

File No. 171222

Committee Item No. _____

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: December 12, 2017

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Appeal Letter - November 13, 2017
- Planning Supplemental Appeal Response - December 6, 2017
- Appellant Supplemental Appeal Response - December 5, 2017
- Project Sponsor Supplemental Appeal Response Brief -
December 4, 2017
- Planning Department Appeal Response - December 4, 2017
- Appellant Supplemental Appeal Letter - December 1, 2017
- Project Sponsor Appeal Response Brief - December 1, 2017
- _____
- _____

Prepared by: Brent Jalipa
Prepared by: _____

Date: December 7, 2017
Date: _____



ROBIA S. CRISP
SENIOR COUNSEL
REAL ESTATE/CONSTRUCTION
DIRECT DIAL (415) 995-5806
DIRECT FAX (415) 995-3455
E-MAIL rcrisp@hansonbridgett.com

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BOARD OF SUPERVISORS
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November 13, 2017

VIA HAND DELIVERY

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

Re: Letter of Appeal; 218 27th Avenue; CEQA Categorical Exemption Determination (Case No. 2016-003258ENV)

This office represents Alex Bernstein and Sonia Daccarett, the owners of a single family home located at 2545 Lake Street, which abuts the property located at 218 27th Street, the subject of this appeal.

On behalf of our clients, and pursuant to Section 31.16 of the San Francisco Administrative Code, we hereby appeal the Planning Department's issuance of a Categorical Exemption Determination for the demolition and replacement of the existing, two-story single family home located at 218 27th Avenue with the construction of a four-story, three-unit building with three parking spaces (the "Project"). While the Categorical Exemption Determination, dated June 29, 2016, states that the Project Approval Action is a Building Permit, a building permit has not been issued and it is our understanding that the first approval action for the Project is the Conditional Use Authorization (Case No. 2016-003258CUA) approved by the Planning Commission on October 12, 2017 by Motion No. 20025.

The grounds for this appeal are as follows: (1) the City failed to comply with the procedural requirements of CEQA and the City's implementing regulations codified in Chapter 31 of the San Francisco Administrative Code, including the content and posting requirements established in Section 31.08; (2) the project description has changed since the time the Categorical Exemption Determination was issued in July 2016 and the Project cannot be approved in reliance on the exemption determination; and (3) the determination that the Class 1 and Class 3 Categorical exemptions apply to the Project is not supported by substantial evidence.

The cursory process utilized by the City in issuing the Categorical Exemption Determination was contrary to the stated purposes of CEQA and the City's implementing regulations, which are to bring environmental considerations to bear at an early stage of the planning process, and prevent significant avoidable impacts by requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible. This process was undertaken without providing decision makers and the public with meaningful information regarding the impacts of the proposed Project, including aesthetic impacts, land use and planning impacts, and parking and traffic impacts, as required by CEQA.

Angela Calvillo
November 13, 2017
Page 2

We will submit further briefing prior to the hearing scheduled for this appeal.

Very truly yours,


Robia S. Crisp

RSC

Attachments

cc: Lisa Gibson, Environmental Review Officer (Via Email Lisa.Gibson@sfgov.org)
Alex Bernstein (Via Email alex@kingfisherinvestment.com)
Sonia Daccarett (Via Email sdaccarett@gmail.com)
Michael F. Donner, Esq.



SAN FRANCISCO PLANNING DEPARTMENT

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ll

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
218 27th Avenue		1386/038	
Case No.	Permit No.	Plans Dated	
2016-003258ENV		01/07/2016	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions, ; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class _____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

SAN FRANCISCO
PLANNING DEPARTMENT

Revised: 4/11/16

中文詢問請電: 415.575.9010
Para información en Español llame al: 415.575.9010
Para sa Impormasyon sa Tagalog tumawag sa: 415.575.9121

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling <small>Digitally signed by Jean Poling DN: cn=Jean Poling, o=San Francisco Planning Department, ou=San Francisco Planning Department, email=jean.poling@sfdph.org, c=US</small>	

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

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

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

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

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input checked="" type="checkbox"/>	10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> <input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C a. Per HRER dated: _____ <i>(attach HRER)</i> b. Other <i>(specify)</i> : Per PTR form signed on June 21, 2016
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments <i>(optional)</i> :	
Preservation Planner Signature: Stephanie Cisneros <small>Digitally signed by Stephanie Cisneros DN: cn=Stephanie Cisneros, ou=CityPlanning, ou=Current Planning, ou=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org, Date: 2016.06.29 14:23:13 -07'00'</small>	

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

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i> : <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.
Planner Name: Stephanie A. Cisneros Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Stephanie Cisneros <small>Digitally signed by Stephanie Cisneros DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2016.06.29 14:23:13 -07'00'</small>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion:	6/14/2016
---------------------------------	--	--------------------------	-----------

PROJECT INFORMATION		
Planner:	Address:	
Stephanie Cisneros	218 27th Avenue	
Block/Lot:	Cross Streets:	
1386/038	Lake Street & California Street	
CEQA Category:	Art. 10/11:	BPA Case No.:
B	N/A	2016-003258ENV

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

DATE OF PLANS UNDER REVIEW:	01/07/2016
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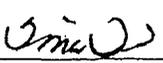
PROJECT ISSUES	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation prepared by Richard Brandi (dated April 29, 2016).	
Proposed Project: Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.	

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

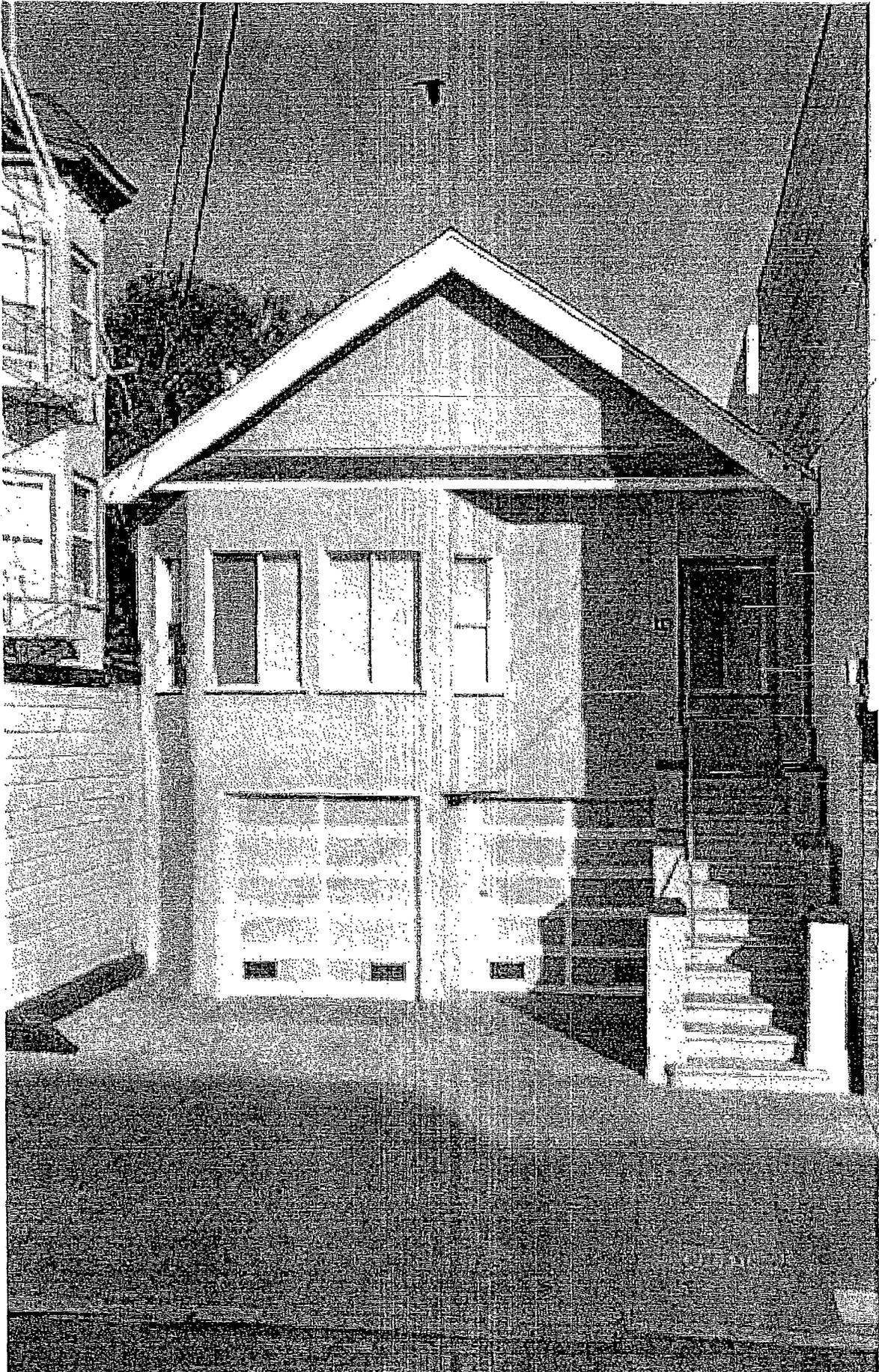
Complies with the Secretary's standards/Art 10/AHP	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Decision Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Refer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS
<p>According to the Historic Resource Evaluation prepared by Richard Brandt and information found in the Planning Department files, the subject property at 218 27th Avenue contains a one-story-over-garage, wood-frame, single-family residence constructed in the early 1900s. No original building permit was found to determine exact date of construction, architect, or builder. A water tap record application was filed in 1904 for a one-story, 800 square-foot building, which was shown in the 1905 Sanborn map as located at the rear of the lot at full width but just short of the property line. The 1913 Sanborn map shows a one-story house with a flat facade and full width porch in the location of the current building and also shows a small building at the rear of the lot (different from the structure identified in the 1905 map). The 1950 Sanborn map shows a one-story-over-garage house with an angled bay and a full-width rectangular addition at the rear of the building and no longer shows the small building at the rear. For purposes of this review, the construction date for the current residence is narrowed to sometime between 1905 and 1913.</p> <p>The original owner of the building was Francis W. Smiley, a laundry worker, and his wife Mary. The Smiley family owned and occupied the building from the time of its construction until 1938. The building has been owner-occupied for a majority of its existence. Known alterations to the property include: changing the front of the "old" building from a hipped to gabled roof, adding a portion of the old front porch to the living room, and changing the stairs from the center to the right side (1915); and re-roofing (2008). In comparing the current building to historic photos, it appears that other changes that have also occurred include: removing original siding and stuccoling the exterior; replacing windows; and replacing the garage doors.</p> <p>No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular cottage that has been stripped of any character-defining features. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.</p> <p>The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Outer Richmond neighborhood on a block that exhibits a variety of vernacular architectural styles and construction dates ranging from early 1900s to 2000. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.</p> <p>Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p>

Signature of Senior Preservation Planner / Preservation Coordinator	Date
	6-21-2016

SAN FRANCISCO
PLANNING DEPARTMENT



HANSON BRIDGETT LLP

CHECK NUMBER: 56742
CHECK DATE: 11-10-17

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
418153	35114.1-111017	11-10-17	597.00	Appeal fee -CEQA Exemption Determination (35114.1)	597.00

AP
11-10-17
SAN FRANCISCO
CALIFORNIA

CHECK DATE
November 10, 2017

First Republic Bank
111 Pine Street
San Francisco, CA 94111

HANSON BRIDGETT LLP

425 MARKET STREET, 26TH FLOOR 415-777-3200
SAN FRANCISCO, CA 94105

CHECK NO. 56742

11-8166/3210

CHECK AMOUNT

\$ 597.00

PAY FIVE HUNDRED NINETY-SEVEN AND 00/100 Dollar(s)

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

VOID AFTER 180 DAYS
TWO SIGNATURES REQUIRED IF OVER \$5,000.00



From: BOS Legislation, (BOS)
To: rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; Steven Vettel; Michael E. Donner; Paul H. Mabry
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Ajello, Laura (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Poling, Jeanie (CPC)
Subject: SUPPLEMENTAL APPEAL RESPONSE - Appeal of CEQA Determination of Exemption - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Wednesday, December 06, 2017 2:54:00 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below a supplemental appeal response received by the Office of the Clerk of the Board from the Planning Department, regarding the appeal of the CEQA Determination of Exemption for the proposed project at 218-27th Avenue.

