File No. 100151

Committee Item No. _____
Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date 04/27/10

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Introduction Form (for hearings)
☐	☒	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☐	☐	Application
☐	☒	Public Correspondence

OTHER (Use back side if additional space is needed)

☐ ☐ Appeal of Determination of Exemption from Environmental Review for 2462 – 27th Avenue

☐ ☐ (Other materials were distributed to each member of the Board upon receipt by the

☐ ☐ Clerk's Office, and available in File No. 100151)

Completed by: Joy Lamug Date 04/22/10
Completed by: _____ Date _____

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

LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.com

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 FEB -3 PM 4:29
BY

February 3, 2010

David Chiu, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Appeal of Categorical Exemption/Exclusion from Environmental Review
2462 -27th Avenue
Block 2399—Lot 026 –2009.0797E

Dear President Chiu and Members of the Board:

INTRODUCTION

This office represents the Sunset Parkside Education and Action Committee ("SPEAK") and the neighbors of the proposed project, most of whom live to the east of the proposed project on 26th Avenue. An exclusion from environmental review under the provisions of the California Environmental Quality Act ("CEQA") is not appropriate in this instance and the appellants will submit substantial evidence to support a "fair argument" under CEQA that the proposed massive "alteration" to the building at 2462-- 27th Avenue, is a de facto demolition and may materially impair the potential historic significance of the building and negatively impact the surrounding buildings and open space. The proposed project should be returned to the Department for further review and for an assessment of these potential impacts.

BACKGROUND

Construction began in approximately 1916 and the remaining home was constructed in 1924 and is more than 80 years old. The Department's historical analysis of the building even though its age more than qualifies it for the potential to be a historic resource simply reaches the wrong conclusion. The building does qualify as a historic resource under CEQA. Further, Planning Commissioners at the hearing on the Discretionary Review and the Zoning Administrator suggested that the importance of this individual building must be judged in context *with surrounding buildings* and wanted more information on the historic context of 2462--27th Ave. and the size of the addition in association with its neighbors.

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 from the Department as a group and as a potential historic district. The buildings on this block and others nearby of the same vintage are at present consistent with one another in terms of massing, scale, materials color, fenestration and style. (hand-written analysis attached)

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 50years 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-dimentional" 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. Umbsen "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 Brandi 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

Date received:
RECEIVED
AUG 19 2009
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

SAN FRANCISCO
PLANNING DEPARTMENT

Environmental Evaluation Application

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	☒	
Two sets of project drawings (see "Additional Information" at the end of page 4,)	☒	
Photos of the project site and its immediate vicinity, with viewpoints labeled	☒	See HRE
Fee	☒	
Supplemental Information Form for Historical Resource Evaluation and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	☒	☒
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b	☐	☒
Tree Disclosure Statement, as indicated in Part 3 Question 4	☒	☐
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8	☐	☒
Additional studies (list) N/A	☐	☐

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): [signature] Date: 8/9/09

(For Staff Use Only) Case No. 2009.0792E

Address: 2462 27th Ave

Block/Lot: 2599/020

v.01.12.2009

PART 2 – PROJECT INFORMATION

Owner/Agent 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	Fax. No.	
	San Francisco, CA 94116	Email	
Project Contact	M. Brett Gladstone	Telephone No.	(415) 420-5718
Company	Gladstone & Associates	Fax No.	(415) 394-5188
Address	177 Post Street	Email	Brett@GladstoneAssociates.com
	San Francisco, CA 94108		

Site Information

Site Address(es):	2462 - 27th 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		

Project Description – please check all that apply

☒ Addition ☐ Change of use ☐ Zoning change ☐ New construction

☒ Alteration ☐ Demolition ☐ Lot split/subdivision or lot line adjustment

☐ 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 *Supplemental Information Form for Historical Resource Evaluation*. Instructions on how to fill out the form are outlined in the *San Francisco Preservation Bulletin No. 16* (see pages 28-34 in Appendix B).	☒	☐
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 (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.	☐	☒
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? N/A What type of foundation would be used (if known)? N/A	☐	☒
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.*	☐	☒
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 *Tree Disclosure Statement*.	☒	☐
5. Would the project result in ground disturbance of 5,000 gross square feet or more?	☐	☒
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.	☐	☒
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.	☐	☒
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.	☐	☒
9. Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe.	☐	☒
10. Is the project related to a larger project, series of projects, or program? If yes, please describe.	☐	☒
11. Is the project in a Community Plan Area? If yes, please identify the area (for example, Market/Octavia).	☐	☒

* 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:

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)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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.

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: Perry Chia	Address of Project: 2462 27th Avenue
Neighborhood Organization: SPEAK	Planning Case No: 2009.0797E
Applicant's Address: 2471 26th Ave. SF CA 94116	Building Permit No: 1110513
Applicant's Daytime Phone No: (415) 731-9231	Date of Decision:
Applicant's Email Address:	

DCP STAFF USE ONLY

- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature:

■ **WAIVER APPROVED** ■ **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

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

KATE HERRMANN STACY
Deputy City Attorney

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

MEMORANDUM

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

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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.

CITY HALL ROOM 234 1 DR. CARLTON B. GOODLETT PLACE · SAN FRANCISCO, CALIFORNIA 94102
RECEPTION: (415) 554-4700 · FACSIMILE: (415) 554-4757

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

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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

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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 Categorically 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 Code[2] 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 of its immediate surroundings such that the significance of the historical resource would be materially impaired."[4]

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[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 <u>not</u> 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. (<u>See</u> 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.

Date received:

RECEIVED

AUG 19 2009

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

SAN FRANCISCO
PLANNING DEPARTMENT

Environmental Evaluation Application

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	☒	
Two sets of project drawings (see "Additional Information" at the end of page 4,)	☒	
Photos of the project site and its immediate vicinity, with viewpoints labeled	☒	See HRE
Fee	☒	
Supplemental Information Form for Historical Resource Evaluation and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	☒	☐
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b	☐	☒
Tree Disclosure Statement, as indicated in Part 3 Question 4	☒	☐
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8	☐	☒
Additional studies (list) N/A	☐	☐

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): [signature] Date: 8/9/09

(For Staff Use Only) Case No. 2009.0797E

Address: 2462 27th Ave

Block/Lot: 2399 / 026

v.01.12.2009

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	Fax. No.	
	San Francisco, CA 94116	Email	
Project Contact	M. Brett Gladstone	Telephone No.	(415) 420-5718
Company	Gladstone & Associates	Fax No.	(415) 394-5188
Address	177 Post Street	Email	Brett@GladstoneAssociates.com
	San Francisco, CA 94108		

Site Address(es):	2462 - 27th 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		

☒ Addition ☐ Change of use ☐ Zoning change ☐ New construction

☒ Alteration ☐ Demolition ☐ Lot split/subdivision or lot line adjustment

☐ 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 *Supplemental Information Form for Historical Resource Evaluation*. Instructions on how to fill out the form are outlined in the *San Francisco Preservation Bulletin No. 16* (see pages 28-34 in Appendix B).	☒	☐
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 (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.	☐	☒
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? N/A What type of foundation would be used (if known)? N/A	☐	☒
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.*	☐	☒
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 *Tree Disclosure Statement*.	☒	☐
5. Would the project result in ground disturbance of 5,000 gross square feet or more?	☐	☒
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.	☐	☒
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.	☐	☒
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.	☐	☒
9. Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe.	☐	☒
10. Is the project related to a larger project, series of projects, or program? If yes, please describe.	☐	☒
11. Is the project in a Community Plan Area? If yes, please identify the area (for example, Market/Octavia). _____	☐	☒

* 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:

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)

11/16/09

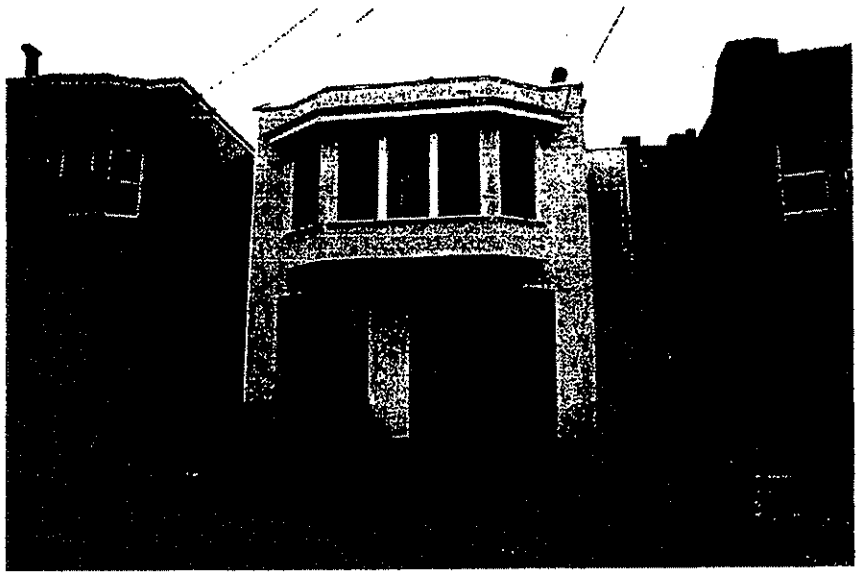

Fig. 1: View east toward the façade
(Carey & Co., August 15, 2008)

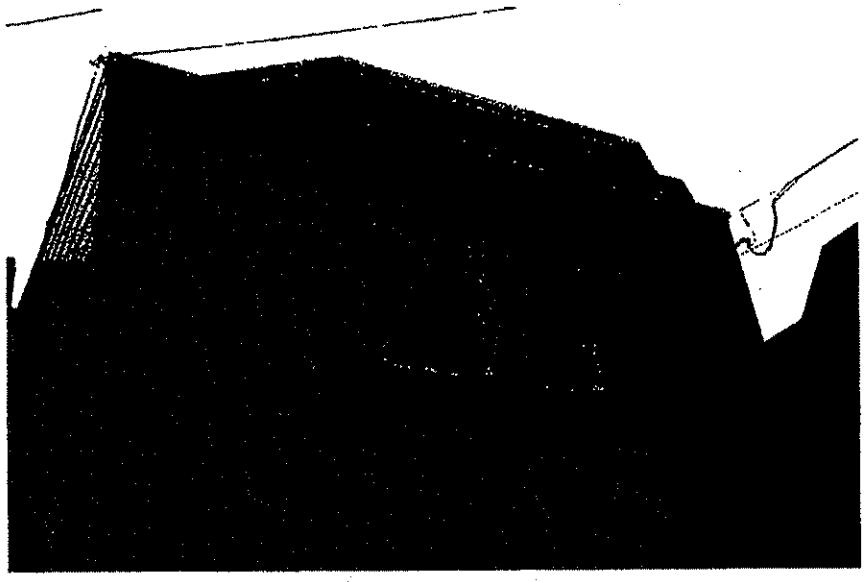

Fig. 2: Detail of the façade's bay window
(Carey & Co., August 15, 2008)

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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.

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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 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 posses 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.

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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	**Setting:**	☐ Retains	☐ Lacks
Association:	☐ Retains	☐ Lacks	**Feeling:**	☐ Retains	☐ Lacks
Design:	☐ Retains	☐ Lacks	**Materials:**	☐ Retains	☐ Lacks
Workmanship:	☐ 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.

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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.

☐ The project is NOT consistent with the Secretary of the Interior's Standards; however the project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. *(Continue to 5. if the project is an alteration)*

☐ The project is NOT consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. *(Continue to 5. if the project is an alteration)*

---

5. **Character-defining features of the building to be retained or respected in order to be consistent with the Standards and/or avoid a significant adverse effect by the project, presently or cumulatively. Please recommend conditions of approval that may be desirable to avoid or reduce any adverse effects.**

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6. **Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.**

☐ Yes ☒ No ☐ Unable to determine

Notes: There are no off-site historic resources that would be impacted by this project.

