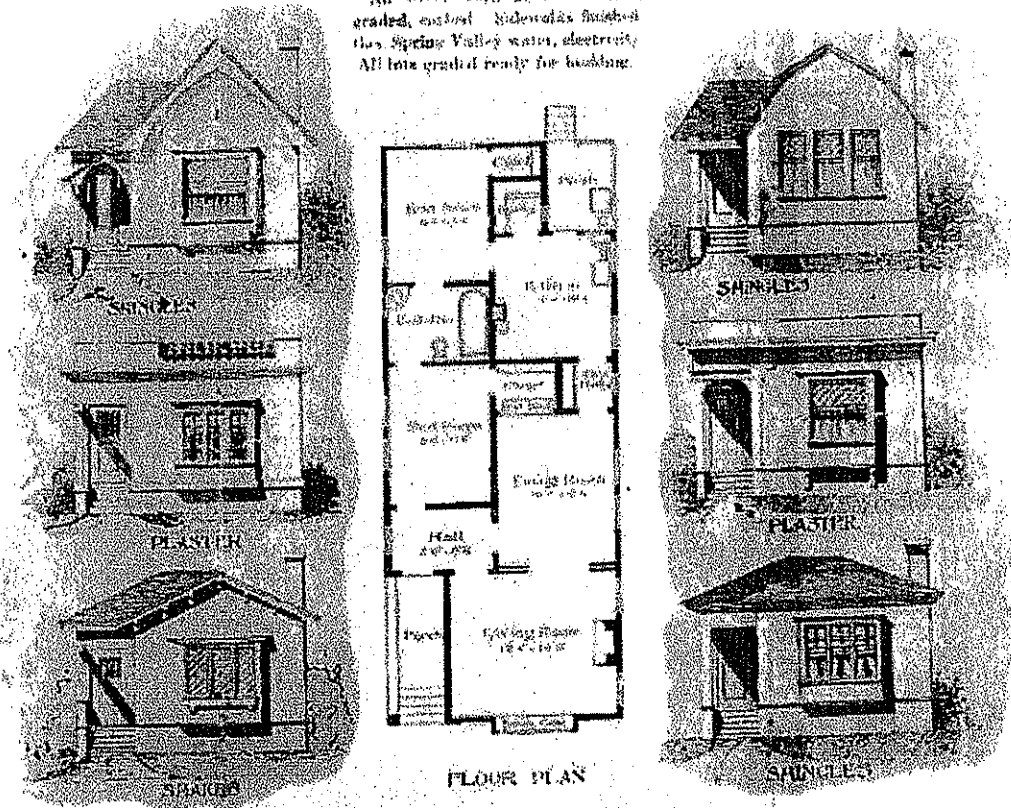
The project appears to meet the Secretary of the Interior's Standards. (Go to 6. below)
Optional: See attached explanation of how the project meets standards.



SUBJECT PROPERTY
2462 27TH AVENUE

PARKSIDE DISTRICT IMPROVEMENT CLUB (PDIC) SCRAPBOOKS

All street work done. Sewered,
graded, and paved. Sidewalks finished
with Spring Valley water, electricity.
All lots graded ready for building.



Suggestions for Parkside cottages—plans will be furnished free to buyers of lots

Elevations and plan for Parkside cottages. PDIC Scrapbook,
Vol. 1. History Center, San Francisco Public Library.

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[Adopting findings related to disapproving the categorical exemption issued for 2462 27th Avenue.]

Motion adopting findings related to disapproving the determination by the Planning Department that the 2462 27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to add a third-floor and rear extension to a single family home at 2462 27th Avenue (the "Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around November 27, 2006 (the "determination"). By letter to the Clerk of the Board of Supervisors dated May 15, 2007, Stephen M. Williams filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 15, 2007.

On June 26, 2007, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing disapproved the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal. Following the conclusion of the public hearing, the Board disapproved the Planning Department's categorical exemption determination for 2462 27th Avenue based on the written record before the Board as well as all of the testimony at the public hearing in support of and opposed to the appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No. 070696 and is incorporated herein as though set forth in its entirety.

1 In regard to said decision, this Board made certain findings specifying the basis for its
2 decision to disapprove the Planning Department's approval of the determination for 2462 27th
3 Avenue based on the whole record before the Board including the written record in File No.
4 070694, which is hereby declared to be a part of this motion as if set forth fully herein; the
5 written submissions to and official written records of the Planning Department determination
6 related to the 2462 27th Avenue project; the official written and oral testimony at and audio
7 and video records of the public hearing in support of and opposed to the appeal and
8 deliberation of the oral and written testimony at the public hearing before the Board of
9 Supervisors by all parties and the public in support of and opposed to the appeal of the
10 categorical exemption.