[Planning Supplemental Appeal Response - CEQA Exemption Determination - December 6, 2017](#)

The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



SAN FRANCISCO
PLANNING DEPARTMENT

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SAN FRANCISCO

MEMO

2017 DEC -6 PM 12: 23

BY: *JB*

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

Categorical Exemption Appeal
218 27th Avenue

RECEIVED AFTER THE EIGHT-DAY DEADLINE,
BY NOON, PURSUANT TO ADMIN. CODE,
SECTION 31.16(b)(5)
(Note: Pursuant to California Government Code, Section 65009(b)(2), information received at, or prior to, the public hearing will be included as part of the official file.)
Reception: 415.558.6378
FAX: 415.558.6109
Planning Information: 415.558.6377

DATE: December 6, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Jeanie Poling – (415) 575-9072
RE: Planning Case No. 2016-003258ENV
Appeal of Categorical Exemption for 218 27th Avenue
HEARING DATE: December 12, 2017
ATTACHMENT: C - Notice of public hearing for Conditional Use authorization

PROJECT SPONSOR: Michael Leavitt, Leavitt Architecture Inc., on behalf of Joe Toboni, 218 27th Ave, LLC
APPELLANT: Robin S. Crisp, Hanson Bridgett LLP, on behalf of Alex Bernstein and Sonia Daccarett

INTRODUCTION

This memorandum and attachment are a response to a second letter of appeal (“supplemental appeal letter”) submitted to the Board of Supervisors (the “Board”) on December 1, 2017, regarding the Planning Department’s issuance of a categorical exemption under the California Environmental Quality Act (“CEQA determination”) for the project at 218 27th Avenue (the “project”).

The Planning Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15387), issued a categorical exemption for the project on June 29, 2016, finding that the project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 and Class 3 categorical exemption. The Class 1 exemption applies to existing facilities, including demolition of up to three single-family residences in urban areas, and the Class 3 exemption applies to new construction of small structures, including multi-family residential structures in urban areas designed for not more than six dwelling units.

The decision before the Board is whether to uphold the Planning Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Planning Department’s decision to issue a categorical exemption and return the project to Planning Department staff for additional environmental review.

PROJECT DESCRIPTION

Please refer to the Planning Department’s December 4, 2017 appeal response.

Memo

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The new concerns raised in the December 4, 2017 supplemental appeal letter are cited below and followed by the Planning Department's responses. The new concerns are identified as Concerns 4 through 7 to continue the numbering of the issues addressed in the Planning Department's December 4, 2017 appeal response, which ended with Concern 3.

Concern 4: The appellant contends that the City failed to comply with procedural requirements of Administrative Code Chapter 31 by not identifying and posting additional discretionary approvals.

The supplemental appeal letter states:

For projects that involve the issuance of multiple discretionary permits or other project approvals, the Environmental Review Officer must identify any additional discretionary approvals required other than the Approval Action that are known to the Environmental Review Officer at the time of the issuance of the exemption determination, and post this information on the Planning Department website. (SFAC Sec. 31.08(e)(1)(B).

Response 4: The City complied with the posting requirements of Administrative Code Chapter 31 regarding subsequent discretionary approvals.

As discussed in Response 1 in the original appeal response memo, the CEQA determination incorrectly states that the Approval Action for the project is a building permit; however, the correct approval action was posted on the Planning Department's website in the agenda for the Conditional Use hearing. The executive summary for the Conditional Use, which was also posted to the Planning website six days prior to the hearing, cites subsequent discretionary approvals as demolition, site, and building permits. Thus, the Planning Department complied with the posting requirements of Administrative Code Chapter 31.

Concern 5: The appellant contends that the notice of public hearing on the Conditional Use authorization does not inform the public of the exemption determination.

The supplemental appeal letter states:

[T]he Notice of Public Hearing on the Conditional Use Authorization held on October 12, 2017 does not inform the public of the exemption determination but instead suggests that an exemption determination may have been made by stating, "[i]f, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map..." The requirement that the public be informed that the exemption determination was made was not met.

Response 5: The notice of public hearing for Conditional Use authorization appropriately states that CEQA clearance has been issued and provides the necessary appeal information.

The appellant cites the standard language concerning environmental review from the "General Information about Procedures" on page 2 of the Conditional Use hearing notice (Attachment C). The 'if exempt' standard language acknowledges that some projects are not exempt from CEQA. Page 1 of the Conditional Use hearing notice states, "A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h)." The project's exemption determination was available through the exemptions web page and elsewhere on Planning Department's website. The appellant was clearly aware of the CEQA exemption and the procedure for CEQA appeal, as the appellant Mr. Bernstein spoke at the October 12th hearing, and the appeal was filed in a timely manner.

Concern 6: The appellant states that the Planning Department should have posted a determination regarding project modification and that this was not done.

The supplemental appeal letter states:

Where a project that the Environmental Review Officer has determined to be exempt is changed prior to any subsequent approval actions, the Environmental Review Officer must determine whether the change is a substantial modification. (SFAC Sec. 31.08(i).)

Response 6: The cited section of the Administrative Code does not apply to a first discretionary decision; therefore posting of a determination regarding project modification is not required.

Administrative Code Section 31.08(i), "Modification of Exempt Project," states, "Where a change occurs to a project that the Environmental Review Officer has determined to be exempt, prior to any subsequent approval actions, the Environmental Review Officer shall determine whether the change is a substantial modification that requires reevaluation..." Section 31.08(i) applies to changes in a project after the Approval Action under CEQA has already occurred. For the 218 27th Avenue project, the Conditional Use authorization is the first Approval Action under CEQA; thus Section 31.08(i) is not applicable. See Response 2 in the original appeal response regarding project modifications prior to the Approval Action under CEQA.

Concern 7: The applicant states that there are unusual circumstances such that the project would result in shadow, aesthetics, and land use impacts.

The supplemental appeal letter states:

[T]he Project presents unusual circumstances because it is a key lot and the horizontal expansion of the building will directly impact the rear property line of abutting lots by essentially creating a four-story wall along those lot lines. There is a reasonable possibility that significant environmental impacts would result from these unusual circumstances. The shadow study provides relevant evidence to support a fair argument that a significant impact on the environment may occur in the area of aesthetics by degrading the existing visual character of the site and its surroundings, and in the area of

land use and planning, by conflicting with applicable land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Response 7: The project presents no substantial evidence of any unusual circumstances related to shadow, aesthetics or land use impacts.

The project involves demolition of an existing single-family home and construction of a four-story building containing three dwelling units. The fact that the property is a key lot is not an unusual circumstance, nor is shadow from a 40-foot-tall building. Significant shadow impacts occur when a proposed project creates new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas. Per CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects, aesthetics shall not be considered in determining if a project has the potential to result in significant environmental effects if the project is in a transit priority area, on an infill site, and is residential. The project meets these three criteria. Furthermore, the project complies with the planning code and land use on the subject lot, and the request for a conditional use permit is not unusual. The appellant has not presented substantial evidence to the Planning Department that would support the conclusion that there are unusual circumstances related to shadow, aesthetics, or land use.

CONCLUSION

The Appellant has not presented substantial evidence to the Planning Department that would support the conclusion that (1) there are unusual circumstances that justify removing the project from the exempt class, and (2) there is a reasonable possibility of significant environmental impacts due to those unusual circumstances.

For the reasons stated above and in the Planning Department's December 1, 2017 appeal response, the CEQA determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review. The Planning Department therefore recommends that the Board uphold the CEQA determination and deny the appeal.

Attachment C
Notice of public hearing for Conditional Use authorization



**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, October 12, 2017**
 Time: **Not before 1:00 PM (noon)**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
 Case Type: **Conditional Use**
 Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 218 27th Avenue	Case No.: 2016-003258CUA
Cross Streets: California & Lake Streets	Building Permits: 2016.07.05.1544 & 1548
Block /Lot No.: 1386 / 038	Applicant: Michael Leavitt
Zoning District(s): RM-1 / 40-X	Telephone: (415) 674-9100
Area Plan: N/A	E-Mail: <u>michael@leavittarchitecture.com</u>

PROJECT DESCRIPTION

The proposal is for Conditional Use authorization to demolish a two-story, single-family dwelling and construct a new four-story, 3-unit residential building. Each unit will have one off-street parking space.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:
 Planner: **Laura Ajello** Telephone: **(415) 575-9142** E-Mail: **laura.ajello@sfgov.org**

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision to **exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

From: [Robia S. Crisp](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [alex@kingfisherinvestment.com](#); [sdaccarett@gmail.com](#); [Steven Vettel](#); [Michael F. Donner](#); [Paul H. Mabry](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Poling, Jeanie \(CPC\)](#)
Subject: SUPPLEMENTAL APPEAL RESPONSE - Appeal of CEQA Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Tuesday, December 05, 2017 4:59:42 PM
Attachments: [Letter to BOS.pdf](#)

Please see the attached letter responding to the Project Sponsor's supplemental letter dated December 4, 2017.

Robia S. Crisp
Senior Counsel
Hanson Bridgett LLP
(415) 995-5806 Direct
(415) 995-3455 Fax
RCrisp@hansonbridgett.com



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ROBIA S. CRISP
SENIOR COUNSEL
DIRECT DIAL (415) 995-5806
DIRECT FAX (415) 995-3455
E-MAIL rcrisp@hansonbridgett.com

December 5, 2017

VIA E-MAIL

bos.legislation@sfgov.org

RECEIVED AFTER THE ELEVEN-DAY
DEADLINE, BY NOON, PURSUANT TO ADMIN.
CODE, SECTION 31.16(b)(5)
(Note: Pursuant to California Government Code, Section
66009(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)

London Breed, President
San Francisco Board of Supervisors
1 Dr. Carlton Goodlett Place, Room 244
City Hall, Second Floor
San Francisco, CA 94102

**Re: 218 27th Avenue, San Francisco
December 12, 2017 Hearing
Appeals of Conditional Use Authorization and
Categorical Exemption Determination**

Dear President Breed and Members of the Board:

We write to briefly respond to the Project Sponsor's December 4, 2017 supplemental letter regarding a point we made in our Appellants' Brief. That point, stated simply, was that the Project Sponsor failed to provide an evidentiary record supporting the required finding that the subject property was not subject to rent control. We did not argue that a single family home is not subject to rent control, as the Project Sponsor erroneously suggests. Rather, we merely identified a significant flaw in the Project Sponsor's application, to wit, a record lacking the basic information necessary to demonstrate that all required criteria for approval had been met.

