

ZACKS, FREEDMAN & PATTERSON

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BOARD OF SUPERVISORS
2020 FEB - 7 P 4: 15
RECEIVED BY - *[Signature]*

February 7, 2020

VIA HAND DELIVERY

President Norman Yee
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Appeal of CEQA Categorical Exemption Determination
Planning Case No. 2017-014666ENV
743 Vermont Street, San Francisco

Dear President Yee and Honorable Members of the Board of Supervisors:

This office represents the appellant Meg McKnight, the adjacent neighbor to the south of the proposed project at 743 Vermont Street, San Francisco (Planning Case No. Case No. 2017-0214666ENV, the "Project"). The Project involves a horizontal and vertical addition to the existing house at 743 Vermont Street (the "Subject Property"). The Appellant opposes the above-captioned Project, inter alia, on the grounds that the Planning Department's certification of a categorical exemption for the Project violates the California Environmental Quality Act ("CEQA"). The Appellant submitted written and oral comments about the Project to the Planning Commission during its public notification period.

On September 19, 2018, the Planning Department issued a categorical exemption for the Project (the "2018 CatEx," attached hereto as **Exhibit A**). The 2018 CatEx was approved by the Planning Commission on February 14, 2019. The Appellant filed a timely appeal of the 2018 CatEx, but this appeal was not held because the 2018 CatEx was rescinded on April 8, 2019, on the basis that "new information was presented requiring a revision to the plans and scope of work of the 201710272504 building permit for the proposed 743 Vermont Street project." (A copy of the Planning Department's memorandum rescinding the 2018 CatEx is attached hereto as **Exhibit B**.)

To wit, the Appellant provided evidence that there is an unauthorized dwelling unit ("UDU") on the ground floor of the Property, which is not disclosed in the Project plans or description. Approval of the Project would result in the unit's unauthorized merger and

destruction. The Planning Department and DBI investigated this issue and determined a bathroom and three rooms had been constructed at the ground floor without a building permit or Planning Department approval. The Project sponsor filed a permit application to legalize these rooms (BPA No. 201904037052).

On September 5, 2019, the Planning Department issued a new categorical exemption for the Project (the "2019 CatEx," attached hereto as **Exhibit C**). The Planning Commission's CEQA approval action was taken at its January 9, 2020 hearing. (Administrative Code § 31.04(h)(1)(A).) A copy of the Planning Commission's approval action (Discretionary Review Action DRA-0676) is attached hereto as **Exhibit D**.

The central purpose of CEQA is to ensure that all potential environmental impacts of a project are disclosed and analyzed. For this to occur, a correct and complete description of a project, including the baseline conditions, is of utmost importance. An "accurate, stable and finite project description is the sine qua non of an informative and legally sufficient" CEQA document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) By contrast, an "unstable project description draws a red herring across the path of public input." (*Id.* at pp. 197-198.)

If a project sponsor fails to disclose the full extent of a project, or if there is no stable project description, it is impossible for the public to assess its impacts. Here, the Project should not have received a categorical exemption because the Project description is unstable, incomplete, and inaccurate. According to the 2019 CatEx, the Project description is as follows:

The project entails the following: demolition of the rear portion of the dwelling beginning approximately 25 feet from the front of the building; demolition of the existing gable roof beginning approximately 16 feet from the front of the building; and construction of a new addition to extend to the rear footprint 4'-11" to the east and within 1'-0" to the north (the proposed addition would be the same for both the second and third floors). The proposed project includes a remodeled kitchen and bedroom on the second floor, and a new master bedroom and remodeled bath on the third floor. There would be a new deck off the master bedroom to the north. The existing interior winder stairway would be removed and replaced with a new stairway with landing. The extent of the addition/remodel would have a flat roof approximately 6 inches above the existing ridgeline.

In addition, **the project includes the legalization of existing bathroom and 3 storage rooms at the 1st level (garage) to comply with NOV #201928061.**

(Emphasis added.)

This description is inconsistent with how the Project was subsequently described by City staff. The Planning Commission staff report (attached hereto as **Exhibit E**) noted:

The issue of the potential unauthorized dwelling unit was raised in the [February 14, 2019] hearing, and no change to it was being proposed. **The project sponsor is seeking to legalize the UDU.**

(Emphasis added.)

Similarly, prior to the Planning Commission hearing the Planning Department confirmed that the 2018 CatEx “was rescinded and a new one was reissued to include additional scope of work that included **legalization of an unauthorized dwelling.**” (Email attached hereto as **Exhibit F**; emphasis added.) At the Planning Commission hearing on January 9, 2020, the Planning Department representative announced that “the project sponsor is seeking to **legalize this unauthorized dwelling unit.**” (See hearing tape at www.sfgovtv.org; emphasis added.) That is, the Planning Department acknowledged that a UDU exists at the Property, and that the Project sponsor is legalizing it.

However, the Planning Commission’s approval decision makes *no reference* to the existence or legalization of a UDU at the Property. The Project description is therefore uncertain, unstable, and inaccurate.

In reality, according to the Planning Department’s own materials, there *is* a UDU at the Property that is not disclosed in the Project plans or description. Approval of the Project would result in this unit being illegally removed without Conditional Use authorization, as required by San Francisco Planning Code § 317. The “storage rooms” and full bathroom (including tub) on the ground floor are a UDU. (Planning Code § 317(b)(13).) This space was designed to be used as a separate and distinct living space, and it has been used for this purpose. The “storage rooms” are also independent from the other residential unit at the Property. The “storage rooms” include at least one, if not more, finished internal living spaces, with a standard size window at the front of the property that is finished with decorative trim and molding inside the living space. There is no internal access to this space from the upper levels of the Property.