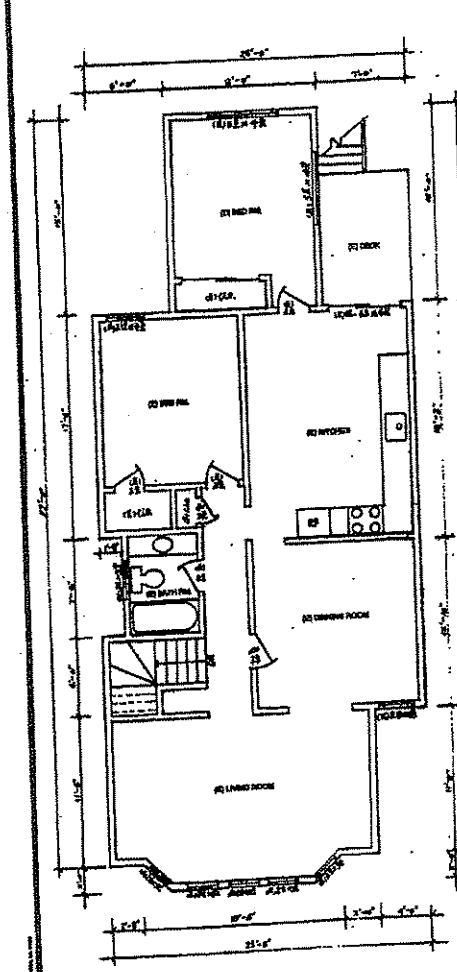
PRESERVATION COORDINATOR REVIEW

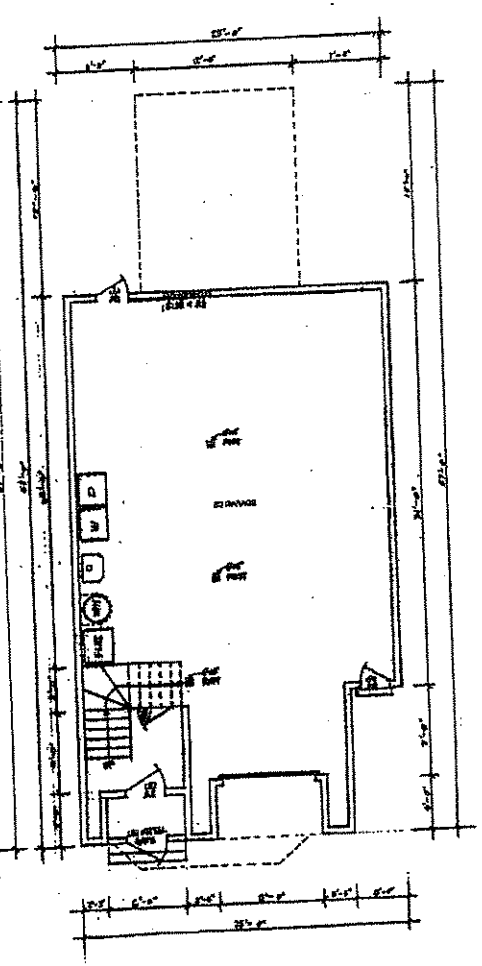
Signature: *Tmam* Date: *11-12-09*

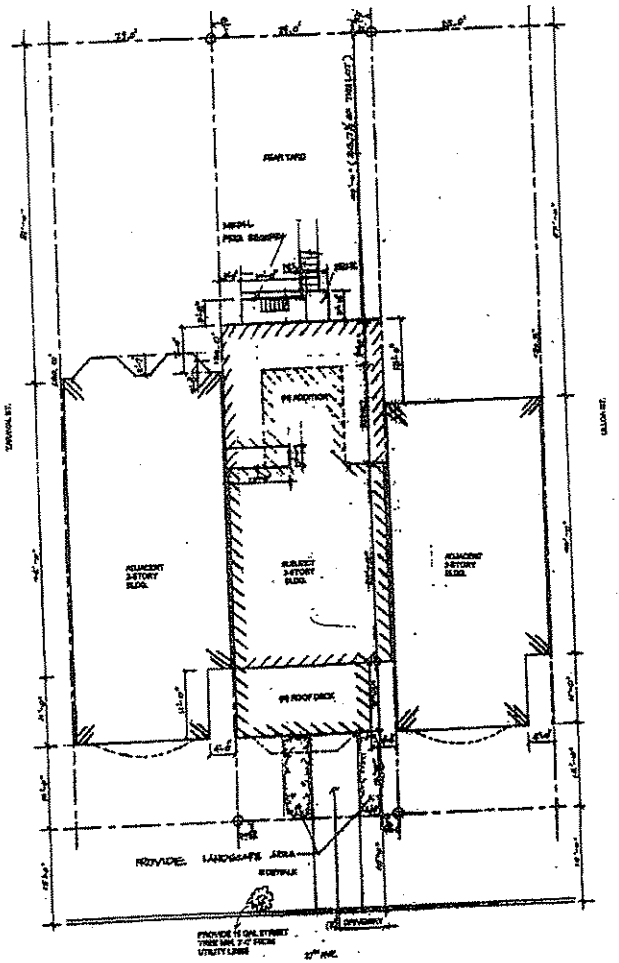
Tina B. Tam, *Preservation Coordinator*

cc: Linda Avery-Herbert, *Recording Secretary*, Historic Preservation Commission
Virnaliza Byrd / Historic Resource Impact Review File
Brett Bollinger / MEA Planner

MES\G:\WORD\Preservation\2462 27th Ave..doc







DIVISIONS	BY

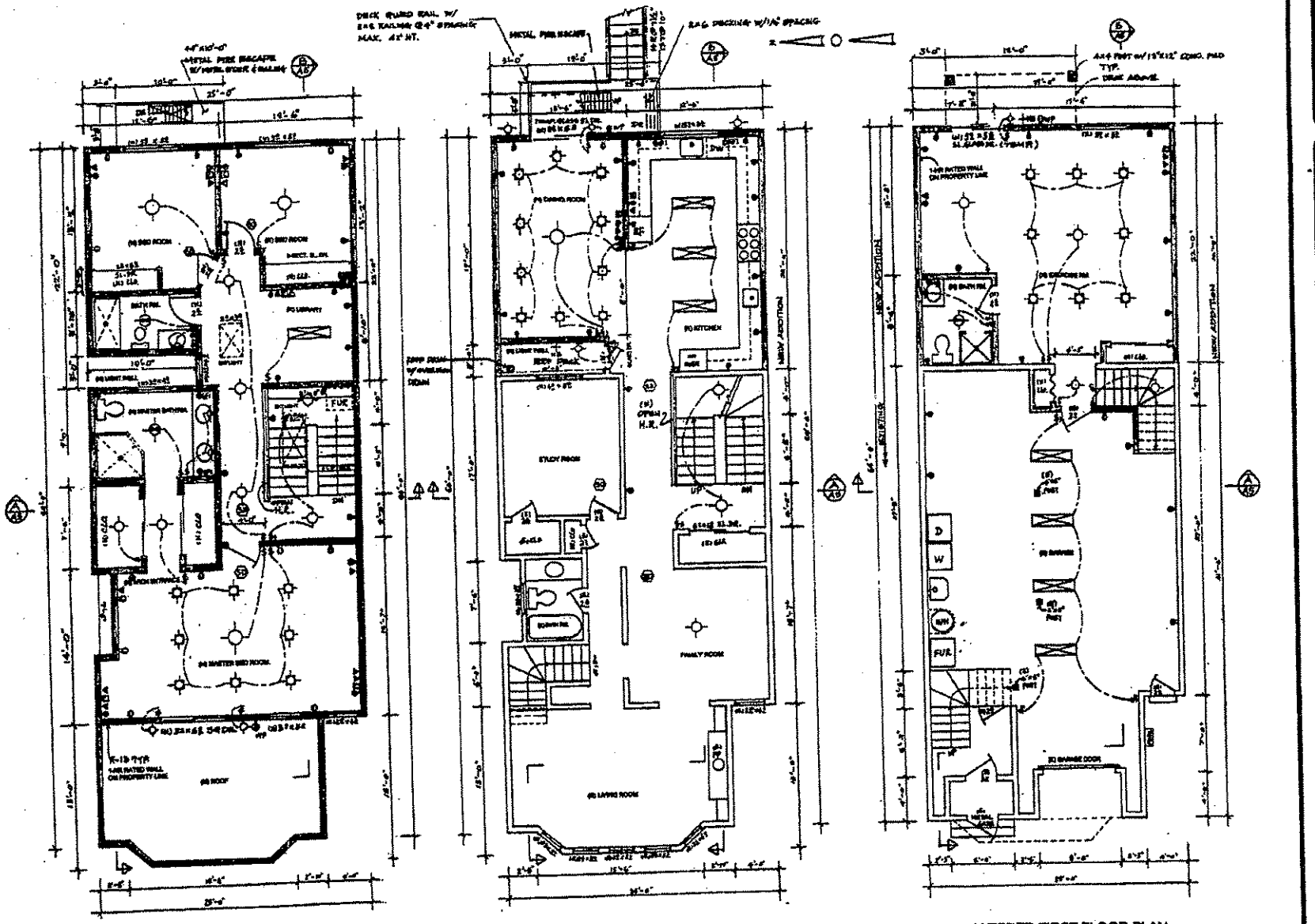
GLOBAL
DESIGN & ENGINEERING CO.
517 14TH AVE.
SAN FRANCISCO, CA 94118
TEL:(415)831-4228 FAX:(415)387-7877

NEW ADDITION FOR
OWNER: DELLY & PETER WONG
2452 27TH AVE.
SAN FRANCISCO, CA 94116
BLOCK: 2369 LOT: 20

PLOT PLAN & EXISTING
FLOOR PLAN

5/18/04
SCALE
AS SHOWN

A1

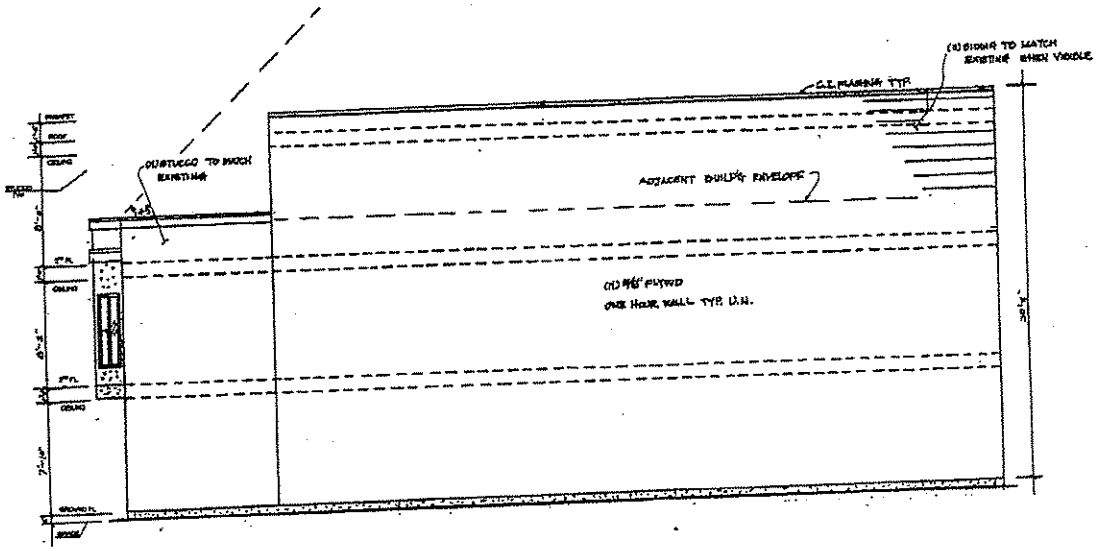


GLOBAL
DESIGN & ENGINEERING CO.
517 14TH AVE.
SAN FRANCISCO, CA 94118
TEL:(415)831-4225 FAX:(415)387-7577

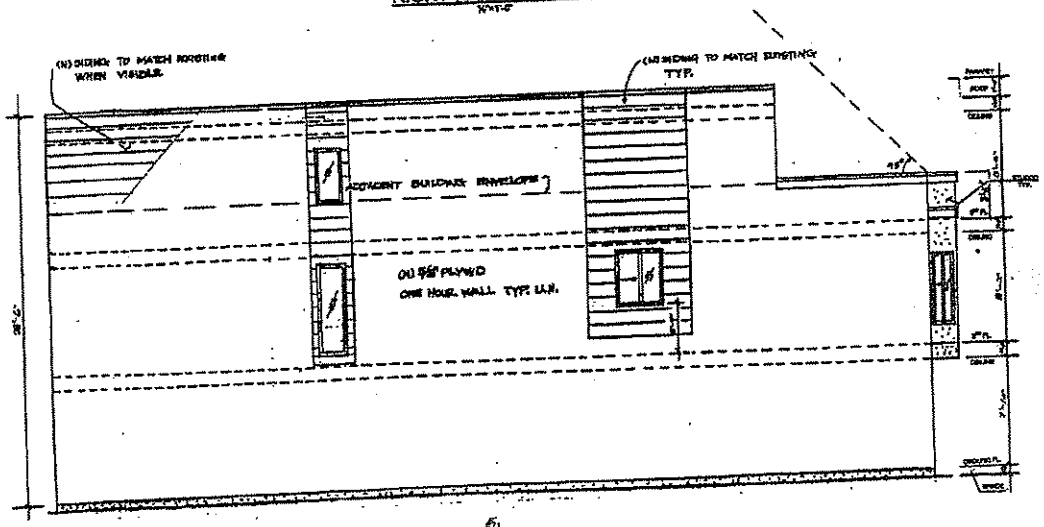
NEW ADDITION FOR
OWNER: DELLY & PETER WONG
2462 27TH AVE.
SAN FRANCISCO, CA 94116
BLOCK: 2390 LOT: 29

ALTERED FLOOR PLAN
& NEW FLOOR PLAN

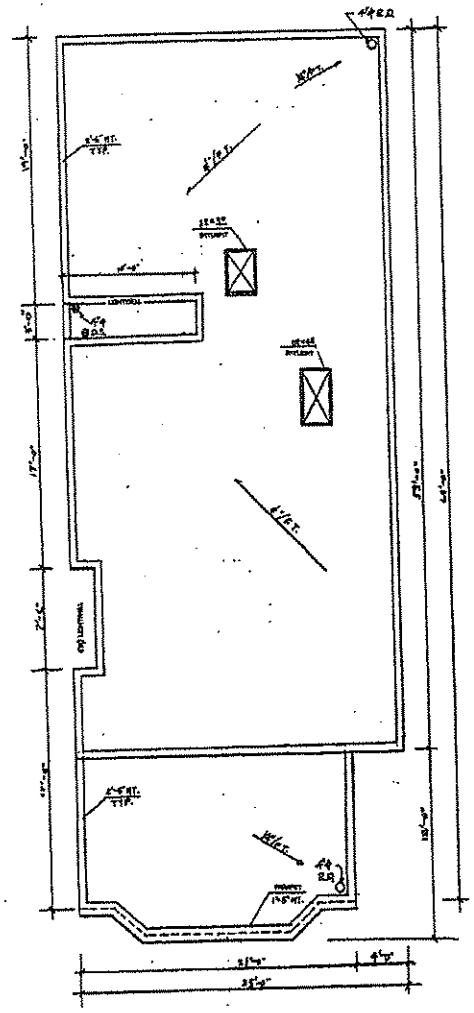
A2



RIGHT (SOUTH) ELEVATION



LEFT (NORTH) ELEVATION



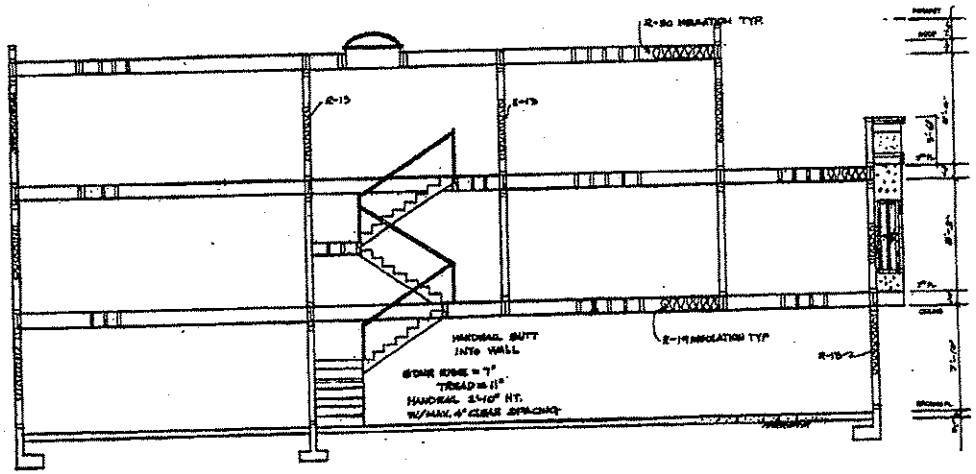
ROOF PLAN

GLOBAL
DESIGN & ENGEERING CO.
517 14TH AVE.
SAN FRANCISCO, CA 94118
TEL.(415)831-4225 FAX:(415)387-7577

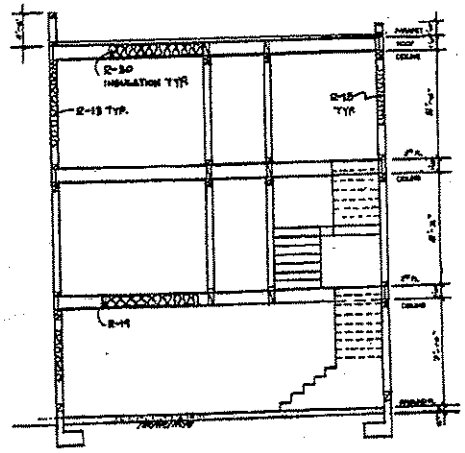
NEW ADDITION FOR
OWNER: DELLY & PETER WONG
2402 27TH AVE.
SAN FRANCISCO, CA 94116
BLOCK: 2590 LOT: 20