The Planning Department acknowledged in its findings that it could not "definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling." (Motion No. 20025, p. 8.)

In its supplemental letter, the Project Sponsor conceded that the staff report was "not as clear as it could have been," and then proceeded to supply some of the factual information that should have appeared in the record in the first instance. However, in doing so, the Project Sponsor made a number of statements: (1) the property was owner-occupied prior to its purchase; (2) the property was unoccupied since the predecessor owner passed away in 2015, and (3) no tenants or other occupants resided at the property at any time.

These statements remain incomplete at best. Appellants personally heard and observed multiple occupants residing at the property prior to the time it was sold to the Project Sponsor in 2015. This calls into question whether the Rent Board should be contacted for a record of any tenant complaints or settlements prior to the sale of the home. After the sale of the home, the structure

Hanson Bridgett LLP

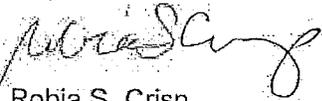
425 Market Street, 26th Floor, San Francisco, CA 94105 hansonbridgett.com

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London Breed, President
San Francisco Board of Supervisors
December 5, 2017
Page 2

was apparently abandoned and laid to waste as evidenced by the subsequent rodent problem and eventual notice of abandonment issued by the City in 2016. This lack of a clear and transparent record to support the required findings is merely indicative of the larger and cumulative failures noted in our Appeal.

Very truly yours,



Robia S. Crisp

cc: Steven Vettel (Via E-Mail) (svettel@fbm.com)
Alex Bernstein (Via E-Mail alex@kingfisherinvestment.com)
Sonia Daccarett (Via E-Mail sdaccarett@gmail.com)
Michael Donner (Via E-Mail)
Paul Mabry (Via E-Mail)

From: BOS Legislation, (BOS)
To: Steven Vettel; rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdacarett@gmail.com; Ilene Dick
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson,
Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Aiello, Laura (CPC); IonIn, Jonas
(CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Poling, Jeanie
(CPC); BOS Legislation, (BOS)
Subject: SUPPLEMENTAL APPEAL RESPONSE - Appeal of CEQA Determination of Exemption and Conditional Use -
Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Monday, December 04, 2017 4:51:58 PM
Attachments: image001.png

Good afternoon,

Please find linked below a supplemental appeal response brief received by the Office of the Clerk of the Board from the Steven Vettel of Farella, Braun and Martel, LLP, regarding the appeal of the CEQA Determination of Exemption and Conditional Use Authorization for the proposed project at 218-27th Avenue.

[Project Sponsor Supplemental Brief - December 4, 2017](#)

The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



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December 4, 2017

**RECEIVED AFTER THE ELEVEN-DAY
DEADLINE, BY NOON, PURSUANT TO ADMIN.
CODE, SECTION 31.16(b)(5)**

(Note: Pursuant to California Government Code, Section
86009(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)

Hon. London Breed, President
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 218-27th Avenue CEQA and Conditional Use Appeal
Board File No. 171222
Hearing Date: December 12, 2017

Dear President Breed and Supervisors:

I am writing to respond to one assertion in the Appellants' brief of December 1, 2017. In their brief, Appellants suggest that the existing single-family home that the Project will demolish and replace with a triplex is subject to the City's Residential Rent Stabilization and Arbitration Ordinance. Appellants assert, therefore, that the Planning Commission's finding that demolition is consistent with the criteria set forth in Planning Code Section 317(g)(5)(E) and (F)¹ disfavoring demolition of rent controlled units and their replacement with ownership units, cannot be made.

Although the Planning Department's staff report was not as clear as it could have been, there is no doubt that, by operation of law and the facts of this case, the existing home is not subject to rent control. First, the facts. The Toboni Group purchased the existing house in 2015 from the estate of Firmin Elissetche, who died in 2015. Mr Elissetche, a widower, lived in the house by himself when he passed, and the house has been vacant since then. Thus, the property was owner occupied prior to its purchase and there were and are now no tenants, as the staff report confirms.

Second, both state and local law exempt single-family homes from rent control:

* California Civil Code Section 1954.52 (the Costa-Hawkins Act) forbids cities from imposing rent control on single-family homes.²

¹ Planning Code Sec. 317(g)(5)(E): "whether the project converts rental housing to other forms of tenure or occupancy; (F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing."

² Cal. Civil Code Sec. 1954.52(a): "Notwithstanding any other provision of law, an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which any of the following is true: (3) (A) It is alienable separate from the title to any other dwelling unit or is a Russ Building • 235 Montgomery Street • San Francisco, CA 94104 • T 415.954.4400 • F 415.954.4480

* Section 37.3 of the San Francisco Administrative Code (the Rent Stabilization and Arbitration Ordinance) provides the same exemption from rent control as the Costa-Hawkins Act.³

Therefore, the Planning Commission did not abuse its discretion in finding that the proposed demolition does not remove a rent controlled unit from the housing stock or convert a rental unit to ownership housing.

Sincerely,



Steven L. Vettel

cc: Robia S. Crisp, Appellants' attorney
Joe Toboni
Joey Toboni
Michael Leavitt Architects
Planning Department

313506348376.1

subdivided interest in a subdivision, as specified in subdivision (b), (d), or (f) of Section 11004.5 of the Business and Professions Code.”

³ S.F. Admin. Code Sec. 37.3(d): “Consistent with the Costa-Hawkins Rental Housing Act (Civil Code Sections 1954.50. *et seq.*) and regardless of whether otherwise provided under Chapter 37: (1)(A) An owner or residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit which is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision as specified in subdivision (b), (d), or (f) of Section 11004.5 of the California Business and Professions Code.”

From: [BOS Legislation, \(BOS\)](#)
To: rcrip@hansonbridgett.com; alex@kingfisherinvestment.com; sdacarett@gmail.com; IDick@fbm.com; SVettel@fbm.com
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Slider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Tonin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Poling, Jeanie \(CPC\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPEAL RESPONSE - Appeal of CEQA Exemption Determination - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Monday, December 04, 2017 1:28:31 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below an appeal response received by the Office of the Clerk of the Board from the Planning Department regarding the appeal of the CEQA Determination of Exemption for the proposed project at 218-27th Avenue.

[Planning Response Memo - CEQA Exemption Determination - December 4, 2017](#)

The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



**SAN FRANCISCO
PLANNING DEPARTMENT**

MEMO

**Categorical Exemption Appeal
218 27th Avenue**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: December 1, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Jeanie Poling – (415) 575-9072
RE: Planning Case No. 2016-003258ENV
Appeal of Categorical Exemption for 218 27th Avenue
HEARING DATE: December 12, 2017
ATTACHMENTS: A - CEQA categorical exemption determination
B - October 12, 2017 Planning Commission Agenda (excerpt)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 DEC - 4 AM 10:43

PROJECT SPONSOR: Michael Leavitt, Leavitt Architecture Inc., on behalf of Joe Toboni, 218 27th Ave
LLC
APPELLANT: Robin S. Crisp, Hanson Bridgett LLP, on behalf of Alex Bernstein and Sonia
Daccarett

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 issuance of a categorical exemption under the California Environmental Quality Act ("CEQA determination") for the proposed project at 218 27th Avenue (the "project").

The Planning Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15387), issued a categorical exemption for the project on June 29, 2016, finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 and Class 3 categorical exemption. The Class 1 exemption applies to existing facilities, including demolition of up to three single-family residences in urban areas, and the Class 3 exemption applies to new construction of small structures, including multi-family residential structures in urban areas designed for not more than six dwelling units.

The decision before the Board is whether to uphold the Planning Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Planning Department's decision to issue a categorical exemption and return the project to Planning Department staff for additional environmental review.

Memo

SITE DESCRIPTION AND EXISTING USE

The project site contains a two-story, 2,000-square-foot single-family residence set back approximately 9 feet from the front property line. The project lot measures approximately 25 feet wide by 120 feet deep and is located within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The large flat rectangular-shaped parcel is currently occupied by a two-story, single-family dwelling constructed circa 1917, which covers approximately 50 percent of the lot. The project site is located on the east side of 27th Avenue south of the corner of Lake Street in the Outer Richmond neighborhood and is surrounded by two- to 12-unit residential structures ranging in height from three to four stories.

PROJECT DESCRIPTION

The project would demolish the existing building on site and construct a four-story 6,195-square-foot building containing three residential units and three vehicle parking spaces. The project would involve approximately 150 cubic yards of excavation to a depth of 3 feet.

BACKGROUND

On March 11, 2016, Michael Leavitt of Leavitt Architecture Inc., on behalf of 218 27th Ave LLC (hereinafter the "project sponsor") filed an application with the Planning Department for a CEQA determination for the project described above.

On June 29, 2016, the Planning Department determined that the project was categorically exempt under CEQA Class 1 – alteration of existing facilities, and Class 3 – new construction or conversion of small structures, and that no further environmental review was required (Attachment A). The project was approved on October 12, 2017, at a Conditional Use hearing before the Planning Commission.

On November 13, 2017, an appeal of the categorical exemption was filed by Robia Crisp of Hanson Bridgett LLC on behalf of Alex Bernstein and Sonia Daccarett.

CEQA GUIDELINES

Section 21084 of the California Public Resources Code 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, do not have a significant impact on the environment and therefore are categorically exempt from the requirement for further environmental review.

CEQA Guidelines Section 15301, or Class 1, provides an exemption from environmental review for the operation, repair, or minor alteration of existing public or private structures and facilities. Section 15301(l)(1) includes the demolition of up to three single-family residences in urban areas. The project involves the demolition of one single-family residence and thus the demolition is exempt under Class 1.

CEQA Guidelines Section 15303, or Class 3, allows for the construction of a multi-family residential structure with up to six dwelling units in urbanized areas. The project involves the construction of a multi-family residential structure with three dwelling units and thus the new construction is exempt under Class 3.

In determining the significance of environmental effects caused by a project, CEQA Guidelines 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 Guidelines 15064(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."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the November 13, 2017 appeal letter are cited below and are followed by the Planning Department's responses.

Concern 1: The appellant contends that the City failed to comply with the procedural requirements of CEQA and the City's implementing regulations codified in Chapter 31 of the San Francisco Administrative Code, including the content and posting requirements established in Section 31.08.

Response 1: The CEQA determination complies with the posting requirements of Administrative Code Chapter 31.

San Francisco Administrative Code Chapter 31 ("Chapter 31") governs compliance with CEQA in San Francisco. Section 31.08 addresses projects that are exempt from CEQA, and requires the posting of exemption determinations. Section 31.08(e)(1)(A) states the following:

For all exemption determinations, the Environmental Review Officer shall post on the Planning Department website the following information about each exemption determination: (1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.