The Project description is inaccurate because it does not disclose the existence of the unauthorized dwelling unit. To the contrary, the application describes the Property as a single family home. If the Project proceeds and a CFC is issued, this will result in the unit’s

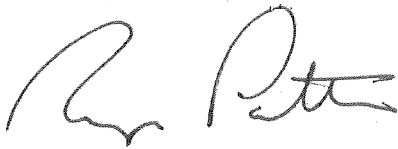
President Norman Yee
February 7, 2020
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unauthorized merger and destruction. This Project and the 2019 CatEx cannot be approved without a stable and accurate Project description.

The Appellant reserves the right to submit additional written and oral comments, bases, and evidence in support of this appeal to the City up to and including the final hearing on this appeal and any and all subsequent permitting proceedings or approvals for the Project. Appellant requests that this letter and exhibits be placed in and incorporated into the administrative record for Case No. 2017-0214666ENV. A copy of this letter of appeal will be concurrently submitted to the Environmental Review Officer

The Appellant respectfully requests that the Board of Supervisors revoke the categorical exemption and require further environmental review pursuant to CEQA.

Very truly yours,
ZACKS, FREEDMAN & PATTERSON, PC



Ryan J. Patterson
Attorney for Meg McKnight

cc: Lisa Gibson, Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
lisa.gibson@sfgov.org

Encl.

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|--|--|--|
| Project Address | | Block/Lot(s) |
| 743 VERMONT ST | | 4074021 |
| Case No. | | Permit No. |
| 2017-014666ENV | | |
| <input checked="" type="checkbox"/> Addition/ Alteration | <input checked="" type="checkbox"/> Demolition (requires HRE for Category B Building) | <input type="checkbox"/> New Construction |
| <p>Project description for Planning Department approval. emolition of the rear portion of the dwelling beginning approx. 25 feet from the front face of the building. Demolition of the existing gable roof beginning approx. 16 feet from the front face of the building. Construction of anew addition which will extend to the rear footprint 4'-11" to the east and to withing 1'-0" to the north. This will be the same for both the second and third floors. The addition and remodel will include a remodeled kitchen, and bedroom on the second floor and new master bedroom and remodeled bath on the third floor. There will be a new deck off the master bedroom to the north. The existing interior winder stairway will be removed and replaced with a new stairway with landing. The extent of the addition/remodel will have a flat roof approx 6 inches above the existing ridgeline.</p> | | |

STEP 1: EXEMPTION CLASS

| | |
|--|---|
| *Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.* | |
| <input checked="" type="checkbox"/> | Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft. |
| <input type="checkbox"/> | Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU. |
| <input type="checkbox"/> | <p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p> |
| <input type="checkbox"/> | Class _____ |

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

| | |
|---|---|
| <input type="checkbox"/> | Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone) |
| <input type="checkbox"/> | Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i> |
| <input type="checkbox"/> | Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? |
| <input type="checkbox"/> | Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area) |
| <input type="checkbox"/> | Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) |
| <input type="checkbox"/> | Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required. |
| <p>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</p> | |
| <p>Comments and Planner Signature (optional): Laura Lynch</p> <p>Per letter dated May 9th, 2018, the project anticipates using continuous spread footings and would not excavate 50 cubic yards of soil disturbance.</p> | |

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

| | |
|---|--|
| PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map) | |
| <input type="checkbox"/> | Category A: Known Historical Resource. GO TO STEP 5. |
| <input checked="" type="checkbox"/> | Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. |
| <input type="checkbox"/> | Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. |

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

| | |
|--|--|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Change of use and new construction. Tenant improvements not included. |
| <input type="checkbox"/> | 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. |
| <input type="checkbox"/> | 3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations. |
| <input type="checkbox"/> | 4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| <input type="checkbox"/> | 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> . |
| <input type="checkbox"/> | 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. |
| Note: Project Planner must check box below before proceeding. | |
| <input checked="" type="checkbox"/> | Project is not listed. GO TO STEP 5. |
| <input type="checkbox"/> | Project does not conform to the scopes of work. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves four or more work descriptions. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves less than four work descriptions. GO TO STEP 6. |

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

| | |
|--------------------------------------|--|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. |
| <input type="checkbox"/> | 2. Interior alterations to publicly accessible spaces. |
| <input type="checkbox"/> | 3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character. |
| <input type="checkbox"/> | 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |

| | |
|--|---|
| <input type="checkbox"/> | 7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> . |
| <input type="checkbox"/> | 8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): |
| <input type="checkbox"/> | 9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) |
| <input checked="" type="checkbox"/> | 10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C a. Per HRER dated (attach HRER) b. Other (specify): Per PTR form signed on 9/19/2018 |
| Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below. | |
| <input type="checkbox"/> | Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6. |
| <input checked="" type="checkbox"/> | Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6. |
| Comments (optional): | |
| Preservation Planner Signature: Stephanie Cisneros | |

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

| | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> | Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>. | |
| <input checked="" type="checkbox"/> | No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect. | |
| | Project Approval Action: Building Permit <small>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small> | Signature: Stephanie Cisneros 09/20/2018 |
| | <small>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</small> | |

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|--|------------------------------|---|
| Project Address (If different than front page) | | Block/Lot(s) (If different than front page) |
| 743 VERMONT ST | | 4074/021 |
| Case No. | Previous Building Permit No. | New Building Permit No. |
| 2017-014666PRJ | | |
| Plans Dated | Previous Approval Action | New Approval Action |
| | Building Permit | |
| Modified Project Description: | | |