11 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
12 County of San Francisco finds that questions have been raised by the public testimony and
13 records before it as to whether the project qualifies for a categorical exemption under CEQA
14 Guidelines Section 15301 (Class 1) because the project may cause a substantial adverse
15 change to the significance of a historical resource and, therefore, in accordance with CEQA
16 Guidelines Sections 15300.2 (f) not qualify for a categorical exemption.

17 FURTHER MOVED, That the Board of Supervisors finds that the evidence presented
18 to it raises questions about whether the building proposed to be altered by the project may
19 contribute to a historic district consisting of a series of intact 1920's houses on the east side of
20 the 27th Avenue block in which the project is located and that a historic resource context
21 statement for the Parkside District that would assist in resolving whether the project may
22 contribute to a historic district has not yet been prepared.

23 FURTHER MOVED, That if the series of 1920's houses on the east side of 27th
24 Avenue, of which this building forms a part are found to be of historic significance, the
25 alteration proposed to the building would need to be re-evaluated to determine whether the

1 project as proposed may result in a significant adverse impact to an historic resource or
2 historic resources.

3 FURTHER MOVED, That the Board of Supervisors directs the Planning Department, in
4 light of the questions that remain about whether the project may affect an historic resource or
5 historic resources as set forth above in these findings and the whole record, to review the
6 questions identified in these findings and other information in the whole record that raise
7 concerns about the possibility that the project may have a significant environmental effect,
8 and at the conclusion of that review, undertake such additional environmental review as is
9 required and appropriate under the California Environmental Quality Act.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 070966

Date Passed: July 10, 2007

Motion adopting findings related to disapproving the determination by the Planning Department that the 2462 27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

June 28, 2007 Board of Supervisors — REFERRED: Board of Supervisors

July 10, 2007 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Elsbernd

Excused: 1 - Jew

File No. 070966

I hereby certify that the foregoing Motion
was APPROVED on July 10, 2007 by the
Board of Supervisors of the City and County
of San Francisco.

A handwritten signature in cursive script, appearing to read "Angela Calvillo", is written over a horizontal line.

Angela Calvillo
Clerk of the Board



DENNIS J. HERRERA
City Attorney

KATE HERRMANN STACY
Deputy City Attorney

Direct Dial: (415) 554-4617
Email: kate.stacy@sfgov.org

MEMORANDUM

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 FEB - 8 AM 10:37
BY AK

File 100151

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Kate H. Stacy
Deputy City Attorney

DATE: February 8, 2010

RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 2462 - 27th Avenue

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by Stephen Williams on behalf of Sunset Parkside Education and Action Committee ("SPEAK"), received by the Clerk's Office on February 3, 2010, of the Planning Department's determination that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposal would add a third floor and rear extension to the existing family home located at 2462 - 27th Avenue. The Appellant provided a copy of the exemption determination-issued by the Planning Department on November 16, 2009.

We are advised that the building permit was originally approved on November 27, 2006 and a categorical exemption dated January 16, 2007 for the project was appealed to the Board of Supervisors on May 15, 2007. On June 26, 2007, the Board of Supervisors held a public hearing to consider the appeal. The Board disapproved the categorical exemption determination and found that additional information regarding potential impacts on historical resources should be provided. The Board directed the Planning Department to evaluate whether the project may affect a historic resource or historic resources, to review the questions identified in the Board's findings in Board of Supervisors Motion 07-82 and other information in the record that raised concerns about the possibility that the project may have a significant environmental effect, and at the conclusion of that review, undertake such additional environmental review as is required and appropriate under the California Environmental Quality Act.

The Planning Department conducted an analysis of the historic resource issues and on November 16, 2009 determined that the project was exempt from environmental review under CEQA as a Class 1(e) categorical exemption. An appeal of the original building permit is pending at the Board of Appeals, which had been continued to the call of the chair pending completion of the original environmental review. That hearing is scheduled for February 10, 2010. The project is not finally approved because the Board of Appeals has not yet concluded a hearing on the building permit, and the appeal is timely.

Please let us know if we may be of further assistance.

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: February 8, 2010
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 2462 – 27th Avenue

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Cheryl Adams, Deputy City Attorney
John Rahaim, Director, Planning Department
Larry Badiner, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Elaine Forbes, Chief Administrative Officer, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Michael Smith, Planning Department