The CEQA determination for the proposed project includes the project description and the classes of exemption. The CEQA determination, however, incorrectly states that the Approval Action for the project is a building permit, when the approval action was the Conditional Use hearing before the Planning Commission. Notwithstanding this oversight, the determination complies with Chapter 31 posting requirements in that the correct Approval Action was included in the October 12, 2017 Planning Commission agenda item for the Conditional Use authorization (Attachment B), which stated "This action constitutes the Approval Action for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h)." This notice was posted on the Planning website on October 6, 2017, six days prior to the public hearing. Furthermore, the appellant was clearly aware of the Approval Action and timeline for CEQA appeal, as the appellant Mr. Bernstein spoke at the October 12th hearing, and the appeal was filed in a timely manner. The notice provided pursuant to Chapter 31 satisfied the requirements of CEQA and Chapter 31 by providing decision makers and the public with both meaningful information regarding the environmental consequences of the proposed project, and accurate information concerning the date, time, and place of the public hearing on the project.

Concern 2: The appellant contends that the project description has changed since the time the categorical exemption determination was issued in July 2016 and the project cannot be approved in reliance on the exemption determination.

Response 2: The CEQA determination provides sufficient detail to support the project's categorical exemption regardless of minor changes in the project.

The plans submitted to the Planning Department for environmental review were dated January 7, 2016, while the plans presented to the Planning Commission were dated June 16, 2017. The primary changes from the earlier set of plans were the removal of a stair penthouse, the addition of side setbacks with no decks, and a deeper setback in the front. The Planning Commission further reduced the scope of the project by eliminating the roof deck above the fourth floor and related stair penthouses and increasing the front setback from 12 feet to 15 feet. The modifications between the project analyzed in the CEQA document and the project approved by the Planning Commission were aimed at meeting Residential Design Guidelines and minimizing light and privacy impacts to adjoining buildings, including the appellants' home.

The project description in the CEQA determination states, "Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces." The only environmental topic that required discussion in the CEQA determination was the demolition of the existing building, which was determined not to be a historic resource. The project description provides sufficient detail to support the applicability of the Class 1 and 3 exemption. The minor changes to the project between environmental review and project approval do not change the project characteristics that qualify the project for Class 1 and Class 3 exemption, but simply reduce the size of the project. As a result, the project modifications do not trigger the need for additional environmental review, and the project as approved can rely on the CEQA determination.

Concern 3: The appellant contends the determination that the Class 1 and Class 3 categorical exemption apply to the project is not supported by substantial evidence.

Response 3: There are no unusual circumstances that would disqualify the project from being eligible for categorical exemption under Class 1 and Class 3.

The appellant states:

The cursory process utilized by the City in issuing the categorical exemption determination was contrary to the stated purposes of CEQA and the City's implementing regulations, which are to bring environmental considerations to bear at an early stage of the planning process, and prevent significant avoidable impacts by requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible. This process was undertaken without providing decision makers and the public with meaningful information regarding the impacts of the proposed Project, including aesthetic impacts, land use and planning impacts, and parking and traffic impacts, as required by CEQA.

The appellant is correct in stating the basic purposes of CEQA and the City's implementing regulations. While the overriding purpose of CEQA is to ensure that agencies regulating activities that may affect the quality of the environment give primary consideration to preventing environmental damage, the legislature has recognized that most projects will not have significant adverse effects on the environment and should not be burdened with the expensive and time consuming requirements of environmental review. (CEQA, Section 21084.) Accordingly, the CEQA Guidelines identify "classes of projects [that] do not have a significant effect on the environment" and are therefore categorically exempt from CEQA. (*Ibid.*; Guidelines, Section 15300.) There are 32 such classes of projects which "may be implemented without any CEQA compliance whatsoever." (Guidelines, Sections 15301–15333.) As discussed above, the project clearly falls into the Class 1 and 3 categories of exemption under CEQA.

In CEQA, a two-part test is established to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances:

1. The lead agency needs to determine whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."
2. If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects. CEQA Guidelines states that whether "a fair argument can be made that the project may have a

significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

The Planning Department found no unusual circumstances that would disqualify the project from being eligible for categorical exemption under Class 1 and Class 3. The Appellant has not provided any substantial evidence that the project would result in a significant impact on the environment necessitating evaluation of aesthetic impacts, land use and planning impacts, and parking and traffic impacts in an initial study.

CONCLUSION

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant further environmental review. The Planning Department has found that the proposed project is consistent with the cited exemptions. The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Planning Department. Furthermore, the Planning Department has complied with CEQA and the City's implementing regulations.

For the reasons stated above and in the June 29, 2016, CEQA categorical exemption determination, the CEQA determination complies with the requirements of CEQA, and the project is exempt from environmental review pursuant to the cited exemptions. The Planning Department therefore recommends that the Board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

Attachment A
CEQA categorical exemption determination



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
218 27th Avenue		1386/038	
Case No.	Permit No.	Plans Dated	
2016-003258ENV		01/07/2016	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling	

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

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

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

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

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input checked="" type="checkbox"/>	<p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p><input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>: Per PTR form signed on June 21, 2016</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments <i>(optional)</i>:</p>	
<p>Preservation Planner Signature: Stephanie Cisneros</p>	

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>	
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name: Stephanie A. Cisneros</p>	<p>Signature:</p>
	<p>Project Approval Action:</p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p>Stephanie Cisneros</p> <p><small>Digitally signed by Stephanie Cisneros DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2016.06.29 14:23:13 -0700</small></p>
	<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion:	6/14/2016
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PROJECT INFORMATION		
Planner:	Address:	
Stephanie Cisneros	218 27th Avenue	
Block/Lot:	Cross Streets:	
1386/038	Lake Street & California Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2016-003258ENV

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

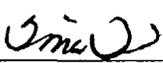
DATE OF PLANS UNDER REVIEW:	01/07/2016
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PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation prepared by Richard Brandi (dated April 29, 2016).	
Proposed Project: Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.	

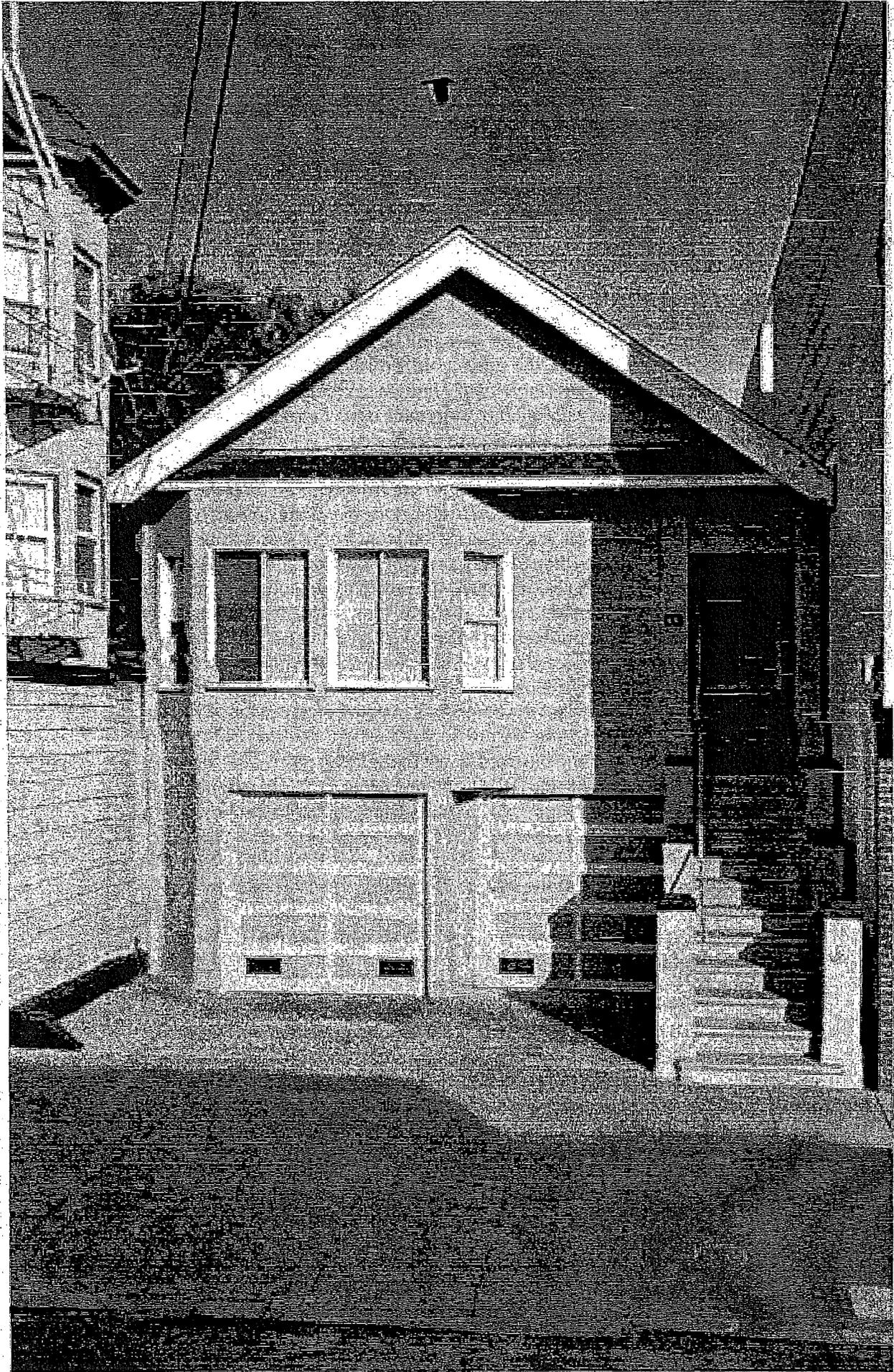
PRESERVATION TEAM REVIEW:			
Historic Resource Present:		<input type="radio"/> Yes	<input checked="" type="radio"/> No *
Individual		Historic District/Context	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible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

Complies with the Secretary's Standards/Art 10/Art 11	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS	
<p>According to the Historic Resource Evaluation prepared by Richard Brandi and information found in the Planning Department files, the subject property at 218 27th Avenue contains a one-story-over-garage, wood-frame, single-family residence constructed in the early 1900s. No original building permit was found to determine exact date of construction, architect, or builder. A water tap record application was filed in 1904 for a one-story, 800 square-foot building, which was shown in the 1905 Sanborn map as located at the rear of the lot at full width but just short of the property line. The 1913 Sanborn map shows a one-story house with a flat facade and full width porch in the location of the current building and also shows a small building at the rear of the lot (different from the structure identified in the 1905 map). The 1950 Sanborn map shows a one-story-over-garage house with an angled bay and a full-width rectangular addition at the rear of the building and no longer shows the small building at the rear. For purposes of this review, the construction date for the current residence is narrowed to sometime between 1905 and 1913.</p> <p>The original owner of the building was Francis W. Smiley, a laundry worker, and his wife Mary. The Smiley family owned and occupied the building from the time of its construction until 1938. The building has been owner-occupied for a majority of its existence. Known alterations to the property include: changing the front of the "old" building from a hipped to gabled roof, adding a portion of the old front porch to the living room, and changing the stairs from the center to the right side (1915); and re-roofing (2008). In comparing the current building to historic photos, it appears that other changes that have also occurred include: removing original siding and stuccoing the exterior; replacing windows; and replacing the garage doors.</p> <p>No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular cottage that has been stripped of any character-defining features. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.</p> <p>The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Outer Richmond neighborhood on a block that exhibits a variety of vernacular architectural styles and construction dates ranging from early 1900s to 2000. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.</p> <p>Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p>	
Signature of a Senior Preservation Planner / Preservation Coordinator	Date
	6-21-2016