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

| | |
|---|--|
| Compared to the approved project, would the modified project: | |
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |
| If at least one of the above boxes is checked, further environmental review is required. | |

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

| | |
|--|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
| If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. | |
| Planner Name: | Signature or Stamp: |
| | |



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

| | | | |
|--|--|--------------------------------|-----------|
| Preservation Team Meeting Date: | | Date of Form Completion | 9/18/2018 |
|--|--|--------------------------------|-----------|

| PROJECT INFORMATION: | | |
|----------------------|---------------------------|----------------|
| Planner: | Address: | |
| Stephanie Cisneros | 743 Vermont Street | |
| Block/Lot: | Cross Streets: | |
| 4074/021 | 19th Street & 20th Street | |
| CEQA Category: | Art. 10/11: | BPA/Case No.: |
| B | N/A | 2017-014666ENV |

| PURPOSE OF REVIEW: | | | PROJECT DESCRIPTION: | |
|---------------------------------------|-------------------------------------|---------------------------------------|---|---|
| <input checked="" type="radio"/> CEQA | <input type="radio"/> Article 10/11 | <input type="radio"/> Preliminary/PIC | <input checked="" type="radio"/> Alteration | <input type="radio"/> Demo/New Construction |

| | |
|------------------------------------|-----------|
| DATE OF PLANS UNDER REVIEW: | 8/23/2017 |
|------------------------------------|-----------|

| PROJECT ISSUES: | |
|--|--|
| <input checked="" type="checkbox"/> | Is the subject Property an eligible historic resource? |
| <input type="checkbox"/> | If so, are the proposed changes a significant impact? |
| Additional Notes: | |
| <p>Submitted: Supplemental Information for Historic Resource Determination prepared by Tim Kelley Consulting (dated May 2018).</p> <p>Proposed Project: Demo rear portion of dwelling beginning approx. 25 ft from front of building and (e) gable roof beginning approx. 16 ft from front of building. Construct (n) addition to extend rear. Will be same for both 2nd and 3rd floors. New deck off master bedroom. Addition/remodel will have flat roof approx 6 in. above (e) ridgeline.</p> | |

| PRESERVATION TEAM REVIEW: | | | | |
|---|---|---|---|------------------------------------|
| Category: | | <input type="radio"/> A | <input type="radio"/> B | <input checked="" type="radio"/> C |
| Individual | | Historic District/Context | | |
| Property is individually eligible for inclusion in a California Register under one or more of the following Criteria: | | Property is in an eligible California Register Historic District/Context under one or more of the following Criteria: | | |
| Criterion 1 - Event: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 1 - Event: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Criterion 2 -Persons: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 2 -Persons: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Criterion 3 - Architecture: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 3 - Architecture: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Criterion 4 - Info. Potential: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 4 - Info. Potential: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Period of Significance: | <input type="text"/> | Period of Significance: | <input type="text"/> | |
| | | <input type="radio"/> Contributor <input type="radio"/> Non-Contributor | | |

| | | | |
|---|--------------------------------------|-------------------------------------|--------------------------------------|
| Complies with the Secretary's Standards/Art 10/Art 11: | <input type="radio"/> Yes | <input type="radio"/> No | <input checked="" type="radio"/> N/A |
| CEQA Material Impairment to the individual historic resource: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| CEQA Material Impairment to the historic district: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Requires Design Revisions: | <input type="radio"/> Yes | <input type="radio"/> No | |
| Defer to Residential Design Team: | <input checked="" type="radio"/> Yes | <input type="radio"/> No | |

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information for Historic Resource Determination (dated May 2018) and information found in the Planning Department files, the subject property at 743 Vermont Street contains a one and one-half-story-over-basement, wood-frame, single-family residence constructed in 1907 (source: Spring Valley Water Tap Record). The style of the residence is best described as a stripped down, late Queen Anne. Two years after initial construction of the residence, two identical angled bays were added to the front facade (source: permit). Other permitted exterior alterations to the residence include: replacing the concrete steps and repairing the wood siding and door sill (1988) and an in-kind repair of the bottom half of the existing front wooden steps (2011). Additionally, all windows on the primary facade appear to have been replaced. The property was originally owned and developed by the Real Estate and Development Company, who also owned the entire east side of the street. The residence was sold to James Maloney, a paver, in 1911 and remained owned and occupied by the Maloney family until 1985.

No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject building is a nondescript example of a stripped down, late Queen Anne style residence with minimal decoration. While the building is in good repair, it is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. Based upon review of information in the Department's records, the subject building is not significant under Criterion 4 since this criterion typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type. Assessment of archeological sensitivity is undertaken through the Department's Preliminary Archeological Review process and is outside the scope of this review.

The subject property is not located adjacent to any known historic resources (Category A properties) or within the boundaries of any identified historic district. The subject property is located in the Potrero Hill neighborhood on a block that exhibits a variety of architectural styles and construction dates ranging from 1900 to 2001. Additionally, although the subject property is one of a row of three similarly designed residences, together they do not warrant a high level of architectural design to be considered significant. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.

Therefore, the subject property is not eligible for listing in the California Register under any Criteria individually or as part of a historic district.

| | |
|--|-------|
| Signature of a Senior Preservation Planner / Preservation Coordinator: | Date: |
| Allison K. Vanderslice <small>Digitally signed by Allison K. Vanderslice DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Allison K. Vanderslice, email=Allison.Vanderslice@sfgov.org Date: 2018.09.19 18:53:16 -0700</small> | |

EXHIBIT B



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: April 08, 2019
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Devyani Jain, Deputy Environmental Review Officer
RE: CEQA Exemption Rescinded – 743 Vermont Street, Planning Department Case No. 2017-014666ENV

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

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415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

On March 15, 2019, Ryan Patterson of Zacks, Freedman & Patterson on behalf of Meg McKnight filed an appeal with the Office of the Clerk of the Board of Supervisors of the categorical exemption determination for 743 Vermont Street project.