ELEVATION & ROOF PLAN

A4



LONGITUDINAL SECTION B A5



CROSS SECTION A A5

GLOBAL
DESIGN & ENGEERING CO.
517 14TH AVE
SAN FRANCISCO, CA 94118
TEL:(415)931-4225 FAX:(415)387-7577

NEW ADDITION FOR
OWNER: DELLY & PETER WONG
2462 27TH AVE.
SAN FRANCISCO, CA 94116
BLOCK: 2398 LOT: 26

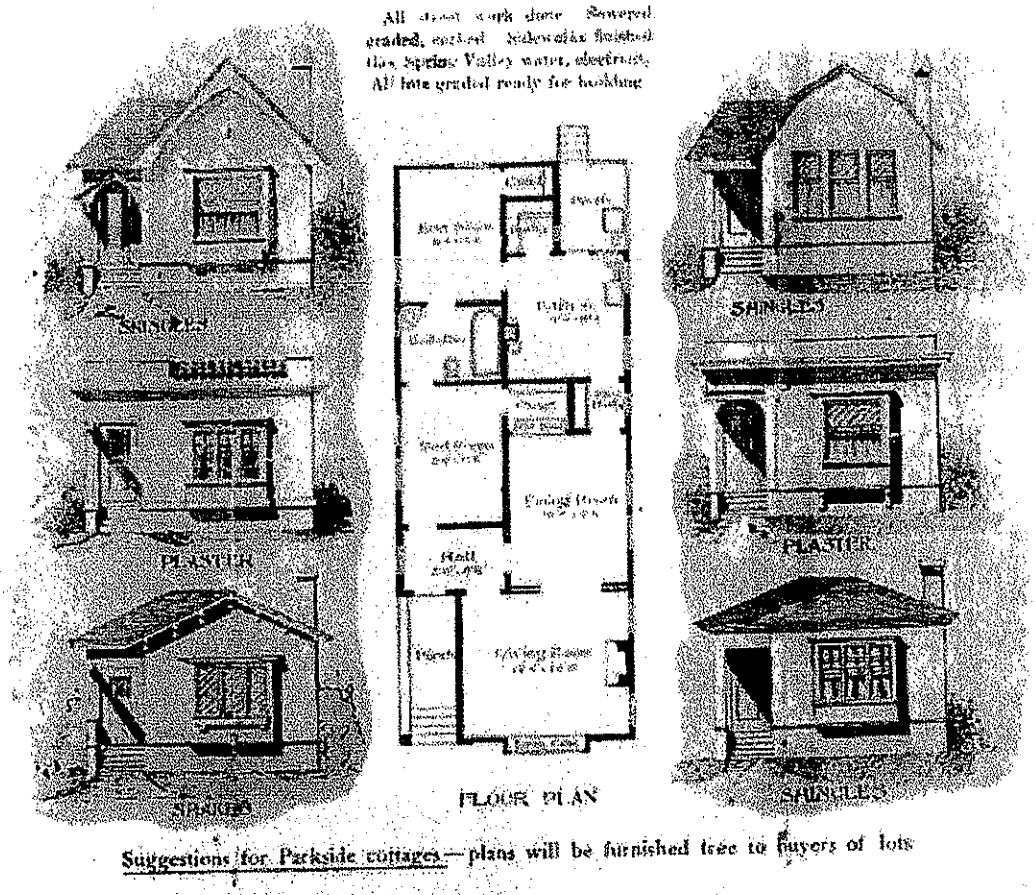
SECTIONS

DRAWN BY: TJ
CHECKED BY: AY
DATE: 7/1/04
SCALE: 1/4"=1'-0"
JOB NO.

SHEET
A5

SUBJECT PROPERTY
2462 27TH AVENUE

PARKSIDE DISTRICT IMPROVEMENT CLUB (PDIC) SCRAPBOOKS



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

FILE NO. 070966 MOTION NO. M07-82

[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.

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

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

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

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

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

FURTHER MOVED, That the Board of Supervisors directs the Planning Department, in light of the questions that remain about whether the project may affect an historic resource or historic resources as set forth above in these findings and the whole record, to review the questions identified in these findings 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.

City and County of San Francisco

Tails

Motion

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

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.

Angela Calvillo
Clerk of the Board

Bos-11, COB
City Atty-2
orig: Joy

M. BRETT GLADSTONE

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW
PENTHOUSE, 177 POST STREET
SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 434-9500
FACSIMILE (415) 394-5188
admin@gladstoneassociates.com

April 20, 2010

VIA HAND DELIVERY

David Chiu, Board President
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: **Appeal of Categorical Exemption for 2462 – 27th Avenue**
Hearing on April 27, 2010

Dear President Chiu and Supervisors of the Board:

On behalf of Peter and Delly Wong, the owners of the referenced property, we wish to supplement our letter of March 8, 2010. Since that date, the Appellant has filed new reports in support of his position that this building is a "historic resource" and that its alteration should trigger an Environmental Impact Report. The highly regarded historic preservation firm of Carey & Company reviewed the Appellant's latest reports and has reinforced its previous position (as shown in the enclosed new report) that Appellant's allegations are untrue. If we were to summarize the Carey & Company report, we would say that if this building is a historic resource, a super majority of homes in the west side of the City would be historic resources and most alterations would trigger an EIR. (See Exhibit A.)

Not A Parkside Cottage. According to Carey & Company's original report and reiterated in its new report, it is clear from the permit history and model plans of the original Parkside Cottages, that the house is not an original Parkside Cottage nor associated with the development of the Parkside District by the Parkside Realty Company. The Wongs' house was constructed in 1924 with a different style and form than the Parkside Cottages. The Parkside Realty Company formed in 1905. By the 1920s, larger and more prominent developers began developing the Parkside District. The 1920s was characterized by a boom in cookie cutter speculative development. Even the Appellant's consultant concedes the Wongs' house was constructed in 1924 during this period. (See Exhibit B.)

In fact, the Appellant's consultant does not introduce any evidence that the house is a historic resource. The consultant simply speculates that the Wongs' existing floor plans "appear to correspond with the Parkside cottage models" and therefore, it is a resource. (See Exhibit B.)

However, the Parkside Cottages were smaller, one-story houses, often containing gabled, gambrel, or hipped roofs and no garage, in the Period Revival style. On the contrary, the Wongs' home is two stories with a garage on the ground floor in the Mediterranean Revival style. Carey & Company's report shows material deviations between the floor plans of the Wongs' home and the model floor plan of Parkside Cottages. The Parkside Cottage's plan contains an entry hall with the rooms interconnected. The Parkside Cottage had a strong rectangular form without any set backs. In contrast, the Wongs' home does not contain an entry and has a central corridor that connects the rooms. The Wongs' home contains a light well and other set backs. The style and form of the Wongs' home is characteristic of the homes constructed en masse by speculative developers in San Francisco beginning in the 1920s.

A clear dividing line must be drawn. Here, the Wongs' home is clearly divided from any association with the Parkside Realty Company because **(1)** it was constructed during the period of mass development under speculative developers, which began in the 1920s; and **(2)** the house's floor plans materially deviate from the floor plans of the original Parkside Cottage's model plans. Even if the house was an original Parkside Cottage or a resource for another reason at one time, it lost its integrity due to the substantial alterations to the exterior. A rear addition was constructed and the windows and garage door have been replaced with modern materials.

Not A Contributory Building To A Potential Historic District. Moreover, Carey & Company has determined that the property and house are not contributors to a potential historic district. Contrary to the Appellant's consultant, Carey & Company conducted an extensive survey of the surrounding properties and found that the property is not within a potential historic district. Even if it is within such a district, many of the surrounding homes have been remodeled. Thus, the historic setting and block face are not intact.

Further, the Wongs' home would not be a contributor to a potential district because it is not associated with the Parkside Realty Company. Finally, any integrity would have been lost due to the extensive additions and exterior changes.

Of most importance to note, the Appellant's argument is contradictory. The Appellant argues the Wongs' home is special because it is part of a development boom occurring in the Parkside District as well as across the country when millions of new homes were constructed. Carey & Company rightly points out that such a potential historic district would need to have features that are unifying and clearly associated with the movement. Otherwise, the millions of homes constructed during the boom in National development would be historic resources.

The issue of whether there is a "de facto" demolition is not a question to be answered in an environmental appeal. Nonetheless, since Appellant wishes to put this question before you, we now discuss it. The alterations proposed do not involve demolition under any of the provisions of the Planning Code or Building Code. The Appellant fails to provide any analysis or evidence that the project is a demolition. In fact, the Appellant does not even cite the Code section he relies on to claim the project involves demolition.

However, we did undertake such an analysis of all of the sections of the Planning and Building Codes containing a definition of demolition. (See Exhibit C.) As the project clearly does not fit within any of these definitions, we cannot understand the basis for the Appellant's claim. If the building is not deemed a historic resource, the building alterations do not even come close to a demolition (see Exhibit C attached).

If it is considered a historic resource, and a stricter definition of demolition is applied, the alterations still do not constitute demolition. (See Exhibit C.) We presume the Appellant is relying on the definition of demolition under the historic building section of the Planning Code, Article 10, Section 1005.

However, Section 1005 only applies to landmark sites or a contributory building in an historic district. The property is not a landmark or a contributory building in a historic district and therefore this Section does not apply. Even if it did apply, the project does not qualify as a demolition as shown below.

Sec 1005(f)(1) - The proposed project is not removing ANY of the exterior walls that face the street.

Sec 1005(f)(2) - The proposed project is removing only 17% of all exterior walls as measured in linear feet at the foundation level.

Sec 1005(f)(3) - The proposed project is removing only 17% of all exterior walls as measured in linear feet at the foundation level.

Sec 1005(f)(4) - The proposed project is removing only 18% of all interior elements (walls/floors/ceilings) as measured in square feet of area.

(See Exhibit C for Code Section 1005.) Therefore, the Appellant's argument is unfounded.

The Wongs have continued to reach out to their neighbors in the last several weeks. During this process they have continually found that neighbors have signed Appellant's petition based on false information about their project. As a result, there are three lots shown in green on

the map of project supporters who may have also signed the Appellant's petition. (See Exhibit D.) Please also note the adjacent property owners continue to support the project.

We greatly appreciate your attention to this matter.

Very truly yours,

M. Brett Gladstone

cc: Peter and Delly Wong
Alice Carey
Stephen M. Williams, Esq.
Larry Badiner
Bill Wycko
Tara Sullivan
Michael Smith

A

CAREY & CO. INC.
ARCHITECTURE

2462- 27th Avenue
San Francisco, California

Response to Appeal of Categorical Exemption

April 6, 2010

The following document outlines Carey & Co.'s response to the "Appeal of Categorical Exemption from Environmental Review 2462- 27th Avenue" dated February 4, 2010 and to Vincent Marsh and Associates' "Historic Background Report in support of the CEQA Appeal for 2462- 27th Avenue" dated March 11, 2010.

The firm prepared a Historic Resource Evaluation Report for the single-family house at 2462- 27th Avenue on February 25, 2008. The report determines that the building does not appear to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, as a San Francisco Landmark, or as a contributor to a historic district.

Response to the "Appeal of Categorical Exemption from Environmental Review 2462- 27th Avenue" dated February 4, 2010:

1) **Construction date:** The appellant argues that the building was constructed ca. 1916 and was renovated in 1924 (p. 1).

   Response: Carey & Co. reviewed all available building permits for 2462- 27th Avenue in addition to Sanborn Fire Insurance Maps and other historic documents and concluded that the extant structure was constructed in 1924. Any structure located on the parcel before 1924 was demolished.

   Building permit records indicate that a structure used as a garage was located on the parcel in 1916. Ralph Perkins applied for a permit to "make additions, alterations or repairs to building" in 1916. Since the 1915 Sanborn Fire Insurance Map does not depict a structure on the parcel, the garage was likely constructed in 1916.[1]

   However, Arnoldi Siebel applied for a building permit to erect a wood-frame building on the parcel in 1924. This permit was to construct a new building rather than make additions or repairs to an existing structure. Therefore, it replaced any structure that was previously located on the parcel.