SAN FRANCISCO
PLANNING DEPARTMENT



Attachment B
October 12, 2017 Planning Commission Agenda (excerpt)

Planning Department

Planning Commission - October 12, 2017 - Agenda

Meeting Date:

Location:

United States

SAN FRANCISCO PLANNING COMMISSION

Notice of Hearing & Agenda

Commission Chambers Room 400,
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, October 12, 2017
1:00 p.m.
Regular Hearing

Commissioners
Rich Hillis, President

8. 2016-003258CUA

(L. AJELLO: (415) 575-9142)

218 27TH AVENUE - east side of 27th Avenue, between California and Lake Streets, Lot 038 in Assessor's Block 1386 (District 2) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish a two-story, single-family dwelling and construct a new four-story, 3-unit residential building within a RM-1 (Residential, Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

9. 2017-001283CUA

(M. CHRISTENSEN: (415) 575-8742)

792 CAPP STREET - west side of Capp Street, between 22nd and 23rd Streets; lot 019B of Assessor's Block 3637 (District 9) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.4, 303, and 317, proposing to demolish the existing two-story single-family home and construct a new four-story (40 foot tall) residential structure containing four dwelling units within the Residential Transit Oriented - Mission (RTO-M) Zoning District, Caile 24 Special Use District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

10. 2017-008533CUA

(E. JACKSON: (415) 558-6363)

1354 CASTRO STREET - west side of Castro Street, corner of Jersey Street, Lot 007 in Assessor's Block 6506 (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 728 to establish a formula retail financial services use (d.b.a. First Republic Bank) in an existing approximately 850 square foot tenant space within the 24th Mission Street - Noe Valley NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

11a. 2017-004562CUA

(N. TRAN: (415) 575-9174)

799 CASTRO STREET & 3878-3880 21ST STREET - northeast corner of Castro and 21st Streets; lot 024 of Assessor's Block 3603, located within a RH-2 (Residential-House, Two Family) and 40-X Height and Bulk District (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317, to demolish an existing mixed-use structure (commercial office/single-family) and construct a three-story over basement single-family residence. The subject property contains three dwelling units, two units in a building at the rear of the property, and one unit with office in a building at the front. Under a separate building permit, 2017.04.04.3134, one new accessory dwelling unit is proposed in the rear building (3878-3880 21st St). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco

From: [BOS Legislation, \(BOS\)](#)
To: rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; IDick@fbm.com; SVettel@fbm.com
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Tonin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Poling, Jeanie \(CPC\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPEAL RESPONSES - Appeal of CEQA Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Friday, December 01, 2017 3:30:02 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below appeal responses received by the Office of the Clerk of the Board from Robia Crisp of Hanson Bridgett, LLP, representing the Appellants, the Planning Department, and Steven Vettel of Farella, Braun & Martel, LLP, on behalf of the Project Sponsor, regarding the appeal of the CEQA Determination of Exemption and Conditional Use Authorization for the proposed project at 218-27th Avenue.

[Appellant Supplemental Appeal Letter - December 1, 2017](#)

[Planning Response Memo - Conditional Use - December 1, 2017](#)

[Project Sponsor Response Brief - December 1, 2017](#)

The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with



HansonBridgett

ROBIA S. CRISP
SENIOR COUNSEL
DIRECT DIAL (415) 995-5806
DIRECT FAX (415) 995-3455
E-MAIL rcrisp@hansonbridgett.com

December 1, 2017

VIA MESSENGER

London Breed, President
San Francisco Board of Supervisors
1 Dr. Carlton Goodlett Place, Room 244
City Hall, Second Floor
San Francisco, CA 94102

**Re: 218 27th Avenue, San Francisco
December 12, 2017 Hearing
Appeals of Conditional Use Authorization and
Categorical Exemption Determination**

Dear President Breed and Members of the Board:

Our firm represents Alex Bernstein and Sonia Daccarett (the "Appellants"), the owners of a single family home located at 2545 Lake Street. Their property is adjacent to 218 27th Street, the subject of this appeal (the "Property").

On October 12, 2017, the Planning Commission approved Conditional Use Application No. 2016-003258CUA (Motion No. 20025) to demolish the existing, two-story single family home on the Property and construct a four-story, three-unit building comprised of three market-rate, two-story condominiums with three off-street parking spaces (the "Project"). The Planning Department issued a Categorical Exemption Determination dated June 29, 2016 with respect to its environmental review of the Project.

The Appellants do not oppose the Planning Commission's approval of the Project outright but rather seek to modify certain aspects of the Project's design to minimize the substantial light, air and privacy impacts the Project will have on their property and other adjoining properties.

For the reasons set forth below, we request that you uphold the decision to approve the Project subject to modifications to the conditions of approval to require a reduction of the proposed building height from 40 feet to 30 feet. The construction of three units within three stories would allow the Project to attain the desired density while adapting more closely to the neighborhood context and significantly mitigating the adverse impacts of the Project. In terms of feasibility, an Architect commissioned by the Appellants to evaluate the proposed Project was able to develop an alternate concept that conforms to development standards, contains the same density of housing units, and limits the overall height to only three stories.

We also request that the Project be required to mitigate for the loss of light, air and privacy by removing the proposed side deck areas; and by painting of the exterior of the north-facing wall in

London Breed, President
San Francisco Board of Supervisors
December 1, 2017
Page 2

a white or other light-reflective color. Finally, in order to safeguard against excessive noise, we request a limit on the permitted hours of construction to 9:00 am to 5:00 pm on weekdays.

The Appellants concurrently appealed the Categorical Exemption Determination relied upon by the Planning Commission in approving the Project because it does not satisfy the requirements of the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* ("CEQA") and the City's CEQA Procedures codified in San Francisco Administrative Code Chapter 31. We respectfully request that you set aside the determination and require that environmental review of the Project be conducted in compliance with applicable requirements.

I. CONDITIONAL USE AUTHORIZATION

A. The Project Will Result In Significant Light, Air And Privacy Impacts.

The Property is a key lot, and the northern side property line abuts the rear property line of five residential parcels with frontage on Lake Street. While the Property is located within the RM-1 (Residential, Mixed, Low Density) District, the surrounding neighborhood to the north and west are within the RH-1 (Residential, House, One-Family) District.

Most of the surrounding buildings are three stories tall—immediately adjacent to the subject property to the north is a three-story building, immediately to the south is a three-unit, three-story building, and directly across the street is a three-story building. The Appellants' home, which will be severely impacted by the Project, is two stories tall.

In its current design, the Project will nearly double the height of the existing building from 21 feet to 40 feet, add side decks, add three off-street parking spaces, and significantly expand into the rear yard pursuant to the approval of a reduction of the rear yard requirement. The rear yard setback will be reduced from 60 feet to roughly 30 feet, or from the existing 50% down to 25%. The replacement of the existing two-story home that covers 50% of the lot, with a four-story building that covers 75% of the lot will result in significant light, air and privacy impacts.

The increase in the building height will result in a substantial increase in the shadow cast on adjoining properties, and severely limit solar access to our client's private indoor living spaces, as well as outdoor areas. This is evidenced in the light analysis submitted by the Appellants' architect to the staff planner on October 2, 2017, 10 days in advance of the Planning Commission hearing. (EXHIBIT 1.) A shadow study prepared on behalf of the Appellants was also presented at the hearing, and it includes a three-dimensional model that shows how the Project will result in a loss of light to adjacent parcels, most severely in the winter season. (EXHIBIT 2.) In terms of privacy, the larger building profile will directly result in a loss of privacy to three adjacent buildings that house over 25 residents. The Project applicant provided its own shadow study for the first time at the hearing, affording no opportunity for meaningful review and analysis by members of the public or the commission.

From the side of the proposed building, there is direct visual access into the private interior and outdoor open spaces. The Appellants' property is uniquely situated in that the northern wall of the

proposed building will span the entire length of the Appellants' rear property line, and directly overlook and box in the open space of their back yard.

B. The Findings Required For Conditional Use Authorization Are Not Supported By The Facts.

Under the applicable Planning Code provisions, approval of the Project requires that four sets of separate findings be made for each of the following four aspects of the Project: (1) construction of the new, four-story, three-unit building; (2) demolition of the existing two-story, single family building; (3) General Plan conformance; and (4) conformance with Proposition M General Plan priority policies. Each set of findings specifically requires consideration of the Project's impacts on the neighboring properties, given that the Planning Code expressly states that one of its more particularly specified purposes is to "provide light, air, privacy and convenience of access to property." (SFPC Sec. 101.)

Each set of findings set forth in Motion No. 20025 states that "on balance," the applicable criteria are met. (Motion No. 20025, pp. 5-6, 8, 10.) This is not supported by the evidence. Findings made in support of an agency's decision must be based on evidence contained in the administrative record, which comprises the entire body of evidence presented for consideration in connection with the project, and provides the basis to judge whether sufficient evidence supports the findings and decision of the agency. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515). A governmental entity "must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis of the board's decision," (*Id.* at 514.) Substantial evidence must support an administrative agency's findings and the findings must support the decision." (*Id.*) The findings must "bridge the analytical gap" between the evidence and the decision. (*Id.* at 521.) As detailed below, the facts presented do not support that the Project meets the applicable criteria for approval.

1. Planning Code Section 303 Criteria for Construction.

The following criteria for approval of the construction of the building are not met by the Project due to the impacts it will have on light, air and privacy of neighboring properties:

- The proposed use and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community
- Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

(SFPC Sec. 303(c)(1), (2).) The health, safety, convenience or general welfare of persons residing or working in the vicinity requires consideration of the proposed size of the structure, proposed alternatives to off-street parking, safeguards afforded to prevent offensive emissions such as

noise and treatment given to such aspects as screening and open spaces. The facts presented do not establish that the Project will not be detrimental to those residing in the vicinity.

Section 311(c)(1) of the Planning Code also requires the construction of new residential buildings in R districts to be consistent with Residential Design Guidelines. In part, the findings contained in Motion No. 20025 summarily state that as conditioned, the siting of the new building will be consistent with the objectives of the Residential Design Guidelines. (Motion No. 20025, pp. 5-6.) These conclusions are not supported by the evidence.

Under the Residential Design Guidelines, general design principles require maintaining light to adjacent properties by providing adequate setbacks. (Residential Design Guidelines (Dec. 2003), p. 4.) Specific design guidelines for rear yards require articulation of the building to minimize impacts on light and privacy to adjacent properties. (*Id.*, p. 16.) "When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered... modifications to the building's design can help reduce these impacts and make a building compatible with the surrounding context." (*Id.*) Similarly, with regard to privacy, the Guidelines state that where a proposed project will have an unusual impact on privacy to neighboring interior living spaces, appropriate design modifications can minimize impacts. (*Id.*, p. 17.)

In addition, "[e]ven when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall, depending on the context of other buildings that define the mid-block open space. An out-of-scale rear yard addition can leave surrounding residents feeling 'boxed-in' and cut-off from the mid-block open space." (*Id.*, p. 26.)

The Project does not meet these relevant design guidelines and fails to incorporate appropriate design modifications to address the loss of light and privacy. Moreover, the proposed design of the building lacks the level of articulation for details, features, and levels present at most of the neighborhood structures, and should be refined.

2. Planning Code Section 317 Criteria for Residential Demolition.

The criteria for residential demolition also includes consideration of whether the project meets all relevant design guidelines, to enhance existing neighborhood character. (SFPC Sec. 317(g)(5)(N).) As discussed above, this criterion is not met.