CEQA Exemption Rescinded: New information was presented requiring a revision to the plans and scope of work of the 201710272504 building permit for the proposed 743 Vermont Street project. The Planning Department is rescinding its original CEQA determination of Categorical Exemption clearance for the 743 Vermont Street project (2017-014666ENV). Therefore, the CEQA appeal for the categorical exemption determination for the 743 Vermont Street project is nullified.

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

BOARD OF SUPERVISORS
2020 FEB -7 P 4: 15
RECEIVED BY - [Signature]

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|--|--|--|
| Project Address | | Block/Lot(s) |
| 743 VERMONT ST | | 4074021 |
| Case No. | | Permit No. |
| 2017-014666ENV | | 201710272504 |
| <input checked="" type="checkbox"/> Addition/ Alteration | <input checked="" type="checkbox"/> Demolition (requires HRE for Category B Building) | <input type="checkbox"/> New Construction |
| <p>Project description for Planning Department approval.</p> <p>The project entails the following: demolition of the rear portion of the dwelling beginning approximately 25 feet from the front of the building; demolition of the existing gable roof beginning approximately 16 feet from the front of the building; and construction of a new addition to extend to the rear footprint 4'-11" to the east and within 1'-0" to the north (the proposed addition would be the same for both the second and third floors). The proposed project includes a remodeled kitchen and bedroom on the second floor, and a new master bedroom and remodeled bath on the third floor. There would be a new deck off the master bedroom to the north. The existing interior winder stairway would be removed and replaced with a new stairway with landing. The extent of the addition/remodel would have a flat roof approximately 6 inches above the existing ridge line.</p> <p>In addition, the project includes the legalization of existing bathroom and 3 storage rooms at the 1st level (garage) to comply with NOV #201928061.</p> | | |

STEP 1: EXEMPTION CLASS

| | |
|---|---|
| The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA). | |
| <input checked="" type="checkbox"/> | Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft. |
| <input type="checkbox"/> | Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU. |
| <input type="checkbox"/> | <p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p> |
| <input type="checkbox"/> | Class _____ |

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

| | |
|---|--|
| <input type="checkbox"/> | <p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p> |
| <input type="checkbox"/> | <p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p> |
| <input type="checkbox"/> | <p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p> |
| <input type="checkbox"/> | <p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p> |
| <input type="checkbox"/> | <p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p> |
| <input type="checkbox"/> | <p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p> |
| <input type="checkbox"/> | <p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p> |
| <input type="checkbox"/> | <p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p> |
| <p>Comments and Planner Signature (optional): Don Lewis</p> <p>Per letter dated May 9th, 2018, the project anticipates using continuous spread footings and would not excavate 50 cubic yards of soil disturbance.</p> <p>The project site is underlain by serpentine bedrock. The measures required in compliance with the Construction Dust Control Ordinance would protect the workers and public from fugitive dust that may also contain asbestos. The project sponsor would be required to comply with the Construction Dust Control Ordinance, which would ensure that significant exposure to naturally occurring chrysotile asbestos (NOA) would not occur.</p> | |

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

| | |
|--|--|
| PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>) | |
| <input type="checkbox"/> | Category A: Known Historical Resource. GO TO STEP 5. |
| <input checked="" type="checkbox"/> | Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. |
| <input type="checkbox"/> | Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. |

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

| | |
|--|--|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Change of use and new construction. Tenant improvements not included. |
| <input type="checkbox"/> | 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. |
| <input type="checkbox"/> | 3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations. |
| <input type="checkbox"/> | 4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| <input type="checkbox"/> | 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> . |
| <input type="checkbox"/> | 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. |
| Note: Project Planner must check box below before proceeding. | |
| <input checked="" type="checkbox"/> | Project is not listed. GO TO STEP 5. |
| <input type="checkbox"/> | Project does not conform to the scopes of work. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves four or more work descriptions. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves less than four work descriptions. GO TO STEP 6. |

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

| | |
|---|--|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. |
| <input type="checkbox"/> | 2. Interior alterations to publicly accessible spaces. |
| <input type="checkbox"/> | 3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character. |
| <input type="checkbox"/> | 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |

| | |
|---|---|
| <input type="checkbox"/> | 7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> . |
| <input type="checkbox"/> | 8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): |
| <input type="checkbox"/> | 9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) |
| <input checked="" type="checkbox"/> | 10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): Per PTR form signed on 9/19/2018 <input checked="" type="checkbox"/> Reclassify to Category C (attach HRER or PTR) |
| Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below. | |
| <input checked="" type="checkbox"/> | Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6. |
| Comments (optional): | |
| Preservation Planner Signature: Stephanie Cisneros | |

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> | No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect. | |
| | Project Approval Action: Planning Commission Hearing | Signature: Stephanie Cisneros |
| | If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project. | 09/05/2019 |
| Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals. | | |

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

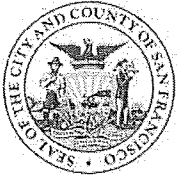
| | | |
|--|------------------------------|---|
| Project Address (If different than front page) | | Block/Lot(s) (If different than front page) |
| 743 VERMONT ST | | 4074/021 |
| Case No. | Previous Building Permit No. | New Building Permit No. |
| 2017-014666PRJ | 201710272504 | |
| Plans Dated | Previous Approval Action | New Approval Action |
| | Planning Commission Hearing | |
| Modified Project Description: | | |