[1] Sanborn Fire Insurance Map, "San Francisco, California," 1915, Vol. 10, Sheet 1075.

Old Engine Co. N° 2 460 Bush Street San Francisco, CA 94108
415.773.0773 f. 415.773.1773

2) **Parkside cottage:** The appellant argues that the building is a significant example of a Parkside cottage, because it retains its original structural framing and an interior floor plan typical of those cottages (handwritten pages).

   Response: As stated, Carey & Co. concluded that the extant structure was constructed in 1924 and is not an original Parkside cottage constructed ca. 1916. It is a Mediterranean Revival, one-story-over-garage residence typical of the homes constructed en masse by developers throughout San Francisco in the 1920s. However, the appellant claims that the house retains its original Parkside cottage floor plan. A comparison of the floor plan of 2462- 27th Avenue and a model Parkside cottage floor plan depicted in the March 2008 Parkside District historic context statement reveals a loose similarity in the overall location of rooms. However, these rooms do not match in terms of size and the location of closets, bathrooms, and staircases.[2] The comparison of these floor plans further proves 2462- 27th Avenue is not a Parkside cottage. (Please see the attached appendix for an illustration comparing the differences between the floor plans.)

   Even if 2462- 27th Avenue was an original Parkside cottage constructed ca. 1916, it lacks integrity to be eligible for listing on the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) as an example of this building type. Retention of an original floor plan and structural framing does not provide a sufficient level of integrity for designation as a historical resource. The appellant even concurs with Carey & Co. that if the home had been constructed ca. 1916, it has been significantly altered. He states that a garage and rear bedroom have been added and that the façade only "lightly resembles a Parkside cottage façade."

   Lastly, the block contains older cottages that are better examples of this building type, including 2426 27th Avenue (1913) and the row of houses at 2459-2469 27th Avenue (1908-1911).

3) **Potential historic district:** The appellant argues that the building lies within a potential historic district, because the surrounding buildings are of the same vintage and style. He states that "these buildings are ALL older than 80 years and are associated with persons of historic significance on the local level" (p. 1-2). He then claims that the "building was not evaluated in its context within the surrounding community" (p. 3).

   Response to the presence of historic district: Carey & Co. thoroughly evaluated the building within the context of the Parkside District by first conducting a two-block windshield survey surrounding the home and by providing a historic context statement tracing the development of the neighborhood.

   The two-block windshield survey encompassed an area bounded by the south side of Santiago Street, the east side of 26th Avenue, the north side of Vicente Street, and the west side of 28th Avenue. Specifically, Carey & Co. took photographs of each block and noted the general characteristics, styles, and integrity of its buildings.

[2] Richard Brandi and Woody LaBounty, "San Francisco's Parkside District: 1905-1957," Produced for the Mayor's Office of Economic and Workforce Development (March 2008), 27.

The firm also reviewed the historic context statement of the Parkside District prepared by Richard Brandi and Woody LaBounty in March 2008 as well as other primary and secondary resources related to the history of the neighborhood, San Francisco, and early twentieth-century residential architecture in the United States.[3] The firm's report provides a detailed account of the development of the Parkside District from the early American settlement on the sand dunes of the "Outside Lands," to the incorporation of the Parkside Realty Company in 1905, to the erection of the demonstration cottages, to early infrastructure improvements by neighborhood organizations, and to the post-World War I building boom, which saw the rise of prominent, large-scale developers. Therefore, the building was evaluated within the context of the development of the Parkside in the early twentieth century.

Response to association with significant persons: The appellant failed to document the significant persons he claims are associated with these buildings, since he does not list any names in his letter of appeal. In comparison, Carey & Co. researched the owners and occupants of 2462- 27th Avenue and determined that they do not appear to have had a broad reaching impact on the community at the local, state, or national level. Similarly, the firm determined that the house does not appear to be associated with a prominent developer, such as Henry Doelger or Oliver Rousseau, or a prominent architect, as Parkside developers frequently did not employ them while planning residential tracts.

4) **Better Homes Movement:** The appellant argues that the house is 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." Therefore, he concludes that the home "contributes to our understanding of the 1922-1924 Better Homes Movement" (p. 3-4).

Response: The Better Homes Movement actually lasted from 1922 to 1935. It was a unique national housing campaign and educational program, consisting of the publication of magazine and newspaper articles and the erection of model homes, which began in the early 1920s to address a housing shortage created during World War I and to increase homeownership in America. At the time, less than one-half of Americans owned their own home. Such a low rate of home ownership was viewed as a threat to American safety and security. The campaign was also targeted predominantly towards women as a way to train them to become modern and efficient housewives.[4]

According to National Register Bulletin "How to Apply the National Register Criteria for Evaluation," a property cannot merely be associated with a historic event or trend. The property must have a specific association to be considered significant as well.[5]

The appellant failed to demonstrate that 2642- 27th Avenue played a significant or pivotal role in the Better Homes Movement. For example, he did not determine that it was one of the early homes to be constructed in San Francisco in direct response to the movement or that it spurred development of other affordable, small-scale homes in the 1920s in Parkside.

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[3] Brandi and LaBounty, "San Francisco's Parkside District."

[4] Janet Hutchison, "The Cure for Domestic Neglect: Better Homes in America, 1922-1935," in *Perspectives in Vernacular Architecture*, Vol. 2, ed. Camille Wells (Columbia, Mo.: University of Missouri Press for the Vernacular Architecture Forum, 1986): 168-178.

[5] U. S. Department of the Interior, National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Washington, DC, 1997), 12.

As it stands, the claim that the house is significant for its association with the Better Homes Movement is overly broad. Every house constructed between 1922 and 1935 would be eligible for the National or California Registers based on this argument.

5) **Eligibility under Criterion D:** The appellant argues that 2462- 27th Avenue is eligible for the NRHP /CRHR under Criterion D/4.

Response: The criterion is most commonly applied to archeological sites or structures with infrastructure, such as artifacts, soil strata, or structural remains, that should be preserved for future study. In order for a building to be eligible under this criterion, it must itself be or have been the principal source of important information. For example, a building "exhibiting a local variation on a standard design or construction technique can be eligible if study would yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development."[6]

A single-family residential house such as the one constructed in 1924 at 2462- 27th Avenue would not be eligible under this criterion. It was constructed using standard wood-frame building techniques that are already widely studied or known about. Preserving it would not add new information to the historical record, since it is similar to hundreds of buildings constructed in Parkside and throughout the Sunset District.

Response to Vincent Marsh and Associates' "Historic Background Report in support of the CEQA Appeal for 2462- 27th Avenue" dated March 11, 2010:

1) **Eligibility under CRHR Criterion 1:** Vincent Marsh argues that 2462- 27th Avenue appears to be eligible as a contributing structure to a CRHR-eligible historic district. He claims this potential district appears to be eligible under Criterion 1"for its association with the new construction that immediately followed the 1906 Earthquake and Fire" (n. p.).

Response: Vincent Marsh fails to demonstrate how this potential district, which he claims includes 2462- 27th Avenue as a contributing resource, played a significant role in the rebuilding of San Francisco following the 1906 earthquake and fires.

Plans to develop the neighborhood were already in place as early as 1905, before the 1906 disaster. As Mr. Marsh notes in his report, other areas in the eastern half of the city, such as the Financial, Mission, and South of Market districts, had been largely destroyed by the earthquake and fires, so these areas are more significant for their link to the post-1906 reconstruction of San Francisco. In comparison, the development of Parkside was largely spurred by transportation improvements that provided an easier means of access to the western half of the city rather than as a direct response to post-disaster housing needs. The conflagration was largely stopped from spreading west past Van Ness Avenue and Dolores Street and had no impact on what would become this neighborhood.

[6] U. S. Department of the Interior, National Park Service, *How to Apply the National Register Criteria for Evaluation*, 21.

Additionally, since 2462- 27th Avenue ***is not*** a Parkside Cottage, it is associated with the mass development of the Parkside and larger Sunset districts following World War I. This development trend has little to do with the reconstruction of San Francisco following the 1906 disaster.

2) Eligibility under CRHR Criterion 3: Vincent Marsh also argues this potential district is eligible under Criterion 3 (n. p.).

Response: In his report, Vincent Marsh provides no facts or substantial evidence that this district is eligible under Criterion 3. He makes this assertion without further discussion.

3) Integrity: Vincent Marsh argues that the building retains its integrity of location, design, setting, materials, workmanship, feeling, and association (n. p.).

Response: In our report dated February 4, 2010, Carey & Co. states that the house retains a good level of integrity. We note that the only alterations to the building include the replacement of wood-sash windows with meal-sash sliding windows, the addition of a rear projection supported by wood posts, and the removal of an entrance underneath the projection, and replacement of the garage door (see page 17).

However, we would like to reiterate that the house was constructed in 1924 and is ***not*** a Parkside Cottage. Therefore, it does not retain integrity as a Parkside Cottage and cannot be eligible for the NRHP or the CRHR for this association.

4) Unsigned report dated March 8, 2010: Attached to Vincent Marsh and Associates' "Historic Background Report" is a typed report dated March 8, 2010, which outlines reasons why 2462- 27th Avenue should be considered a historical resource. This report does not list an author, so it remains unclear if it was also prepared by Vincent March and Associates. However, the report makes the same arguments that 2462- 27th Avenue is an original Parkside Cottage due to the "unmistakable match" between the floor plan published by the Parkside Realty Co. and the extant home's floor plan, and that 2462- 27th Avenue is a contributing resource to a historic district.

Response: Carey & Co. has already responded to these arguments in this document and disagrees that this home is an original Parkside Cottage that retains its original floor plan. Please see the appended illustration, which highlights major differences between these floor plans.

Even this unknown author highlights significant differences in the floor plans. He or she states that "Arnoldi Seibel adapted the Parkside cottage plan to 1924 and built this house with three departures from the Parkside cottage plan:

1) A basement garage was built on the ground floor.
2) The front façade resembles a Sunset District row house façade with front bay windows.
3) The house was built the full 25 feet width of the lot" (p. 4).

Again, Carey & Co. firmly disagrees that the two-block area it surveyed constitutes a historic district. As stated in our report dated February 25, 2010:

"Based on the two-block windshield survey surrounding the subject property, the house does not appear to be located in a potential historic district. Although it stands on a block with a definable character (predominantly one-story-over-garage row houses with flat roofs, stucco

cladding, and Mediterranean Revival detailing), the house's immediate environment does not appear to be in any way distinctive among the many other similar sections of Parkside or the Sunset. Due to the similarity of building types and styles and the large scale of this residential area, a potential district must possess specific significant associations that contextually unite the buildings. The survey area does not appear to be significantly associated with the initial development of the neighborhood by Parkside Realty Company in the 1900s and 1910s, the infrastructure improvements secured by Parkside District Improvement Club in the 1900s, or the arrival of the Municipal Railway's (Muni) L-line train in 1919 that provided a faster route to downtown and spurred commercial growth along Taraval Street. By the 1920s, the neighborhood's character, which consisted of small-scale cottages lining the residential streets and businesses located along commercial strips like Taraval Street, had already been established.

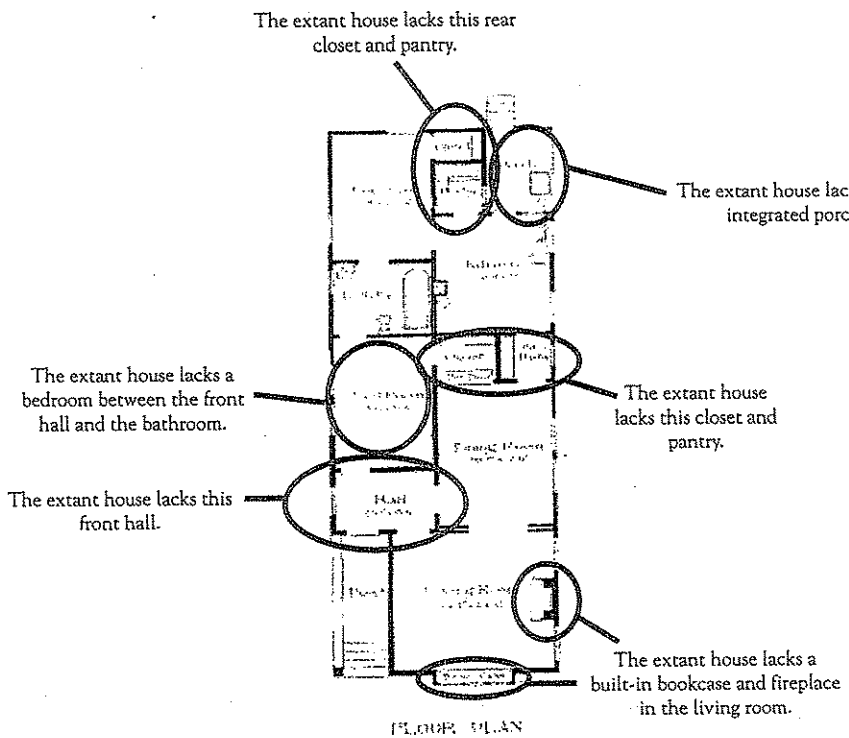
"Although it may be associated with a building boom in Parkside in the 1920s that mirrored a nationwide surge of residential construction, the windshield survey area does not appear to have played a significant role in this broad historic trend. As noted, it was not constructed by a significant developer, such Henry Doelger or Oliver Rousseau. Additionally, the survey area contains structures from several decades, disrupting the continuity of the presence of a 1920s district. Like the subject property at 2462 27th Avenue, numerous homes in the survey area have replacement windows and garage doors among other alterations. Given the relatively simple and uniform plan, massing, and construction materials of these homes, detailing such as the windows, stucco motifs, and garage doors, give the buildings individuality and character. A high threshold of integrity should apply to Parkside, given the sheer number of similar homes constructed throughout the neighborhood. Therefore, the windshield survey area would not be a good or significant example of this era of development in San Francisco."