Additional criteria for approval for a residential demolition are (1) whether the project increases the number of permanently affordable units and (2) whether the project creates new supportive housing. (SFPC Sec. 317(g)(5)(J), (M).) The Project does neither.

A final criterion requires a determination of whether a project will replace a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, and if so, whether the new project replaces all of the existing units with new dwelling units of a similar size and with the same number of bedrooms. (SFPC Sec. 317(g)(5)(R).) The findings state, "[t]he Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can

confirm that there are no tenants living in the dwelling." (Motion No. 20025, p. 8.) The record lacks basic information to support that this criterion is met.

3. General Plan Housing Element Objectives and Policies.

The fact presented and the evidence in the record do not support the Planning Commission's finding of the Project's conformity with the General Plan. The findings set forth the following Housing Element policies and corresponding findings:

- Objective 2, Policy 2.1: Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

The project proposes demolition of a sound residential structure containing a three-bedroom single family dwelling but that the new building will contain three dwelling units and results in a net increase of family-sized housing.

This ignores the plain language of the criterion and the fact that the Project does not result in any affordable housing.

- Objective 3, Policy 3.1: Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.
- Objective 3, Policy 3.3: Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities
- Objective 3, Policy 3.4: Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The existing single family dwelling is currently vacant. The Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling. The new construction project will result in an increase in the number of both units and bedrooms of the property."

(Motion No. 20025, p. 9.) These findings are nonresponsive and irrelevant, and the conclusion that the Project conforms to the policies in furtherance of Objective 3 is wholly unsupported. The Project will not preserve rental units to meet the City's affordable housing needs, the Project will not support affordable moderate ownership opportunities, and the Project will eliminate a "naturally affordable," smaller and older single family home.

4. Proposition M Priority General Plan Policy Findings

The Project fails to comply with three of the eight priority-planning policies codified in Planning Code Section 101.1:

- That the City's supply of affordable housing be preserved and enhanced;
- That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
- That our parks and open space and their access to sunlight and vistas be protected from development.

The Project does not create affordable housing and reduces access to sunlight from private open space areas. With a parking ratio of one to one, the addition of three, three bedroom units and three off-street parking spaces adds to traffic congestion and overburdens neighborhood streets and parking.

Based on the facts in the record and given the weight of importance given to consideration of light, air and privacy impacts on neighboring properties, reasonable conditions (including those required by the Residential Design Guidelines) must be imposed to minimize the Project's adverse impacts.

Accordingly, reducing the building height to three stories, would substantially minimize shadow impacts on neighboring properties, bring the building closer to conformance with surrounding buildings, and still accommodate three housing units. Treating or painting the northern wall of the building would minimize the loss of light and mitigate for boxing in the Appellants' rear yard open space. Finally, limiting the permitted hours of construction would provide a safeguard against excessive noise.

II. CATEGORICAL EXEMPTION DETERMINATION

A. The Categorical Exemption Determination Fails To Identify The Conditional Use Authorization As An Approval Required For The Project.

Pursuant to the City's CEQA Guidelines, the Environmental Review Officer must post on the Planning Department website specific information about an exemption determination. For projects that involve the issuance of multiple discretionary permits or other project approvals, the Environmental Review Officer must identify any additional discretionary approvals required other than the Approval Action that are known to the Environmental Review Officer at the time of the issuance of the exemption determination, and post this information on the Planning Department website. (SFAC Sec. 31.08(e)(1)(B).)

Here, the CEQA Categorical Exemption Determination lists as the Project Approval Action, only the "Building Permit." (*Id.*, p. 4.) The determination describes the Project as the demolition of the two-story single-family home and construction of a four-story building containing three residences.

and three parking spaces. (CEQA Categorical Exemption Determination, p. 1.) It does not, however, include any information that conditional use authorization is required for the Project, and therefore, the content requirements for an exemption determination is not satisfied.

B. The Notice of Public Hearing Failed to Inform The Public That an Exemption Determination Was Made.

For any demolition of an existing structure, the Environmental Review Officer is required to prepare a written exemption determination and provide notice to the public. (SFAC Sec. Section 31.08(e)(3).) Notice of public hearing on the Approval Action¹ for a project determined to be exempt from CEQA must, in part, "Inform the public of the exemption determination and how the public may obtain a copy of the exemption determination." (SFAC Sec. 31.08(f).)

Here, the Notice of Public Hearing on the Conditional Use Authorization held on October 12, 2017 does not inform the public of the exemption determination but instead suggests that an exemption determination may have been made by stating, "[i]f, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map..." The requirement that the public be informed that the exemption determination was made was not met.

C. The Environmental Review Officer Failed to Make a Determination of Whether The Changes to the Project Were Substantial.

Where a project that the Environmental Review Officer has determined to be exempt is changed prior to any subsequent approval actions, the Environmental Review Officer must determine whether the change is a substantial modification. (SFAC Sec. 31.08(i).)

A substantial modification of an exempt project requiring reevaluation under Section 31.19(b) can mean new information or evidence of substantial importance presented to the Environmental Review Officer that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Review Officer issued the exemption determination that shows the project no longer qualifies for the exemption.

Even if the Environmental Review Officer determines that a change in an exempt project is not a substantial modification, she is required to post a notice of the determination in the offices of the Planning Department and on the Planning Department website and mail such notice to the applicant, board(s), commission(s) or department(s) that will carry out or approve the project, and to any organizations and individuals who previously have requested such notice in writing. (SFAC Sec. 37.08(i).)

¹ For a private project seeking an entitlement from the City and determined to be exempt from CEQA, "Approval Action" means the first approval of the project in reliance on the exemption by the City Planning Commission following a noticed public hearing. (SFAC Sec. 31.04(h).)

London Breed, President
San Francisco Board of Supervisors
December 1, 2017
Page 8

Here, the project was changed after the exemption determination was made and before the Conditional Use Authorization was approved, but the Environmental Review Officer never made a determination of whether the project changes constituted a substantial modification requiring reevaluation. The City's Property Information Map indicates that on July 5, 2016, two building permit applications were filed. Building Permit Application No. 201607051548 is to erect the four-story, three-unit residential building, and Building Permit Application No. 201607051544 is to demolish the two-story single family dwelling. (EXHIBIT 3.)

On the same day, July 5, 2016, CEQA Clearance was issued by the Planning Department. (EXHIBIT 4.) However, the Categorical Exemption Determination, signed by Planner Stephanie Cisneros on June 29, 2016, references plans dated January 7, 2016. This predates the submittal of the applications and presumably was based on pre-application information submitted by the Project applicant.

The planning application for demolition is dated July 20, 2017. (EXHIBIT 5.) The conditions of approval for the Conditional Use Authorization as approved by the Planning Commission require conformance with plans dated September 8, 2017. (Motion No. 20025, Exh. B.)

Once the Project was changed, i.e., updated plans were submitted, the Environmental Review Officer was required to make a determination of whether the changes were substantial and required reevaluation. This was not done.

The cursory process utilized by the City in issuing the Categorical Exemption Determination undermined the stated purposes of CEQA and the City's implementing regulations, among them to: (a) provide decision makers and the public with meaningful information regarding the environmental consequences of proposed activities; (b) identify ways that environmental damage can be avoided or significantly reduced; (c) provide for public input in the environmental review process; (d) bring environmental considerations to bear at an early stage of the planning process, and to avoid unnecessary delays or undue complexity of review; and (e) prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible.

If the Environmental Review Officer had followed the proper procedures, the Appellants may have had an opportunity to present their shadow study as new evidence of potential aesthetics impacts for the City's consideration earlier in the process. While a shadow analysis technically is not required for a project that does not exceed 40 feet in height, a proper and more transparent environmental review process that engaged the neighborhood may have brought to bear at an earlier stage, the potential impacts of the Project, as well as feasible changes or measures to avoid those impacts.

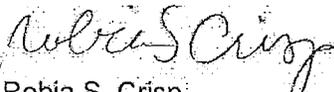
London Breed, President
San Francisco Board of Supervisors
December 1, 2017
Page 9

D. Class 1 and Class 3 Categorical Exemptions Do Not Apply Because There Are Unusual Circumstances Such That The Proposed Project Will Result in a Significant Effect on the Environment.

If there is a "reasonable possibility" that an activity will have a significant effect on the environment due to "unusual circumstances," an agency may not find the activity to be categorically exempt from CEQA. (14 Cal Code Regs., Sec. 15300.2(c).) Here, the Project presents unusual circumstances because it is a key lot and the horizontal expansion of the building will directly impact the rear property line of abutting lots by essentially creating a four-story wall along those lot lines. There is a reasonable possibility that significant environmental impacts would result from these unusual circumstances. The shadow study provides relevant evidence to support a fair argument that a significant impact on the environment may occur in the area of aesthetics by degrading the existing visual character of the site and its surroundings, and in the area of land use and planning, by conflicting with applicable land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Based on the foregoing, we respectfully request that you set aside the Categorical Exemption Determination and require that proper environmental review in full conformance with CEQA and the City's implementing regulations be undertaken prior to the final approval of the Project.

Very truly yours,


Robia S. Crisp

Attachments

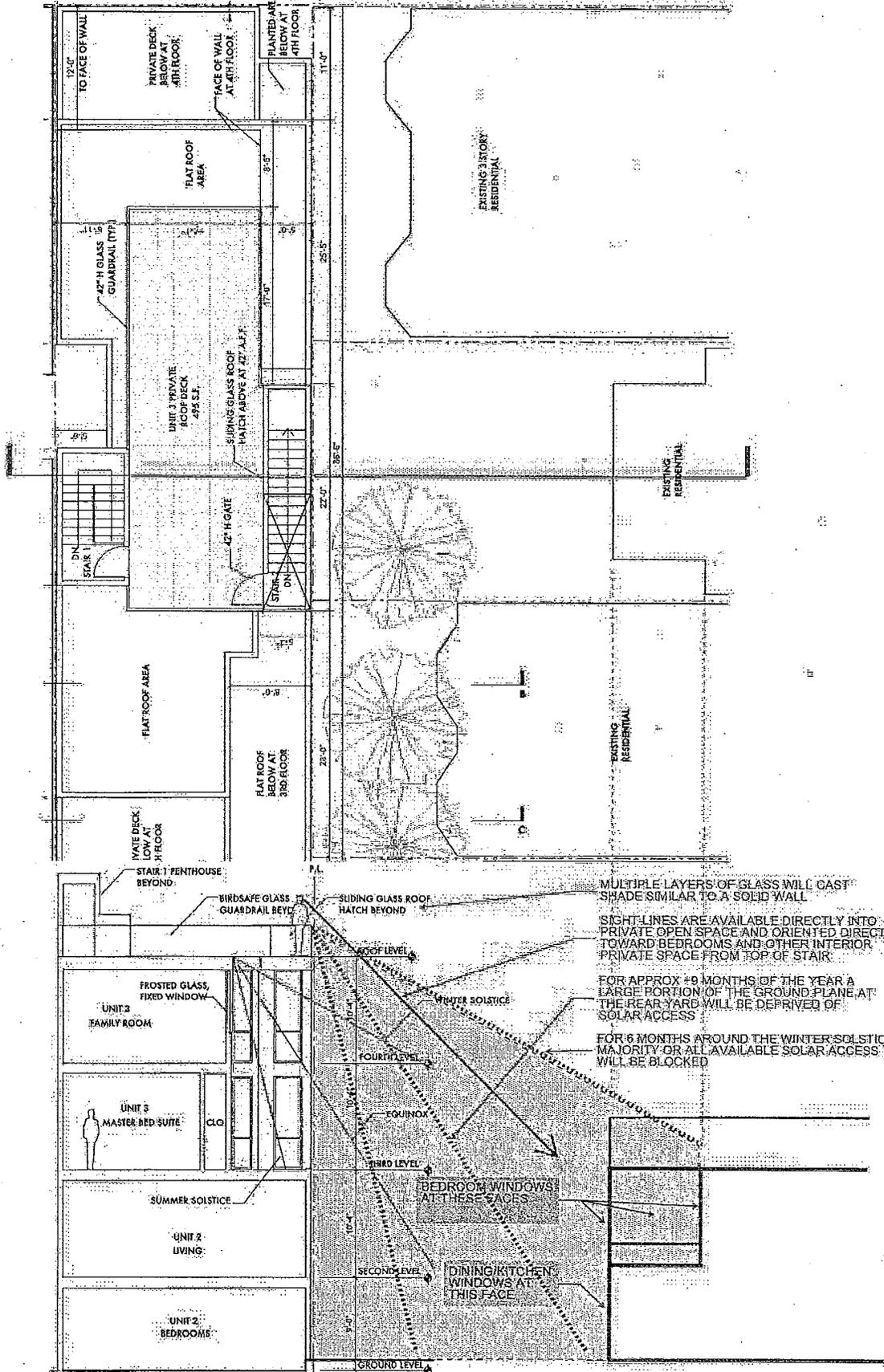
cc: Lisa Gibson, Environmental Review Officer
Steven Vettel, Esq. (Via E-Mail SVettel@fbm.com)
Alex Bernstein (Via E-Mail alex@kingfisherinvestment.com)
Sonia Daccarett (Via E-Mail sdaccarett@gmail.com)
Michael Donner, Esq.
Paul Mabry, Esq.