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

| | |
|---|--|
| Compared to the approved project, would the modified project: | |
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |
| If at least one of the above boxes is checked, further environmental review is required. | |

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

| | |
|--|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
| If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination. | |
| Planner Name: | Date: |
| | |



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

| | | | |
|--|--|--------------------------------|-----------|
| Preservation Team Meeting Date: | | Date of Form Completion | 9/18/2018 |
|--|--|--------------------------------|-----------|

| PROJECT INFORMATION: | | |
|----------------------|---------------------------|----------------|
| Planner: | Address: | |
| Stephanie Cisneros | 743 Vermont Street | |
| Block/Lot: | Cross Streets: | |
| 4074/021 | 19th Street & 20th Street | |
| CEQA Category: | Art. 10/11: | BPA/Case No.: |
| B | N/A | 2017-014666ENV |

| PURPOSE OF REVIEW: | | | PROJECT DESCRIPTION: | |
|---------------------------------------|-------------------------------------|---------------------------------------|---|---|
| <input checked="" type="radio"/> CEQA | <input type="radio"/> Article 10/11 | <input type="radio"/> Preliminary/PIC | <input checked="" type="radio"/> Alteration | <input type="radio"/> Demo/New Construction |

| | |
|------------------------------------|-----------|
| DATE OF PLANS UNDER REVIEW: | 8/23/2017 |
|------------------------------------|-----------|

| PROJECT ISSUES: |
|---|
| <input checked="" type="checkbox"/> Is the subject Property an eligible historic resource? |
| <input type="checkbox"/> If so, are the proposed changes a significant impact? |
| Additional Notes: |
| Submitted: Supplemental Information for Historic Resource Determination prepared by Tim Kelley Consulting (dated May 2018). Proposed Project: Demo rear portion of dwelling beginning approx. 25 ft from front of building and (e) gable roof beginning approx. 16 ft from front of building. Construct (n) addition to extend rear. Will be same for both 2nd and 3rd floors. New deck off master bedroom. Addition/remodel will have flat roof approx 6 in. above (e) ridgeline. |

| PRESERVATION TEAM REVIEW: | |
|---|---|
| Category: | <input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C |
| Individual | Historic District/Context |
| Property is individually eligible for inclusion in a California Register under one or more of the following Criteria: | Property is in an eligible California Register Historic District/Context under one or more of the following Criteria: |
| Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Period of Significance: <input type="text"/> | Period of Significance: <input type="text"/> |
| | <input type="radio"/> Contributor <input type="radio"/> Non-Contributor |

| | | | |
|---|--------------------------------------|-------------------------------------|--------------------------------------|
| Complies with the Secretary's Standards/Art 10/Art 11: | <input type="radio"/> Yes | <input type="radio"/> No | <input checked="" type="radio"/> N/A |
| CEQA Material Impairment to the individual historic resource: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| CEQA Material Impairment to the historic district: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Requires Design Revisions: | <input type="radio"/> Yes | <input type="radio"/> No | |
| Defer to Residential Design Team: | <input checked="" type="radio"/> Yes | <input type="radio"/> No | |

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information for Historic Resource Determination (dated May 2018) and information found in the Planning Department files, the subject property at 743 Vermont Street contains a one and one-half-story-over-basement, wood-frame, single-family residence constructed in 1907 (source: Spring Valley Water Tap Record). The style of the residence is best described as a stripped down, late Queen Anne. Two years after initial construction of the residence, two identical angled bays were added to the front facade (source: permit). Other permitted exterior alterations to the residence include: replacing the concrete steps and repairing the wood siding and door sill (1988) and an in-kind repair of the bottom half of the existing front wooden steps (2011). Additionally, all windows on the primary facade appear to have been replaced. The property was originally owned and developed by the Real Estate and Development Company, who also owned the entire east side of the street. The residence was sold to James Maloney, a paver, in 1911 and remained owned and occupied by the Maloney family until 1985.

No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject building is a nondescript example of a stripped down, late Queen Anne style residence with minimal decoration. While the building is in good repair, it is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. Based upon review of information in the Department's records, the subject building is not significant under Criterion 4 since this criterion typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type. Assessment of archeological sensitivity is undertaken through the Department's Preliminary Archeological Review process and is outside the scope of this review.

The subject property is not located adjacent to any known historic resources (Category A properties) or within the boundaries of any identified historic district. The subject property is located in the Potrero Hill neighborhood on a block that exhibits a variety of architectural styles and construction dates ranging from 1900 to 2001. Additionally, although the subject property is one of a row of three similarly designed residences, together they do not warrant a high level of architectural design to be considered significant. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.