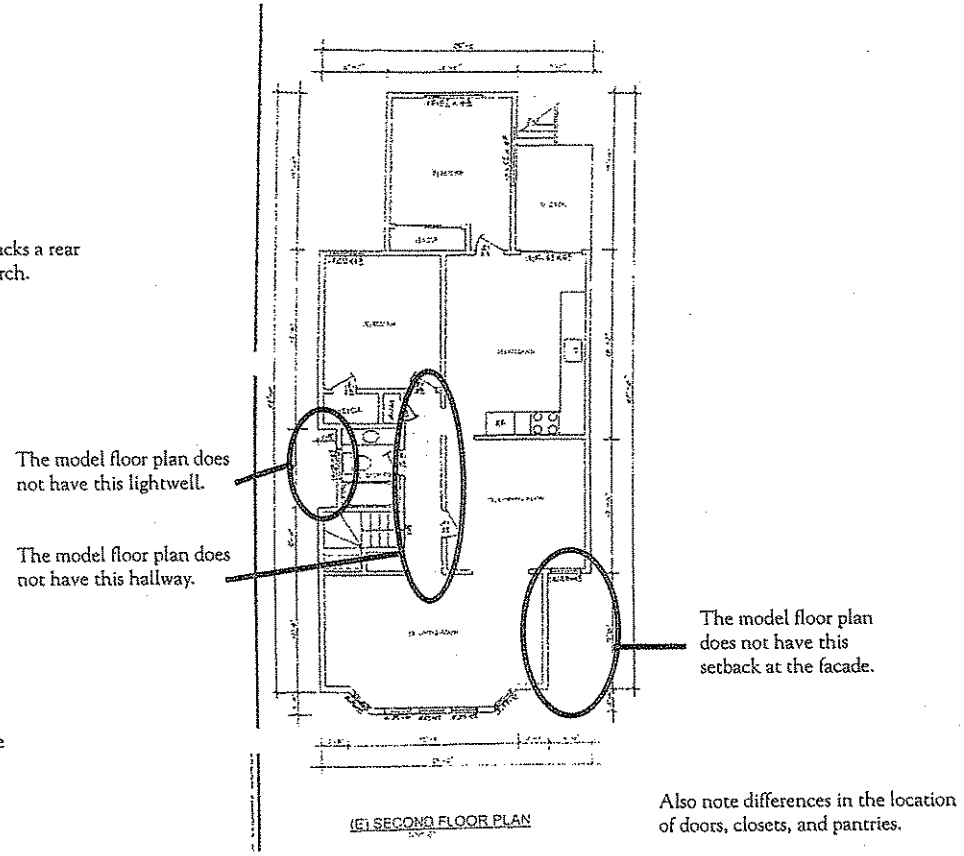
Appendix

Comparison of a model Parkside Cottage floor plan and
the current floor plan of 2462- 27th Avenue

Response to Appeal of Categorical Exemption
2462 27th Avenue, San Francisco

Carey & Co., Inc.





Left: Model floor plan of a Parkside Cottage, which was published by the Parkside Realty Company. Right: Current floor plan of 2462- 27th Avenue. The areas highlighted in red depict significant differences between the floor plans.

B

March 11, 2010

Mr. David Chiu, President
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: CEQA Appeal
2462 27th Avenue
Board of Supervisors Special Hearing
Tuesday, March 16th, 2010 at 4:00 p.m.

Dear President Chiu and Members of the Board of Supervisors:

As a Qualified Architectural Historian with certification from the City's Human Rights Commission, I have been asked to review and comment on the CEQA Appeal filed on the above-referenced address by the Law Office of Stephen M. Williams on behalf of surrounding neighbors and interested parties for a proposed project at the subject location.

I have reviewed the materials including a Historic Resources Evaluation Report prepared and submitted by Carey and Company, Inc., Architecture on February 25, 2008 on behalf of their client and owner of the subject property, namely, Peter and Dally Wong.

I disagree with the conclusions of this well-known Historic Preservation firm in their conclusions that the subject property and surrounding properties located within a sub-area of the Parkside District which was developed for single-family residential structures during the 1920's which was most likely based on a plan developed by the Parkside Realty Company in 1908.

The architecture, floor plans and site planning of the subject block and surrounding blocks appear to correspond with the Parkside cottage models detailed in a brochure developed by said Realty Company brochure.

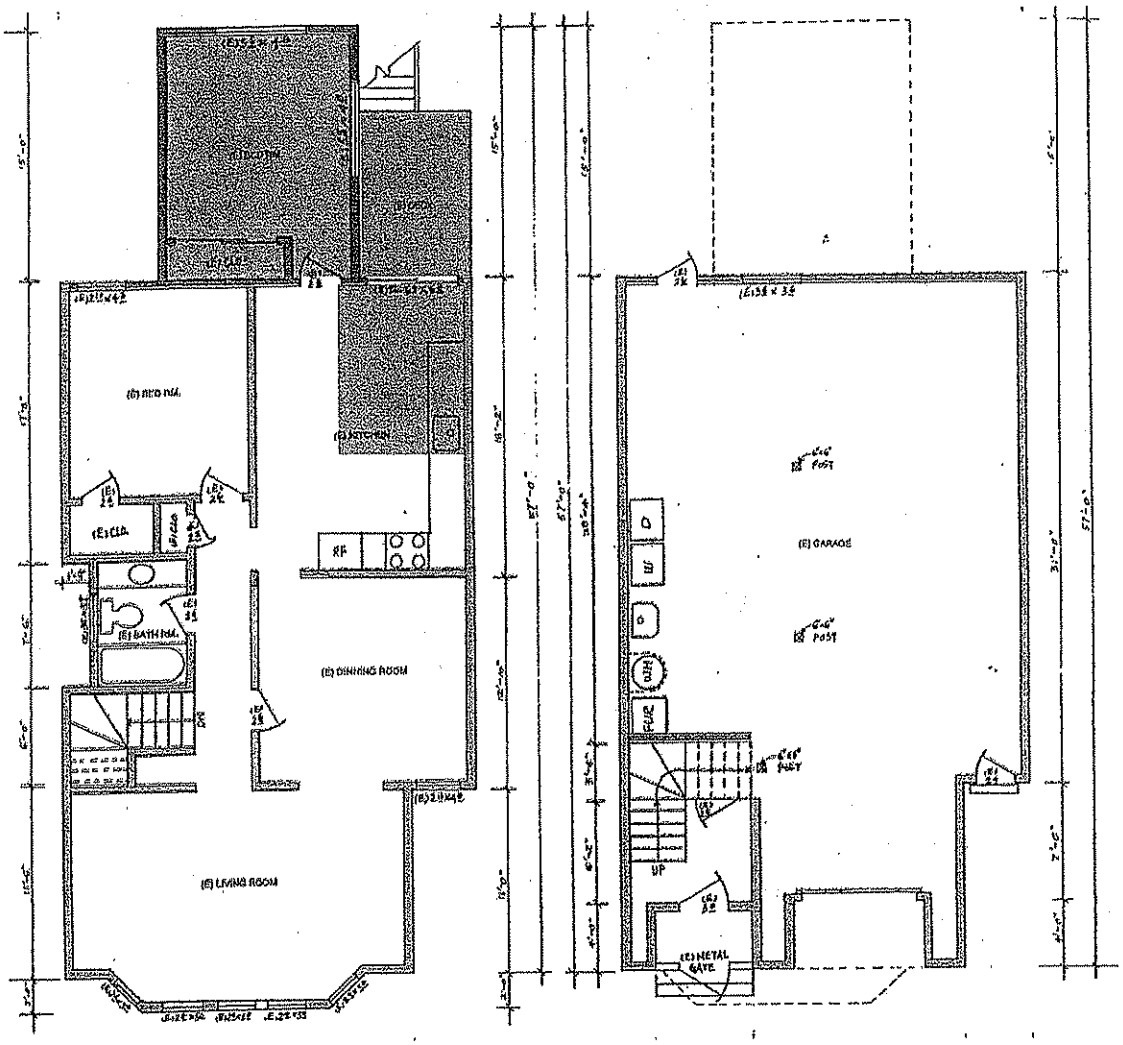
The subject property dates to 1924, and, as such it is considered a Category"B" building pursuant to the City's; Preservation Bulletin No. 16 (which, by the way, I co-authored this Preservation Bulletin as well as 20 other Preservation Bulletins that are now on-line on the Planning Department's website, while I was a Preservation Planner in the Planning Department during the 1980's and 1990's).

Additionally, the recently completed "San Francisco's Parkside District: 1905-1957" Context Statement funded by the City's Historic Preservation Fund through the MOEWD by Richard Brandi and Woody LaBounty of the Western Neighborhoods Project indicates that these cottages (including the subject property) located on and in

C

2462 27th Avenue:

Existing Second Floor Plan **Existing First Floor Plan**



Legend:

- Walls to be Removed
- Walls to Remain
- Floors to be Removed

SFPC Sec. 317(b)(2)(B)

A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade **and** also proposes the Removal of more than 65% of the sum of all exterior walls, **measured in lineal feet at the foundation level**

Element	SFPC Sec. 317(b)(2)(B)	PROPOSAL
Façade Walls (Front & Rear)	More than 50% removed	33% removed
All Exterior Walls	More than 65% removed	17% removed

SFPC Sec. 317(b)(2)(C)

A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements **and** more than 50% of the Horizontal Elements of the existing building, as **measured in square feet of actual surface area.**

Element	SFPC Sec. 317(b)(2)(C)	PROPOSAL
Vertical Envelope	More than 50% removed	25% removed
Horizontal Elements	More than 50% removed	24% removed

SFBC Sec. 103.A.3.2

DEMOLITION means the total tearing down or destruction of a building containing one or more residential units, **or** any alteration which destroys or removes, as those terms are defined by the Building Official of the Department of Building Inspection, principal portions of an existing structure containing one or more residential units.

PRINCIPAL PORTION means that construction which determines the shape and size of the building envelope (such as the exterior walls, roof and interior bearing elements), **or** that construction which alters two-thirds or more of the interior elements (such as walls, partitions, floors or ceilings).

Element	SFPC Sec. 317(b)(2)(C)	PROPOSAL
Building Envelope	More than 66% removed	33% removed
All Interior Elements	More than 66% altered	18% altered

SEC. 1005. - CONFORMITY AND PERMITS.

(a)
No person shall carry out or cause to be carried out on a designated landmark site or in a designated historic district any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, for which a City permit is required, except in conformity with the provisions of this Article 10. In addition, no such work shall take place unless all other applicable laws and regulations have been complied with, and any required permit has been issued for said work.

(b)
(1) Installation of a new general advertising sign is prohibited in any Historic District or on any historic property regulated by this Article 10.

(2)
The Central Permit Bureau shall not issue, and no other City department or agency shall issue, any permit for construction, alteration, removal or demolition of a structure or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage on a landmark site or in an Historic District, except in conformity with the provisions of this Article 10. In addition, no such permit shall be issued unless all other applicable laws and regulations have been complied with.

(c) (1)
Where so provided in the designating ordinance for a historic district, any or all exterior changes visible from a public street or other public place shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required for such exterior changes. Such exterior changes may include, but shall not be limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and other building appendages.

(2)
The addition of a mural to any landmark or contributory structure in a historic district shall require compliance with the provisions of this Article 10, regardless of whether or not a City permit is required for the mural.

(3)
Alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies such alterations, shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required.

(d)
The Department shall maintain with the Central Permit Bureau a current record of designated landmarks and historic districts. Upon receipt of any application for a permit to carry out any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly forward such permit application to the Department.

(e)
After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether Section 1006 requires a Certificate of Appropriateness for the work proposed in such permit application. If such Certificate is required and has been issued, and if the permit application conforms to such Certificate, the permit application shall be processed without further reference to this Article 10. If such Certificate is required and has not been issued, or if in the sole judgment of the Department the permit application does not so conform, the permit application shall be disapproved or held by the Department until such time as conformity does exist; the decision and action of the Department shall be final. Notwithstanding the foregoing, in the

following cases the Department shall process the permit application without further reference to this Article 10:

(1)
When the application is for a permit to construct on a landmark site where the landmark has been lawfully demolished and the site is not within a designated historic district;

(2)
When the application is for a permit to make interior alterations only on a privately-owned structure or on a publicly-owned structure, unless the designating ordinance requires review of such alterations to the privately- or publicly-owned structure pursuant to Section 1004(c) hereof;

(3)
When the application is for a permit to do ordinary maintenance and repairs only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster;

(4)
When the application is for a permit to comply with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the Planning Commission.

(f)
For purposes of this Article 10, demolition shall be defined as any one of the following:

(1)
Removal of more than 25 percent of the surface of all external walls facing a public street(s); or

(2)
Removal of more than 50 percent of all external walls from their function as all external walls; or

(3)
Removal of more than 25 percent of external walls from function as either external or internal walls; or

(4)
Removal of more than 75 percent of the building's existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

(g)
The following procedures shall govern review of the addition of murals to any landmark or contributory structure in a historic district:

(1)
Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property owned by the City, no Certificate of Appropriateness shall be required. On such structures, the Art Commission shall not approve the mural until the Advisory Board has provided advice to the Art Commission on the impact of the mural on the historical structure. The Advisory Board shall provide advice to the Art Commission within 50 days of receipt of a written request for advice and information regarding the placement, size and location of the proposed mural;

(2)
Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property that is not owned by the City, a Certificate of Appropriateness shall be required. The Advisory Board shall not act on the Certificate of Appropriateness until the Art Commission has provided advice to the Advisory Board on the mural. The Art Commission shall provide advice to the Advisory Board within 50 days of receipt of a written request for advice and information regarding the proposed mural.