London Breed, President
San Francisco Board of Supervisors
December 1, 2017
Page 10

EXHIBIT LIST

- EXHIBIT 1 LIGHT ANALYSIS
- EXHIBIT 2 SHADOW STUDY PRESENTATION
- EXHIBIT 3 SF PROPERTY INFORMATION MAP—BUILDING PERMITS REPORT
- EXHIBIT 4 SF PROPERTY INFORMATION MAP—PLANNING APPLICATIONS REPORT
- EXHIBIT 5 PROJECT PLANNING APPLICATION FORMS

EXHIBIT 1



218 27TH AVENUE RESIDENCES
BLOCK 1386 LOT 28 SAN FRANCISCO, CA

TRANSVERSE SECTION THROUGH ADJACENT
PROPERTY AT 2545 LAKE STREET

EXHIBIT 2

SF Planning Commission Hearing
218 27th Avenue

Analysis Discussion

12 October 2017

We are deeply concerned

- We understand you are pretty far down the path with this review.
- We would like to share some information you have not yet been shown.
- Ask you to recognize the submitted documents largely excluded analysis of 2545 Lake St. and did not clearly show impact to adjacent buildings.
- The Staff's Recommendation of Approval is premature due to the incomplete information.
- We are asking for your action to be consistent with that recorded on other recent similar proposals .
- We hope you will agree the changes we are requesting are essential for the community.

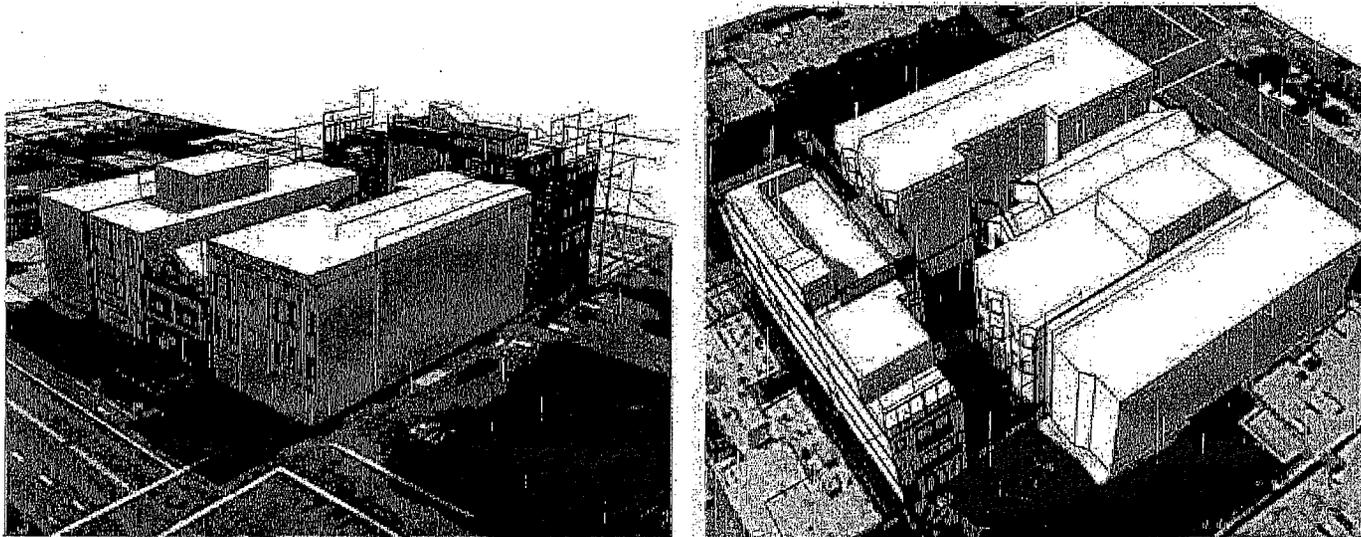
Privacy and Light

- The impact is significant and cannot be visualized clearly based on the documents provided to you.
- These points will be an issue for all 3 of the adjacent parcels and their many residents.

2209

Creating a chasm

- To aid in the analysis and explanation, we have generated an accurate 3 dimensional model of the proposal and the adjacent properties based on the current set provided by the applicant. Intentional or not, this information is not represented in the package you have been provided.
- The result of the current design is a chasm which will be deprived of privacy and light

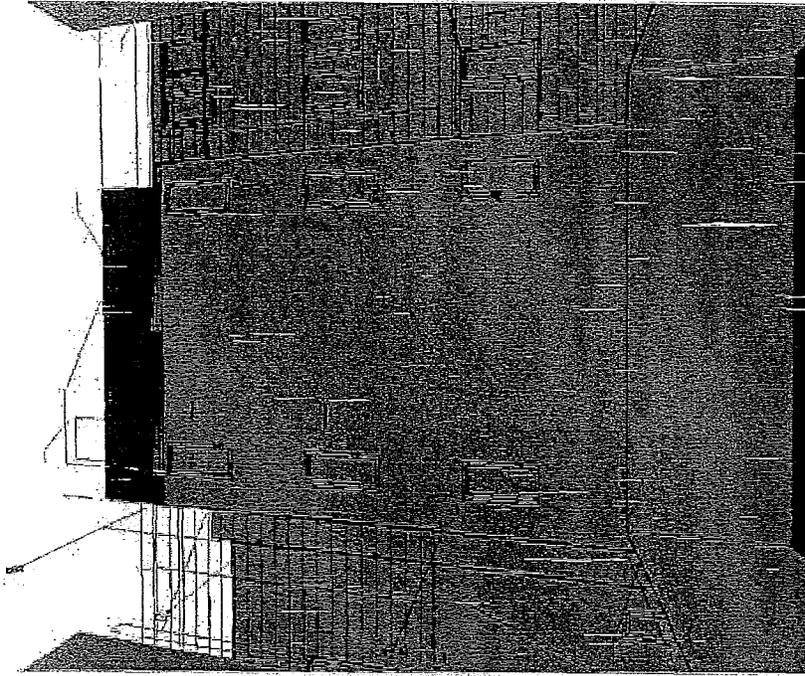
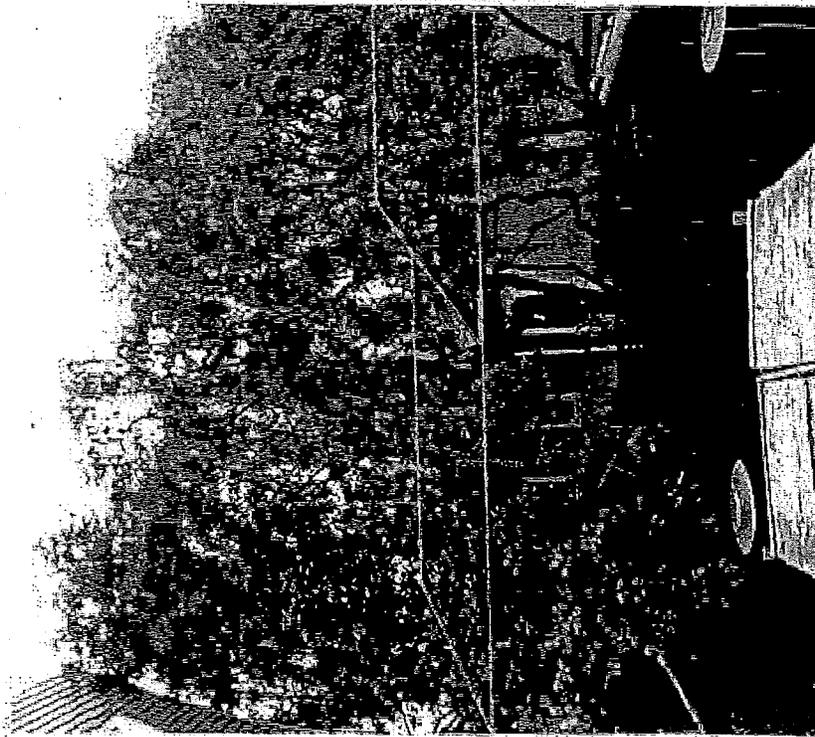


2210

Background

218 27th Avenue
SF Planning Commission

Creating a chasm - Comparison



Background

218 27th Avenue
SF Planning Commission

Shadows cast by the proposed project – Most severe at Winter Solstice

Issue:

There are significant shadow impacts to the adjacent existing properties that has not been clearly exhibited in the submitted documents

Recommendation:

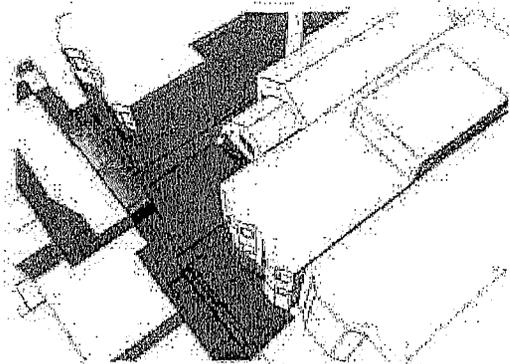
Condition the project to a height not to exceed that of 210 27th Ave. (removal of 1 floor)

Resulting mass still allows enough area for 3 typical units.