Therefore, the subject property is not eligible for listing in the California Register under any Criteria individually or as part of a historic district.

| | |
|---|-------|
| Signature of a Senior Preservation Planner / Preservation Coordinator: | Date: |
| Allison K. Vanderslice <small>Digitally signed by Allison K. Vanderslice DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Allison K. Vanderslice, email=Allison.Vanderslice@sfgov.org Date: 2018.09.19 18:53:16 -0700</small> | |

EXHIBIT D



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0676

HEARING DATE: JANUARY 9, 2020

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record No.: 2017-014666DRP
Project Address: 743 Vermont Street
Building Permit: 2017.1027.2504
Zoning: RH-2 (Residential, House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 4074/021
Project Sponsor: Simon Yip
The Pollard Group
12 Gough Street
San Francisco, CA 94102

DR Requestor: Meg McKnight, c/o Ryan Patterson,
753 Vermont Street
San Francisco, CA 94110

Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2017-014666DRP AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2017.1027.2504 PROPOSING CONSTRUCTION OF A TWO-STORY HORIZONTAL ADDITION TO AN EXISTING 3-STORY, AND BUILDING PERMIT APPLICATION NO 2019.0403.7052 TO LEGALIZE THE UNAUTHORIZED DWELLING UNIT AT A ONE-FAMILY RESIDENCE AT 743 VERMONT STREET WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 27, 2017, William Walters filed for Building Permit Application No. 2017.1027.2504 proposing construction of a two-story horizontal addition to an existing 3-story, one-family residence at 144 Peralta Avenue within the RH-2 (residential, house, two-family) zoning district and a 40-X height and bulk district.

On November 15, 2018 Meg McKnight (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2017-014666DRP) of Building Permit Application No. 2017.1027.2504 and 2019.0403.7052.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

On January 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2017-014666DRP.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

ACTION

The Commission hereby does not take Discretionary Review requested in Record No. 2017-014666DRP and approves Building Permit Applications 2017.1027.2504 and 2019.0403.7052.

The reasons that the Commission took the action described above include:

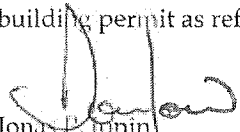
1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms with the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the Project per plans, dated July 10, 2019, on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (415) 415-575-6880, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as referenced in this action memo on January 9, 2020.



Jonathan P. Tonin

Commission Secretary

AYES: Diamond, Fong, Johnson, Koppel, Moore

NAYS: None

ABSENT: Melgar, Richards

ADOPTED: January 9, 2020

EXHIBIT E



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: JANUARY 9, 2020

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: December 20, 2019
Case No.: 2017-014666DRP
Project Address: 743 Vermont Street
Permit Application: 2017.1027.2504
Zoning: RH-2 [Residential House, Two-Family]
 40-X Height and Bulk District
Block/Lot: 4074/021
Project Sponsor: Simon Yip
 The Pollard Group
 12 Gough Street
 San Francisco, CA 94102
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: **Do not take DR and Approve**

PROJECT DESCRIPTION

The project consists of a 2- story horizontal addition to the rear and side to an existing 3-story single-family house that adds a total of 331 square feet.

SITE DESCRIPTION AND PRESENT USE

The site is a 25' x 100' up sloping lot with an existing 3-story, 2,366 s.f. one-family house built in 1907.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Vermont has a consistent building scale at the front of 3-story wood and stucco clad houses - some set back from the street to accommodate raised stair entries. The mid-block open space likewise has a fairly consistent alignment of buildings at the rear yard that use side setbacks to mitigate the "boxing in" of neighboring buildings.

BUILDING PERMIT NOTIFICATION

| TYPE | REQUIRED PERIOD | NOTIFICATION DATES | DR FILE DATE | DR HEARING DATE | FILING TO HEARING TIME |
|------------|-----------------|--------------------------------------|--------------|-----------------|------------------------|
| 311 Notice | 30 days | October 16, 2018 – November 15, 2018 | 11.15. 2018 | 2.14.2019 | 93 days |

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|---------------|-----------------|----------------------|--------------------|---------------|
| Posted Notice | 20 days | January 25, 2019 | January 25, 2019 | 20 days |
| Mailed Notice | 20 days | January 25, 2019 | January 25, 2019 | 20 days |
| Online Notice | 20 days | January 25, 2019 | January 25, 2019 | 20 days |

PUBLIC COMMENT

| | SUPPORT | OPPOSED | NO POSITION |
|--|---------|---------|-------------|
| Adjacent neighbor(s) | 0 | 0 | 0 |
| Other neighbors on the block or directly across the street | 0 | 0 | 0 |
| Neighborhood groups | 0 | 0 | 0 |

DR REQUESTOR

Meg McKnight, c/o Ryan Patterson, of 753 Vermont St, the adjacent neighbor to the South of the proposed project.

DR REQUESTOR CONCERNS AND PROPOSED ALTERNATIVES

1. Inappropriate building scale at the mid-block open space.
2. Loss of Light and Privacy.

Proposed alternative: Deny the permit.

See attached *Discretionary Review Applications*, dated November 15, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Team (RDAT) guidelines enumerated below, in relation to building massing at the rear to address issues related to scale, light and privacy.

See attached *Response to Discretionary Review*, dated December 6, 2018.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

1. The proposed 2-story horizontal addition into the existing side yard to the North is against the neighboring building's side wall and is sculpted to reduce the mass at the upper level.
2. The proposed 2-story horizontal addition to the rear extends 5'-6" further to the rear and is set back 5' from both side lots lines to preserve light, privacy, and visual access to the mid-block open space.
3. The location and size of the small deck at the North side lot was not seen to pose a privacy impact.

This project was heard by the Commission on February 14, 2019 as a Discretionary Review and approved by a vote of 6-0. There only material changes to the project have been the removal of the side deck off the master bedroom. The issue of the potential unauthorized dwelling unit was raised in the hearing, and no change to it was being proposed. The project sponsor is seeking to legalize the UDU.

| |
|--|
| RECOMMENDATION: Do not take DR and approve |
|--|

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination (revised and reissued)
DR Application
Response to DR Application dated December 6, 2018
Reduced Plans

EXHIBIT F

Ryan Patterson

From: Winslow, David (CPC) <david.winslow@sfgov.org>
Sent: Tuesday, December 03, 2019 5:44 PM
To: Ryan Patterson
Subject: 743 Vermont - 2017-014666DRP Planning Commission hearing date

Dear DR Applicant,

The original CatEx for this project was rescinded and a new one was reissued to include additional scope of work that included legalization of an unauthorized dwelling. Therefore, the Discretionary Review for the Building Permit Application #2017.1027.2504 will be re-heard. The date for the **Planning Commission hearing** has been set for **1.9.2020**. Public notification will be sent 20 days prior to the hearing date.