(Amended by Ord. 222-72, App. 8/9/72; Ord. 227-92, App. 7/14/92; Ord. 97-96, App. 3/6/96; Ord. 249-96, App. 6/19/96; Ord. 327-99, File No. 991871, App. 12/23/99; Ord. 140-06, File 052921, App. 6/22/2006; Ord. 82-07, File No. 070021, App. 4/20/2007)

Project Name: Wong
Project Address: 2462 27th Ave.
Block / Lot: Block 2399 / Lot 026
Zoning: RH-1
Height: 40-X
Front Setback: 12-feet

Calculations of Existing & Removed/Altered Building Elements:

EXISTING:

Existing Exterior Walls (all walls at perimeter at foundation level) TOTAL: 148 Linear Feet
Perimeter at foundation level: 148 Linear Ft

Existing Façade Walls (Front & Rear) TOTAL: 75 Linear Feet
(25 Linear Ft + 50 Linear Ft)

Existing Rear Façade: 25 Linear Feet
Perimeter at foundation level: 25 Linear Ft

Existing Front Façade: 50 Linear Feet
Perimeter at foundation level: 50 Linear Ft

Existing Vertical Envelope Elements (all exterior walls) Surface Area TOTAL: 2539 SF

Existing Exterior Walls: 2539 SF
1st Floor: 148 Linear Ft x 7.83 Ft Tall = 1159 SF
2nd Floor: 169 Linear Ft x 8.17 Ft Tall = 1380 SF

Existing Horizontal Elements (Framed Floors / Decks / Roofs) Surface Area TOTAL: 2470 SF

Existing Framed Floors: 1200 SF
(note: only "framed floor" is the 2nd floor;
the 1st floor is a slab on grade and not a "framed floor")
Existing Decks: 70 SF
Existing Roofs: 1200 SF

Existing Building Envelope (exterior walls and roof) Surface Area TOTAL: 3739 SF
(2539 SF + 1200 SF)

Existing Exterior Walls: 2539 SF
1st Floor: 148 Linear Ft x 7.83 Ft Tall = 1159 SF
2nd Floor: 169 Linear Ft x 8.17 Ft Tall = 1380 SF

Existing Roofs: 1200 SF

Existing Interior Elements (Walls, Floors, Ceilings) Surface Area TOTAL: 2372 SF
(1172 SF + 1200 SF = 2372 SF)

Existing Interior Walls: 1172 SF
1st Floor: 14 Linear Ft x 7.83 Ft Tall = 110 SF
2nd Floor: 130 Linear Ft x 8.17 Ft Tall = 1062 SF

Existing Framed Floors/Ceilings: 1200 SF

Calculations of Existing & Removed/Altered Building Elements:

REMOVED / ALTERED:

Exterior Walls (all walls at perimeter at foundation level): 17% removed / altered
(25 Linear Ft / 148 Linear Ft = 17%)

Perimeter at foundation level: 25 Linear Ft removed / altered

Façade (Front & Rear) Walls: 33% removed / altered
(25 Linear Ft / 75 Linear Ft)

Rear Façade: 25 Linear Feet removed / altered
Perimeter at foundation level: 25 Linear Ft

Front Façade: 0 Linear Feet removed / altered
Perimeter at foundation level: no change

Vertical Envelope Elements (all exterior walls) Surface Area: 25% removed / altered
(645 SF / 2539 SF) = 25%

Exterior Walls: 645 SF removed / altered
1st Floor: 25 Linear Ft x 7.83 Ft Tall = 196 SF
2nd Floor: 55 Linear Ft x 8.17 Ft Tall = 449 SF

Horizontal Elements (Framed Floors / Decks / Roofs) Surface Area: 24% removed / altered
(590 SF / 2470 SF = 24%)

Framed Floors / Decks / Roofs TOTAL: 590 SF removed / altered
Framed Floors: 260 SF
Decks: 70 SF
Roofs: 260 SF

Building Envelope (exterior walls and roof) Surface Area: 33% removed / altered
(645 SF + 590 SF) / 3739 SF = 33%

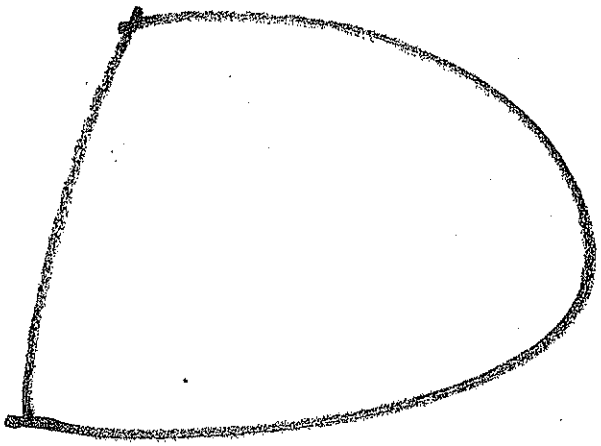
Exterior Walls: 645 SF removed / altered
1st Floor: 25 Linear Ft x 7.83 Ft Tall = 196 SF
2nd Floor: 55 Linear Ft x 8.17 Ft Tall = 449 SF

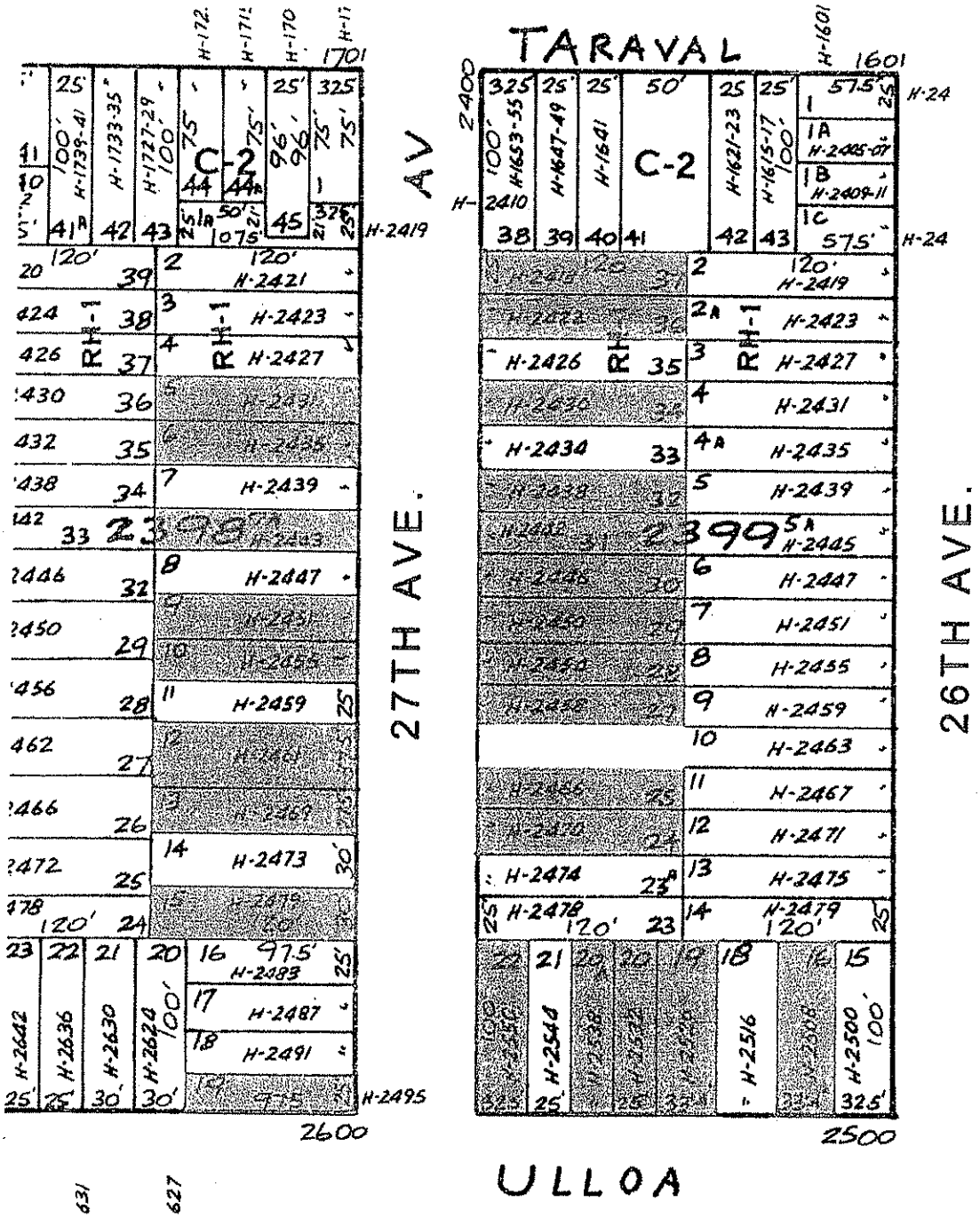
Roofs: 590 SF removed / altered

Interior elements (walls, floors, ceilings) Surface Area: 18% removed / altered
(178 SF + 260 SF) / 2372 SF = 18%

Interior Walls: 178 SF removed / altered
1st Floor: 7 Linear Ft x 7.83 Ft Tall = 55 SF
2nd Floor: 15 Linear Ft x 8.17 Ft Tall = 123 SF

Interior floors/ceilings: 260 SF removed / altered





SUPPORT FOR THE PROPOSED PROJECT AT 2462 27TH AVENUE

LEGEND

OWNER HAS RECEIVED LETTERS / SIGNATURES OF SUPPORT FROM THESE NEIGHBORS

SUBJECT PROPERTY

BOS-11 copies - 4/13/11
by request
File 100151

**********ANTONIO A. ROBLES**********
2442 -26th Avenue
San Francisco, CA 94116

San Francisco, March 15 2010

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

Ref.: Opposition to Case No. 2009.0797E

Dear Ms. Calvillo:

As a resident living in the Sunset – Parkside district for over 20 years and having the pleasure of helping raise 2 grandchildren in a single family house, I STRONGLY OPPOSE to the project located at 2462 – 27th Avenue the way it has been presented to the Planning Department.

It is hard to believe that a single family home needs 7 Bedrooms and 4 Bathrooms! Besides, the project does not fit the character of the neighborhood, and I am certain it will become an eyesore in this residential area.

Sincerely yours.

Antonio A. Robles

Board of Supervisors/BOS/SFGOV
03/12/2010 06:08 PM

To Joy Lamug/BOS/SFGOV@SFGOV, Rick Caldeira/BOS/SFGOV@SFGOV
cc
bcc
Subject Fw: 2462 27th Avenue --Special Order Tuesday March 16, 2010 4:00PM

Complete a Board of Supervisors Customer Service Satisfaction form by clicking HERE.

----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/12/2010 06:09 PM -----

"Stephen M. Williams" <smw@stevewilliamslaw.com >
03/11/2010 04:40 PM

To "'David Chiu'" <David.Chiu@sfgov.org>, "'Eric Mar'" <emailericmar@gmail.com>, <Michela.Alioto-Pier@sfgov.org>, <carmen.chu@sfgov.org>, <ross.mirkarimi@sfgov.org>, <chris.daly@sfgov.org>, <sophie.maxwell@sfgov.org>, <bevan.dufty@sfgov.org>, <sean.elsbernd@sfgov.org>, <David.Campos@sfgov.org>, <John.Avalos@sfgov.org>
cc <david.noyola@sfgov.org>, "'Cassandra Costello'" <Cassandra.Costello@sfgov.org>, <bil.barnes@sfgov.org>, "'Catherine Stefani'" <Catherine.Stefani@sfgov.org>, <Jeremy.Pollock@sfgov.org>, "'April Veneracion'" <April.Veneracion@sfgov.org>, <alexander.volberding@sfgov.org>, "'Boe Hayward'" <Boe.Hayward@sfgov.org>, <board.of.supervisors@sfgov.org>, "'Sheila Chung Hagen'" <Sheila.Chung.Hagen@sfgov.org>, "'Jon Lau'" <Jon.Lau@sfgov.org>, <raquel.redondiez@sfgov.org>
Subject 2462 27th Avenue --Special Order Tuesday March 16, 2010 4:00PM

President Chiu, Members of the Board and Legislative Aides:

Attached is our briefing in support of the appeal of the categorical exemption given to the proposed project at 2462 27th Avenue. Hard copies, which includes all of the supporting exhibits, will be delivered to your offices as well. On behalf of the appellants and neighbors, we ask for your support.

Very Truly Yours,

Steve Williams

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115
Phone: (415) 292-3656
Fax: (415) 776-8047

LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.com

March 11, 2010

David Chiu, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall-Room 244
San Francisco, CA 94102-4089

RE: **2462 27th Avenue**
Appeal of Exemption from Environmental Review
Hearing Date: March 16, 2010—Special Order--4:00 p.m.

Dear President Chiu and Members of the Board:

INTRODUCTION

This letter brief is a supplement to the previously filed appeal letter. This office, along with distinguished historian and planner Vincent Marsh, represents the Appellant Sunset Parkside Education and Action Committee ("SPEAK") numerous neighbors and members of the affected community. Most of the neighbors **oppose** this massive project as does the relevant neighborhood association, as well as the larger preservation community. An exclusion from environmental review under the provisions of the California Environmental Quality Act ("CEQA") is not appropriate in this instance and the appellants have submitted expert opinion and other substantial evidence to support a "fair argument" under CEQA that the proposed massive "alteration" to the historic home at 2462 27th Avenue not only "may," under the terms of the statute, but absolutely WILL materially impair the historic significance of the building and its contribution to a potential Parkside Historic District.

Appellants and the neighbors believed this project was dropped by the project sponsor as following the last hearing on June 26, 2007 (see Tab 10); they inexplicably delayed even filing the required environmental review application for more than two years (August 2009). The initial delays on the project were created when project sponsors filed an application to construct an illegal four story building in this RH-1 zone, which has a 30-35 foot limit. They had to withdraw that application as not code compliant and file a new application. The neighborhood has been held hostage by this massive unending project for many years and the developer has never explained these delays—except to blame the neighbors.

SUMMARY OF ARGUMENT

The Department has made a mistake in this case and has failed to consider the historical context statement *commissioned by the City*. Carey and Co. has also missed the mark with its report and the vague conclusion that there "does not appear" to be a historic district in the Parkside is untenable on its face. The definitive context study commissioned by the City was produced in March 2008 (Tab 3) and establishes this district's important historic value to the

City. There is no doubt that this building may serve as a "contributor" to the Parkside Historic District and that this is an important block for such a District. The block is essentially in pristine shape and nearly unchanged since the 1920's. (Tab 4) And the subject building is the anchor in the middle of the block face.

(1) San Francisco's Parkside District should be acknowledged by the City as a potential Historic District. A historic context statement was produced by the Western Neighborhood Project under the authority of the Mayor's Office of Economic and Workforce project in March 2008. (Tab 3)
(2) This building first dates from 1916 and was completed in 1924, and is one of the older buildings in the area. It sits in an important contextual block which represents the second phase of development of the Parkside District as a "Sunset Style house." This building *is* a contributor to the potential district.(Tab 3, p.42)
(3) The building, in its context must be considered historically important as a building on a block which shows how the Parkside was developed and how housing was provided to working middle class people in the 1920's.
(4) The context and historic value of the District CANNOT be preserved if this Parkside design is more than doubled in size and is turned into a 4,240 square foot, three-story building without destroying or at least substantially altering the historic significance of the building and the neighborhood. Such a development is unprecedented.
(5) Substantial evidence of a "fair argument" has been presented that there are historic resources present in the neighborhood and that this building is a contributor. (Tab 2) The City Attorney handling this case advised the Planning Dept the day after the previous hearing at the Board that expert opinion would establish such a finding and that the project sponsor should redesign the building to reduce the impacts to the historic resources and comply with the Secretary of the Interior Standards. The project was not changed. (Tab 9 E-Mail from Planning Dept file)
(6) The project is an exceedingly bad, over-reaching development. It was not "approved" by the Planning Commission and was roundly criticized by the five Commissioners present at the hearing, but four votes could not be mustered at that time. Three Commissioners voted against the project and the two (Antonioni and Bill Lee) 'supporting" it also voted to reduce its size and place a Notice of Special Restrictions on the project. At the last hearing at the Board of Supervisors, several Supervisors opinioned that if it returned to the Board it should be much smaller, including Supervisor Elsbernd who stated:

    "If I were sitting here as a Planning Commissioner, exercising discretionary review and had the ability to scale back this addition I absolutely would. Because I agree with you it is just too big for the area, I get that—you are right. I missed the Planning Commission hearing so I could go up to the Commission and lobby with you."
(7) The Project remains unchanged and will have an adverse impact on the entire area due to its unsympathetic size and out of context placement in the neighborhood. The project should be returned for correct review in a potential neighborhood historic district and scaled back to mitigate the negative impacts on that district.

PROJECT DESCRIPTION AND CONTEXT

The project is out of scale and harms the entire neighborhood. There are no other full third floor build outs anywhere in the zoning district. The project sponsor's brief shows buildings which are not in the zoning district and are in the Taravel Neighborhood Commercial District (NC-2) which has a forty (40') foot height limit. (Tab 5 & 6) The subject district is thirty feet at the façade and this building is at that absolute limit.

The project proposes to add more than 2,100 square feet of new living space to the existing historic building which is currently 2,148 square feet. This includes a complete maximum build out (as much as is allowed by Code) of the new third floor. The "alteration" is roughly *two times* the size of the existing building if the garage is excluded. The planned "alteration" is so extensive that the project should have been reviewed as a demolition. It seems highly likely that once construction begins, few or no elements of the original building will be retained. The developer claims that "most" of the building and its defining features will be saved for the new building. This Board knows better from past experience.

The project is exactly the type of project warned against in the City commissioned report on *San Francisco's Parkside District: 1905 – 1957 A historical context statement* by Richard Brandi and Woody LaBounty, March 2008 (Tab 3) which states—"Threats to Historic Structures—The Parkside cottages and residential structures of more recent vintages are threatened with unsympathetic renovations, such as out-of-scale rear or second story additions, and inappropriate replacement of historic fabric with contemporary materials. (Tab 3 –page 51)

STANDARD OF REVIEW

This Board must answer the following questions:

- **Is the Parkside a Potential Historic District?**
- **Is there a disagreement among qualified experts regarding whether the Parkside is a potential historic district?**
- **If so, is this block part of that District?**
- **If so, is this block and this house a potential contributor to the District?**
- **Can a historic building maintain its context and "historic character, spatial relationships and essential form and integrity" if a full third floor and more than 2,000 square feet of new living space is added?**
- **Or, conversely, is it "possible" that such a project "may" have an adverse impact on the historic resource?**

Appellants believe the questions essentially answer themselves and that the appellants have more than met their burden of submitting a "fair argument" in the form of expert opinions from a Department-recognized historian and planner attesting to the fact that the Parkside is a potential historic district and this building and this block is a part of it. Finally, there is no doubt that such an expansive project indeed "may" have a substantial adverse impact on the

historic resource. It should also be noted that the Department itself takes the position in other cases where an addition of this size has been inserted into a historic building or neighborhood that such a feature degrades or adversely impacts the resource.

DISAGREEMENT BY CREDIBLE EXPERTS BASED ON FACT PRECLUDE THE USE OF A CATEGORICAL EXEMPTION

In this case there is a "fair argument" whether the Parkside District of San Francisco should be considered a potential historic district. Astoundingly, the Carey and Co., Report concludes that the Parkside *does not* meet the standards as a potential historic district. However, that report is unsigned and the author is not disclosed so it may not qualify as "expert' opinion. The Appellants expert conclude that the Parkside indeed qualifies as a potential historic district and that the subject block and a context which may contribute to that district. (Tab 2)

Public Resources Code and State CEQA Guidelines, as well as a number of court cases, ALL require preparation of a further environmental review if substantial evidence supports a fair argument that a project may have a significant adverse impact on the environment. The City states the boiler plate language which is included in every report, Public Resources Code Section 21080(e) explains, "...[S]ubstantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact....Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment."

The Staff and the City Attorney actually acknowledged this rule in an e-mail exchange the day after the first hearing on June 27th, 2007. Attached as Tab 9 is a copy of an e-mail exchange between preservation planner Sophie Middlebrook and City Attorney Elaine Warren which explains the standard to Ms. Middlebrook and encourages her to have the project sponsor redesign the project so as to not have a negative impact on the historic resources.

According to the CEQA *Deskbook* (page 37), "If such substantial evidence of significant impacts is presented, the Lead Agency must prepare an EIR, even though it may be presented with other substantial evidence that the project would not have significant impacts..." Sometimes known as the 'fair argument' standard, this standard for preparation of an EIR may turn on expert, factual, or other substantial evidence where, if there is conflicting evidence on the record (e.g., if two experts disagree) regarding the potential for significant effect, the Lead Agency is still required to prepare an EIR."

FACTUAL disagreements regarding the project and its impacts trigger further review. For example, the Appellants and the City have a dispute regarding the presence or absence of historic resources and the impact of a given project mandate further review. Further, the "interpretation" supplied by Mr. Gladstone is simply incorrect and is pure double talk nonsense. There is no requirement that experts disagree in a certain manner "on an EIR" or on facts alone. The only requirement is that the "fair argument" be based on facts from an

expert which is in disagreement with the conclusions reached in the environmental review leading to an exemption. This standard is confirmed by Ms. Warren (Tab 9)

CEQA Guidelines § 15064 (g) (5) states:

"(5) 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 assumptions predicated upon facts, and expert opinions supported by facts."

Appellants have met their burden and have supplied certified expert opinion supported by facts. It is not required that the experts disagree on factual issues only (even though they do in this instance). This does not mean that the project cannot be built, just that a Categorical Exemption may not be issued for the project.

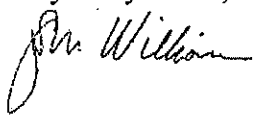
NEIGHBORS OPPOSE THE PROJECT AND SPONSORS GOT APPROVAL MOSTLY FROM FRIENDS AND FINANCIALLY INTERESTED PERSONS

Throughout the process, the developers have repeatedly asserted that the project is approved by "neighbors" and that the neighbors "support" the project. This is a blatant misrepresentation. The assertions of "neighborhood" support are simply not true. In fact, the vast majority of the neighbors are keenly aware of the extent of the project and DO NOT APPROVE of the planned massive "alteration." The project did not receive an affirmative vote at the Planning Commission and received only two votes of five. (Tab 7 & 8)

CONCLUSION

The proposed project cannot be granted an exemption from the protections of CEQA. There is obvious and ample evidence to demonstrate that a "fair argument" can be made under CEQA, such massive additions and "alterations" materially impair the historic significance of the affected resource. The addition of a full new floor and the massing, size and scale of the proposed project jeopardizes and destroys the essential form of the historic building, which is defined as a "Sunset Style House." The set-backs proposed for the additional floor do not adequately mitigate the destruction of the resource. The addition of this type bulk cannot be reconciled under the Secretary of the Interior Guidelines. Categorical exemptions fail when a fair argument is presented that a project may have a significant impact on a historic resource.

Very Truly Yours,



STEPHEN M. WILLIAMS

March 11, 2010

Mr. David Chiu, President
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: CEQA Appeal
2462 27th Avenue
Board of Supervisors Special Hearing
Tuesday, March 16th, 2010 at 4:00 p.m.

Dear President Chiu and Members of the Board of Supervisors:

As a Qualified Architectural Historian with certification from the City's Human Rights Commission, I have been asked to review and comment on the CEQA Appeal filed on the above-referenced address by the Law Office of Stephen M. Williams on behalf of surrounding neighbors and interested parties for a proposed project at the subject location.

I have reviewed the materials including a Historic Resources Evaluation Report prepared and submitted by Carey and Company, Inc., Architecture on February 25, 2008 on behalf of their client and owner of the subject property, namely, Peter and Dally Wong.

I disagree with the conclusions of this well-known Historic Preservation firm in their conclusions that the subject property and surrounding properties located within a sub-area of the Parkside District which was developed for single-family residential structures during the 1920's which was most likely based on a plan developed by the Parkside Realty Company in 1908.

The architecture, floor plans and site planning of the subject block and surrounding blocks appear to correspond with the Parkside cottage models detailed in a brochure developed by said Realty Company brochure.

The subject property dates to 1924, and, as such it is considered a Category"B" building pursuant to the City's; Preservation Bulletin No. 16 (which, by the way, I co-authored this Preservation Bulletin as well as 20 other Preservation Bulletins that are now on-line on the Planning Department's website, while I was a Preservation Planner in the Planning Department during the 1980's and 1990's).

Additionally, the recently completed "San Francisco's Parkside District: 1905-1957" Context Statement funded by the City's Historic Preservation Fund through the MOEWD by Richard Brandi and Woody LaBounty of the Western Neighborhoods Project indicates that these cottages (including the subject property) located on and in

Vincent Marsh, Marsh and Associates, (415) 921-8316, (415) 921-8593 (fax), vincent.marsh@gmail.com , vincentmarsh.com

the general vicinity of 27th Avenue in the Parkside were among the first group of houses built in the Parkside District with a period of significance from 1916 until 1929.

As a Qualified Architectural Historian and City Planning professional[1] working with Stephen M. Williams, Attorney-at-Law on behalf of the Appellants we believe that the Planning Department did not follow its own CEQA Review Procedures for Historic Resources correctly. What is troubling is that this is the second time this matter is before the City's decision makers.

The Class 1 (e) stamp that this project received is incorrect and erroneous given the controversy surrounding the project and the project's impact on surrounding historic resources. The subject property appears to be a contributory resource to a fully documented California Register of Historical Resources, Parkside Historic District. In addition, most of the surrounding properties appear eligible for the CA Register as contributory resources.

I concur with the client's attorney that the proposed project is a "de facto" demolition of the subject property and it "may materially impair the potential significance of the building and negatively impact the surrounding buildings and open space. The proposed project should be returned to the Department for further review and for an assessment of these potential impacts."

I am available to answer any questions or concerns about the above-referenced project and will attend the CEQA Appeal, Special Hearing scheduled for 4:00 p.m. on Tuesday, March 16th, 2010.

Sincerely,

Vincent Marsh, Principal
Marsh and Associates
Historic Preservation Consultants

See Attachments A and B.

[1] See the attached Biography, including my Professional Qualifications as a Architectural Historian/City Planner for Vincent Marsh of Marsh and Associates.

Historic Background Report
In support of the CEQA Appeal
For 2462 27th Avenue

Board of Supervisors Special Hearing
Tuesday, March 16th, 2010 at 4:00 p.m.

Prepared by:
Vincent Marsh
Marsh and Associates
Historic Preservation Consultants
2134 Green Street, Suite No. 3
San Francisco, CA 94123-4761

Prepared on March 11, 2010

Executive Summary

As a Qualified Architectural Historian and City Planning professional[2] working with Stephen M. Williams, Attorney-at-Law on behalf of the Appellants we believe that the Planning Department did not follow its own CEQA Review Procedures for Historic Resources correctly. What is troubling is that this is the second time this matter is before the City's decision makers.

The Class 1 (e), stamp for this project received is incorrect and erroneous given the controversy surrounding the project and the project's impact on surrounding historic resources. The subject property appears to be a contributory resource to a fully documented California Register of Historical Resources. In addition surrounding properties appear eligible for the CA Register. The proposed "de facto" demolition of a contributory building to a potential CA Register Historic District is inappropriate in this case.

I concur with the client's attorney that the proposed project is a "de facto" demolition of the subject property and it "may materially impair the potential significance of the building and negatively impact the surrounding buildings and open space. The proposed project should be returned to the Department for further review and for an assessment of these potential impacts."

Here Today

Here Today is a book published in 1968 by the Junior League of San Francisco (Chronicle Books). This survey was adopted by the Board of Supervisors under Resolution No. 268-70 and contains information on approximately 2,500 properties within San Francisco County. The subject property is not listed in *Here Today.*

The 1976 Citywide Architectural Survey

This survey was a visual exploration of the city to obtain basic architectural information. The aim of the survey was to identify and rate, on a scale of-2 (detrimental) to +5 (extraordinary), all significant buildings and structures. No background research was performed and the potential historical significance was not considered when assigning a rating. Buildings rated 3 or higher represent approximately the 'best' 2 percent of the city's architecture. Summary ratings of 0 to 2 are generally interpreted to mean that the property has some contextual importance. The subject property was not rated in the 1976 Citywide Architectural Survey; however, a number of properties within the blockface and opposing blockface were rated in the Planning Department's, 1976 Citywide Architectural Survey. Survey forms and their ratings are attached for your information.