Thank you.

David Winslow
Principal Architect
Design Review | Citywide and Current Planning
San Francisco Planning Department
1650 Mission Street, Suite 400 | San Francisco, California, 94103
T: (415) 575-9159

February 5, 2020

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a CEQA appeal in relation to the Categorical Exemption issued for BPA No. 201904037052/Case No. 2017-014666ENV (743 Vermont Street) on my behalf.



Meg McKnight
753 Vermont Street

EXHIBIT G



moving and
storage boxes

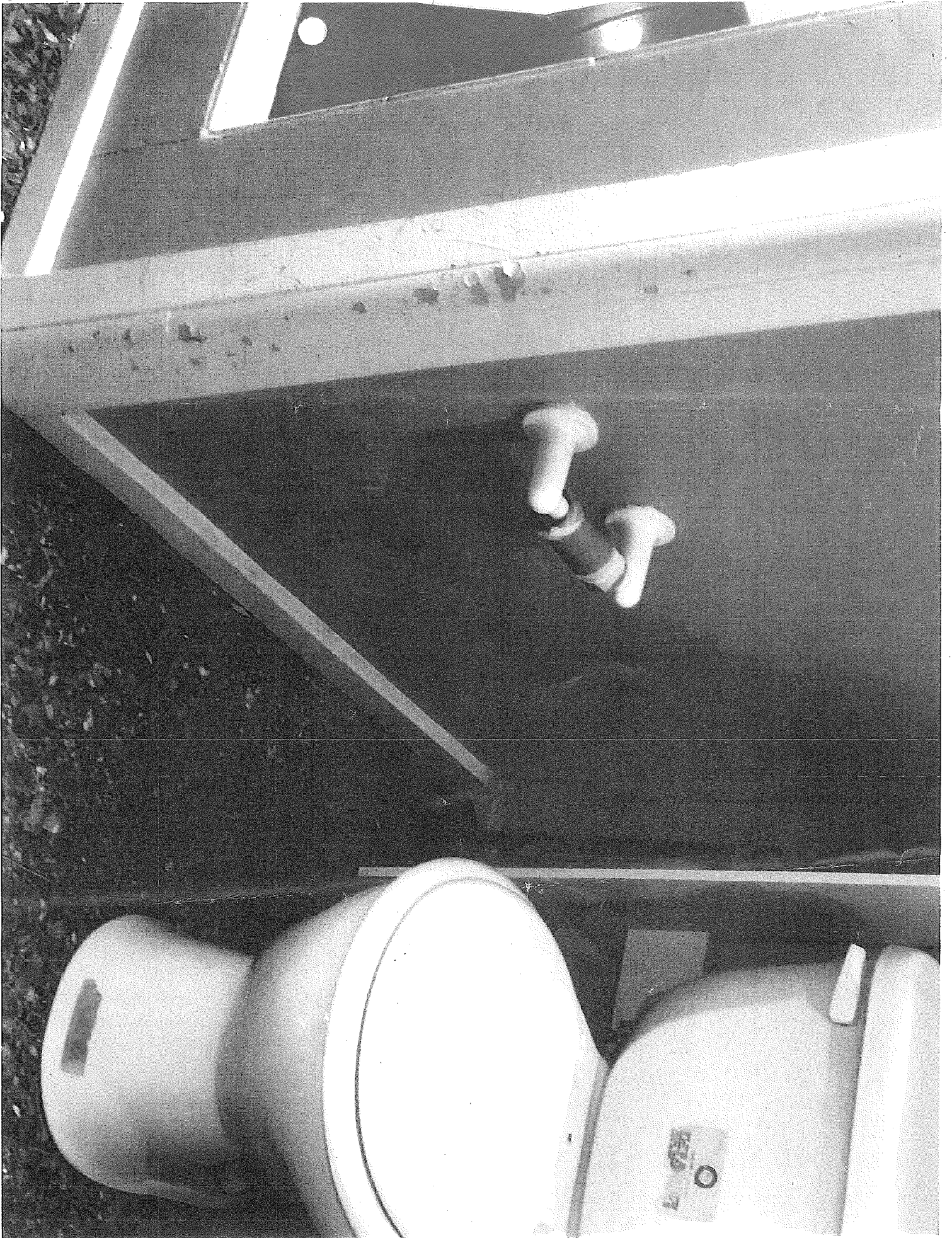
Record Albums,
Tools, Canned
Goods, Etc.

U-HAUL

THE CHILDREN'S
BOOK OF FAIRY TALES

THE HISTORY OF SPANISH

Value



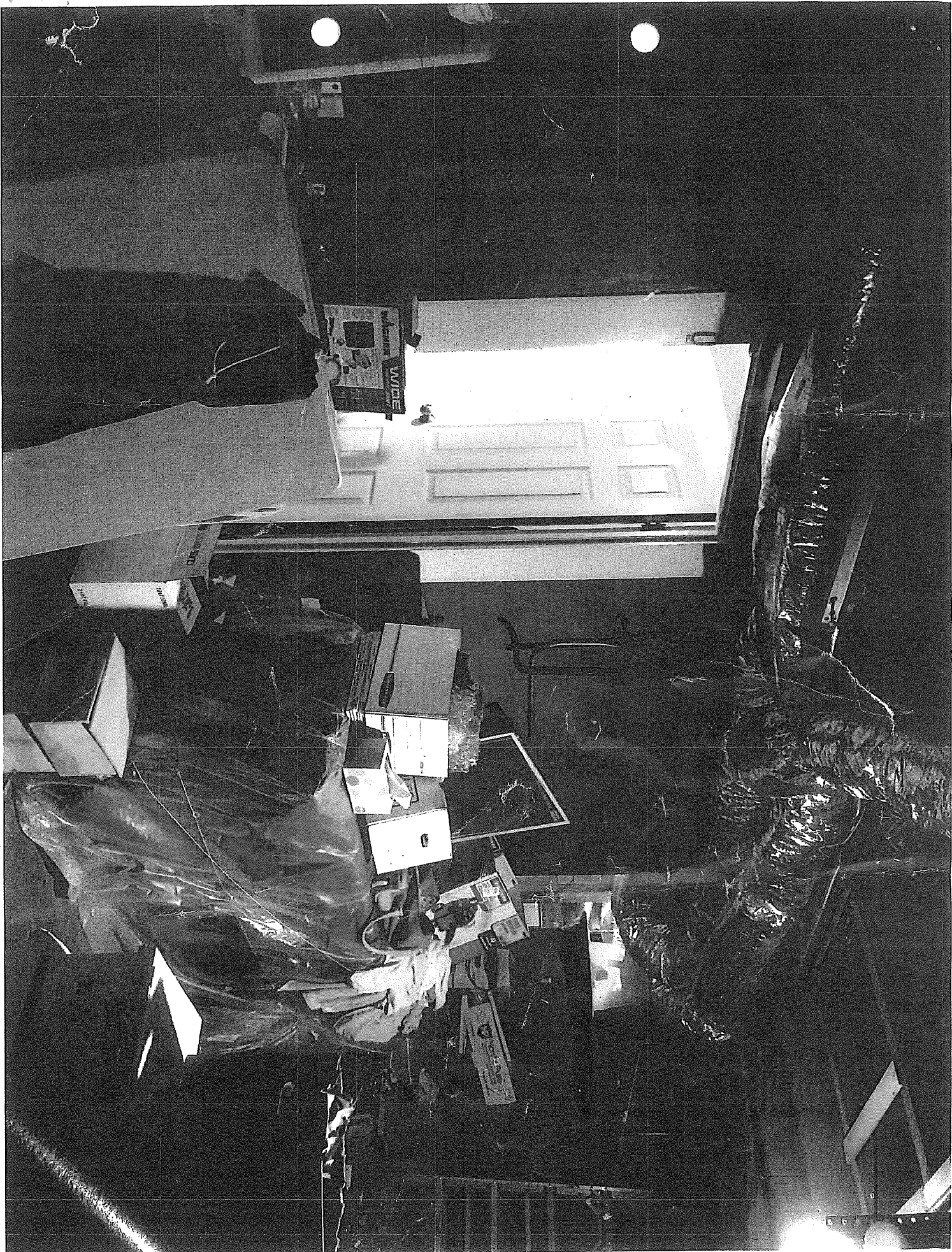


EXHIBIT H

ZACKS, FREEDMAN & PATTERSON, PC
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

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I, Meg McKnight, declare as follows:

1. I have requested discretionary review of the proposed project at 743 Vermont Street in Potrero Hill (the "Property"). Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

2. I own and live at the adjacent property to the south of the Property, at 753 Vermont Street. I have lived there for over 12 years.

3. The Property has three floors. The ground floor is accessed from the street through the garage door. There is a staircase at the front of the Property that leads to the second floor.

4. For some time during the first couple years I lived at 753 Vermont (in 2006 or 2007), a woman who was likely in her late 30s or 40s (brown hair, Caucasian) appeared to be living in the ground floor room of 743 Vermont.

5. I traveled significantly for my work during the first several years I lived here, but did see her from time to time enter and exit the Property through the garage. I never saw her go up the front stairs to the upper levels of the Property.

6. I recall my neighbor and the owner of the Property, Terri Pickering, telling me one day in front of our homes about the woman that was there. I remember being surprised because my house does not have a living space or bathroom on the garage/first level, even though the front of our 1904 sister Victorian homes and structures appear very similar. Ms. Pickering mentioned that there was a room and bathroom in her garage. Neighbor families who have been in the neighborhood for decades have also mentioned that there have been previous renters in various parts of the building in the past.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on February 6, 2019.

DocuSigned by:
Meg McKnight
4DEB385F4E02401...

Meg McKnight

February 5, 2020

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a CEQA appeal in relation to the Categorical Exemption issued for BPA No. 201904037052/Case No. 2017-014666ENV (743 Vermont Street) on my behalf.



Meg McKnight
753 Vermont Street

BOARD OF SUPERVISORS
2020 FEB - 7 P 4: 15
RECEIVED BY [Signature]

VOID
VOID
VOID

ZACKS, FREEDMAN & PATTERSON
A PROFESSIONAL CORPORATION
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CA 94104
(415) 956-8100

FIRST REPUBLIC BANK
SAN FRANCISCO, CA 94111
11-8166/3210

VOID
VOID
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22995

DATE 02/07/2020 AMOUNT *****\$640.00

PAY

*** SIX HUNDRED FORTY & 00/100 DOLLARS

TO THE ORDER OF: San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

MEMO: CEQA Appeal Fee

[Signature]
AUTHORIZED SIGNATURE

Security features included. Details on back.