[2] See the attached Biography, including my Professional Qualifications as an Architectural Historian/City Planner for Vincent Marsh of Marsh and Associates.

Context and Relationship for the subject property and surrounding properties

The subject property appears to be a Contributory structure to a potential Parkside, California Register of Historical Resources Historic District.

Within the immediate vicinity of the subject property, and based upon preliminary field work and photographic documentation and the age of structures surrounding the subject property located at 2462 27th Avenue blockface in the Parkside district would be a contributory resource despite the findings of the Carey and Company report which was prepared for the owner of said property

The subject property is eligible for the California Register as a contributor to a potential district for its association with the new construction that immediately followed the 1906 Earthquake and Fire (Criterion 1-Events) and for embodying distinctive characteristics of a type and period of construction within the context of a potential historic district (Criterion 3-Architecture).

The California Register of Historical Resources

The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be determined eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

The analysis of the site for eligibility under California Register, Criterion 4 (Information Potential) is beyond the scope of this report. However, the Northwest Information Center at Sonoma State University is not aware of any archaeological sites in the vicinity of the project.

An introduction to the Guidelines utilized to nominate properties to the California Register of Historical Resources and the National Register of Historic Places are listed below:

To be eligible for listing on the California Register, a resource must be significant at the local, state, or national level under one or more of the following four criteria:

Criterion 1 indicates that the property "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; or"

Criterion 2 refers to those properties that "are associated with the lives of persons important to local, California or national history; or"

Criteria 3 indicates that the property "embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or"

Criterion 4 refers to the fact that the site "has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The California Register serves as an authoritative guide to resources that are to be considered significant when there is a discretionary action subject to CEQA. However, simply because a resource is not currently listed in the California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review. Any resource that is eligible for listing in the California Register is also considered significant under CEQA. Therefore, the lead agency on a project must determine not only if the resource is listed, but also if it is eligible for listing.

In addition to having significance, all resources nominated for listing must have Integrity for the period of significance. The period of significance is the date or span of time within which the significant events transpired, or the significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resources' period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.

Criterion 1 (Events)

The guidelines used to nominate a building to the California and/or National Register indicates that properties that retain "feeling and association" exist if the place where the event or activity occurred is sufficiently intact to convey the relationship to a casual observer. This is not the case with this property. "Association" here means the direct link between an important historic activity and an historic property, based upon the significance and essential physical features.

For a building to be associated with a particular pattern of events, the property must have an important association with a particular historic activity or pattern, and it must retain its historic integrity. Mere association with the activity is not enough in and of itself to qualify under

Criterion 1, the property's specific association must be considered important as well. For example, for a building to be an important example of the post-WWI reconstruction period, it must be shown to be important in post-WWI reconstruction history.

The guidelines used to nominate a building to the California and/or National Register indicates that properties that retain "feeling and association" exist if the place where the event or activity occurred is sufficiently intact to convey the relationship to a casual observer. This is not the case with this property. "Association" here means the direct link between an important historic activity and an historic property, based upon the significance and essential physical features. For a building to be associated with a particular pattern of events, the property must have an important association with a particular historic activity or pattern, and it must retain its historic integrity. Mere association with the activity is not enough in and of itself to qualify under Criterion A; the property's specific association must be considered important as well. For example, for a building to be an important example of the post-WWI reconstruction period, it must be shown to be important in post-WWI reconstruction history.

Research and documentation indicates a "boom period" of reconstruction, immediately following the 1906 Earthquake and Fire and building occurred for more than twenty years as residents moved further and further west in the City, ultimately to the Outer Lands with the expansion of transportation services and the abundance of low cost land. By virtue of its age, that is, 1924; 2462 27th Avenue appears eligible for listing as a contributory structure to the California Register under Criterion 1. Said building and surrounding buildings would need to be documented on State of CA, DPR 523 forms. As indicated previously, the subject property is a Category 'B" building pursuant to the City's Preservation Bulletin No. 16.

Criterion 2 (Persons)

For a property to be eligible for listing under this criterion, it must be shown to have a primary association with a person (or group) that is significant to the community, State or Nation during the building's period of significance.

Research and documentation indicates that no significant persons are associated with this site. No known persons of significance are associated with the subject property.

Criterion 3 (Design/Construction)

For a property to be eligible for individual listing under this criterion, the building must be capable of representing a "type, period or method of construction or possess architectural features that is significant in the development of the community, state or nation. Alternately, the building might be of high artistic value, or represent the work of a master." A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history.

For a property to be eligible for individual listing under this criterion, the building must be capable of representing a "type, period or method of construction or possess architectural features that are significant in the development of the community, state or nation. Alternately, the building might be of high artistic value, or represent the work of a master." A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history.

Again, the subject property appears to be a contributory resource to the CA Register of Historical Resources to a fully documented survey or historic district nomination.

Criterion 4 (Information Potential)

Buildings that have yielded or may be likely to yield information important to pre-history or history.

As previously indicated, the 1906 Earthquake and Fire destroyed much of Downtown San Francisco, primarily areas east of Van Ness Avenue and South of Market including North Beach. Following that catastrophe, much of the Downtown, the Northeast Quadrant of the City, South of Market and other Inner City neighborhoods were reconstructed. New construction occurred in the western part of the City and in this case, the Outer Lands, including the Parkside District, immediately following the Great Earthquake and Fire of 1906.

No known archeological sites are associated with the subject property. Therefore, this criterion does apply to this site.

Evaluation of the historic Integrity of the building

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 must have integrity. To retain historic integrity a property will always possess several, and usually most of the aspects.

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. "Historical resources eligible for listing in the California Register must meet one of the criteria of significance detailed below and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing." (CEQA Review Procedures, page 26).

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

It is possible that the historical resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association. Integrity is also evaluated with reference to the particular criteria under which a resource is proposed for nomination.

Integrity is the ability of a property to convey significance. Historic properties either retain their integrity or they do not. In order to retain historic integrity, a property will always possess several, and usually most of the seven aspects of integrity. These aspects include location, design, setting, materials, workmanship, feeling and association.

In addition to having significance, resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance. There are seven elements of integrity recognized and employed by the National Register of Historic Places and the California Register of Historic Resources.

The seven aspects of Integrity are as follows:

Location: The place where the historic property was constructed or the place where the historic event occurred.

The property still retains integrity of location, as it remains on the parcel that it was originally built upon.

Design: The combination of elements that create the form, plan, space, structure and style of the property.

The proportion, scale, ornamentation and materials of the property maintain a good degree of integrity.

Setting: The physical environment of a historic property.

The historic setting and blockface remain essentially intact.

Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Except for a garage addition and a rear bedroom addition, the subject property appears to be intact with respect to materials.

Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

2462 27th Avenue and the neighboring small-scaled residential structures display a fair degree of workmanship which makes it and the most of the surrounding buildings contributory structures to a CA Register of Historical Resources, historic district.

Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.

2462 27th Avenue still maintains a good degree of feeling along with the neighboring properties developed during the 1920's in this sub-area of the Parkside district which was one of the first subdivisions developed in the Outer Lands area of the Parkside.

Association: The direct link between an important historic event and person associated with the property.

Under association, the subject property evokes the aesthetic and historic sense of the Parkside district during an earlier time when small wood-framed structures to provide single-family housing to San Francisco's emerging population, who because of newly MUNI service and post 1906 expansion of the City westward which let to the development of the Outer Lands of the City.

2462 27th Avenue maintains a good degree of location, design, materials, setting, workmanship, feeling and association

Evaluation of Significant Impacts under CEQA

Pursuant to CEQA Guidelines Section 15064.5, a project would have a significant effect if it would cause a substantial adverse change in the significance of an historical resource. CEQA Guidelines Section 15064.5 states "demolition, destruction, relocation, or

alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" which defines a "substantial adverse change."

A building may qualify as a historic resource if it falls within at least one of four categories listed in CEQA Guidelines Section 15064.5(a). The San Francisco Planning Department's "CEQA Review Procedures for Historical Resources" incorporates the State's CEQA Guidelines. According to the City's Guidelines, buildings that are "Presumed Historical Resources" are "properties included in a local register of historical resources, as defined by Public Resources Code Section 5020.l (k), or identified as significant in an historical resource survey meeting the

Requirements of Public Resources Code Section 5024.l (g). These resources are presumed to be historical resources unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.

The four categories are:

1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Tide 14 CCR, Section 4850 et seq.).

2) A resource included in a local register of historical resources, as defined in Section 5020.1 (k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3) Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets
the criteria for listing on the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 CCR, Section 4852).

4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020. l (k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in
Section 5024.1 (g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.l (j) or 5024.1.

The project as proposed would cause a substantial adverse change in the significance of the resource, given that it is essentially a "de facto demolition." The significance of the resource would be materially impaired and the proposed project would have an adverse effect on off-site historical resources.

Therefore Environmental Review needs to occur for this "contributory historical resource" and for the impact of the proposed project on surrounding historic properties in this subdivision which appear to be eligible for listing on the CA Register of Historical Resources. A higher level of Environmental Review needs to occur; stamping the project exemption under Class 1(e) of the CEQA guidelines is incorrect and inaccurate given there is difference of opinion of the experts and given the proposed impact of the project on the subject property and surrounding properties.

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Biography including Professional Qualifications Standards

Vincent Marsh, serves as the Principal of Marsh and Associates, a Historic Preservation Planning firm working with public and private sector clients in the San Francisco Bay Area. In addition, Vincent is a consulting Senior Associate with Lerner and Associates Architects and is currently assigned to a number of preservation planning projects, primarily in San Francisco, CA.

Mr. Marsh was employed with the City of Sacramento from 1999 until 2003 where he was the City's Preservation Director and a Senior Planner. His accomplishments in Sacramento included completing a comprehensive update of the City's Preservation program. Under his tenure and leadership the City adopted a new Preservation Element, a Preservation Incentives program, and a new Historic Preservation Ordinance. He also supervised the work of four consultants in conducting a Citywide Cultural Resources Survey, which proposed ten new Historic Districts and fifty new landmarks. In addition, he supervised and managed the workflow and staffing of the City's nine member Design Review and Preservation Board (DR&PB) and the nine members, Sacramento Heritage, Inc. whose membership is appointed by the Sacramento City Council.

Vincent Marsh is registered as a Qualified Architectural Historian with both the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park and with the North Central Information Center (NCIC) at California State University in Sacramento, CA. Mr. Marsh meets the Professional Qualifications Standards (PQS) for the Architectural History classification as found in 36 CFR Part 60 of the Code of Federal Regulations. In addition, the State Office of Historic Preservation (SOHP) has previously determined that Mr. Marsh meets the PQS as an Historian and as a Preservation Planner during his tenure staffing two existing Certified Local Government (CLG) programs in San Francisco and in Sacramento. Finally, Vincent Marsh is listed on the Register of Professional Historians (No. 589), which is maintained by the California Council for the Promotion of History (CCPH).

Prior to September of 1999, Vincent was employed as a Preservation Planner within the Citywide Policy & Analysis Division of the San Francisco Planning Department where he drafted a new Preservation Element, an Implementation Program Document of the General Plan, and a series of Preservation Briefs for the City of San Francisco. He completed General Plan Referrals and a comprehensive review, evaluation and update of the City's Neighborhood Commercial Controls, which were first adopted by the City in 1987. Additionally, he also was involved in major planning efforts and cultural resources assessments for the Presidio National Park, Treasure Island, Golden Gate Park, Mid-Market, Civic Center, and properties under the jurisdiction of the Port of San Francisco and the San Francisco Redevelopment Agency. For eight years, he served as the Secretary and the primary staff to the San Francisco Landmarks Preservation Advisory Board. In that position he worked closely with project sponsors, property owners, neighborhood associations and individuals on thousands of

preservation related projects in the Downtown and Citywide. He authored and recommended approvals for four historic district nominations, including the South End, Civic Center, Blackstone Court and the Bush Street-Cottage Row Historic Districts and, scores of local landmark nominations designation. In addition, he was the Project Manager for a major thematic survey of 2,000 Unreinforced Masonry Buildings (UMBs) with the assistance of fifteen A.I.A. volunteers, who also developed a set of Design Guidelines to seismically retrofit UMBs.

Vincent Marsh has served as a Field Representative to the Western Regional Office of the National Trust for Historic Preservation and as an Agency Relations Associate/ Neighborhood Planner with United Way of the Bay Area. In Boston, Massachusetts he was employed as an Urban Design consultant to Lane Frenchman, Inc. and for six years was employed as Executive Director of the North End Union, a Neighborhood Center in the North End/Waterfront area.

Vincent Marsh currently serves as a member of the Board of Directors for the Friends of 1800 Market Street, (which helped to save the historic Carmel Fallon Building) and has helped initiate landmark nominations, conduct surveys and context statements and has been involved in many development projects before the City Planning Commission. He also serves on two Homeowners Association Boards of Directors and is currently the Acting Chair of the Preservation Consortium in San Francisco. He completed an eight-year term on the Board of Directors of the National Alliance of Preservation Commissions. In the recent past, he has served as Treasurer for the Northern California Chapter of the Society of Architectural Historians. Mr. Marsh also served for a period of eight years as a member of the Board of Directors of the California Preservation Foundation (CPF), a statewide non-profit preservation organization and volunteered for a number of committees and programs of CPF.

Vincent Marsh has a Master's Degree in City and Regional Planning with a specialization in Historic Preservation from Cornell University in Ithaca, New York, in addition to a Master's Degree in Community Organization and Planning from the University of Connecticut. He also attended the Massachusetts Institute of Technology, Urban Studies in Cambridge, MA, prior to full time studies at Cornell University. Mr. Marsh's undergraduate degree is from S.U.N.Y. at Buffalo. His thesis at Cornell University, "A Preservation Planning Study for the North End Waterfront of Boston, Massachusetts," won an Urban Design Fellowship from the National Endowment for the Arts Program.

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