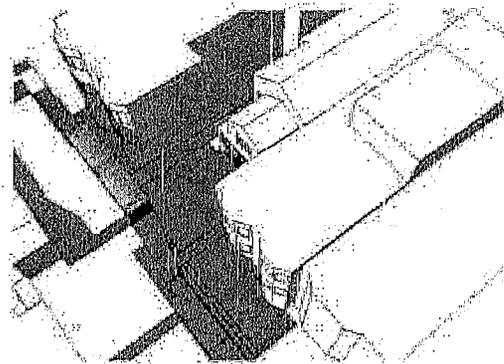


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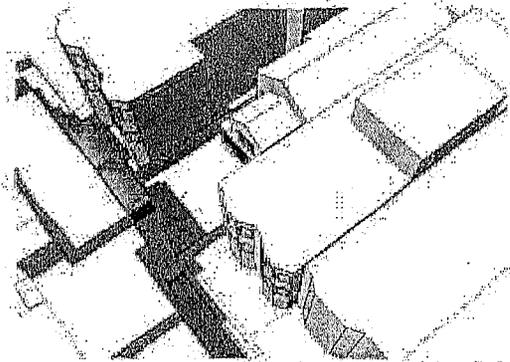
Shadows cast by the proposed project – Most severe at Winter Solstice



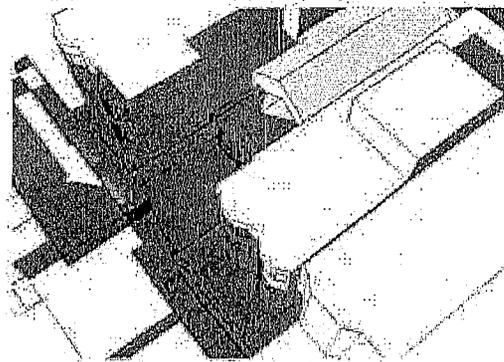
Spring Equinox - March



Fall Equinox - September



Summer Solstice - June



Winter Solstice - December

Issue:

There are significant shadow impacts to the adjacent existing properties that has not been clearly exhibited in the submitted documents

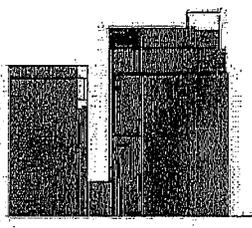
Recommendation:

Condition the project to a height not to exceed that of 210 27th Ave. (removal of 1 floor)

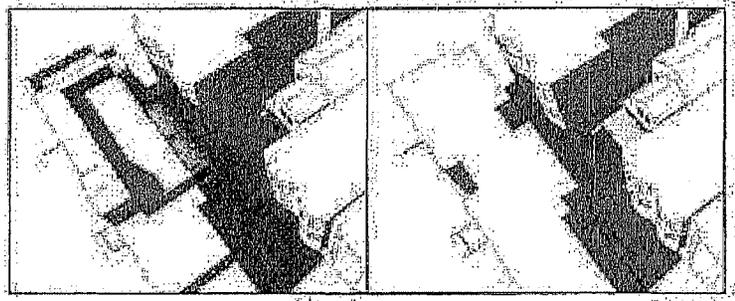
Resulting mass still allows enough area for 3 typical units.

Limit the Shadows cast by the proposed project – Our Recommendation:
 Remove the Roof Deck and 1 Floor of the Building

2214



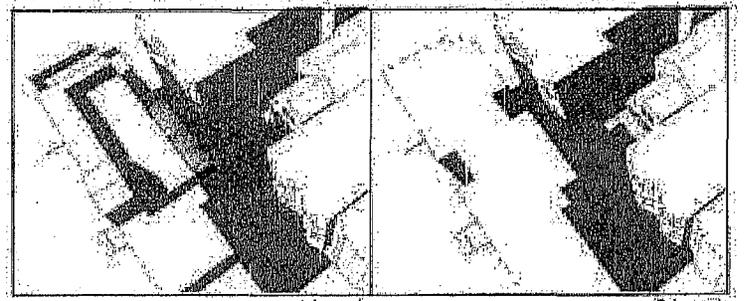
4 Levels + Roof Deck



4 Levels

3 Levels

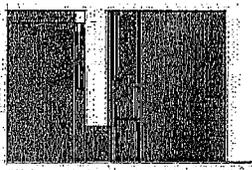
Spring Equinox - March



4 Levels

3 Levels

Fall Equinox - September



3 Levels

Consistent with context
 of other heights in the
 neighborhood



4 Levels

3 Levels

Summer Solstice - June

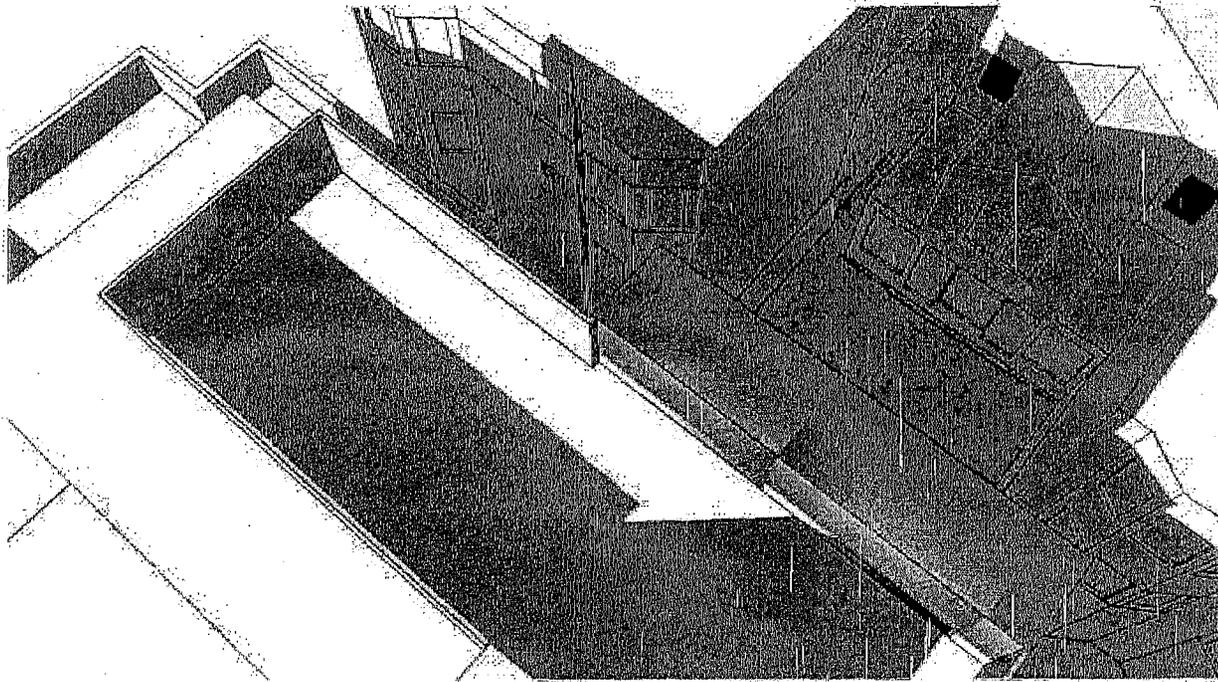


4 Levels

3 Levels

Winter Solstice - December

View from the Unit 3 Private Roof Deck and Side Windows



2215

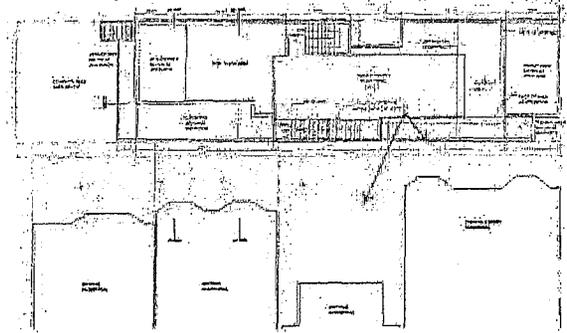
Issue:

There is direct visual access into private interior and outdoor spaces from the Unit 3 Private Roof Deck

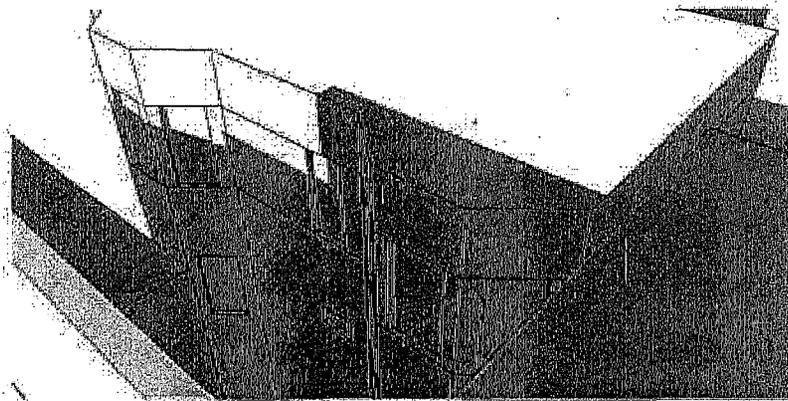
Recommendation:

Condition the project to remove any roof deck and all roof access other than that required for maintenance.

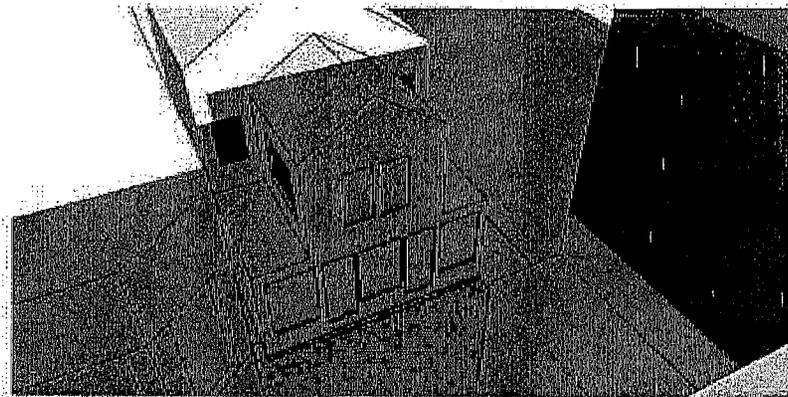
Frosted windows at side elevations must be inoperable



View from the Unit 3 Private Roof Deck



View from Roof Deck toward 210 27th Ave.



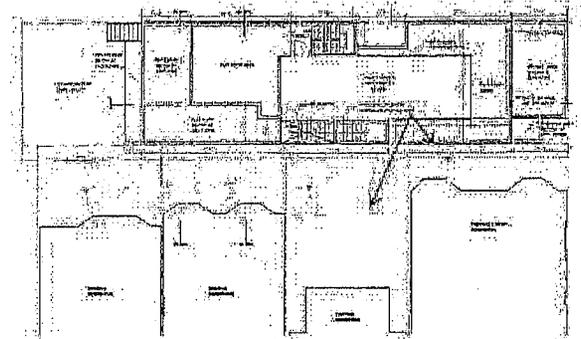
View from Roof Deck toward 2454 Lake St.

Issue:

There is direct visual access into private interior and outdoor spaces from the Unit 3 Private Roof Deck

Recommendation:

Condition the project to remove any roof deck and all roof access other than such required for maintenance.



Shadow Impact on Tree Health



2217



Issue:

Shadow cast by buildings impacts the viability of biological resources. Limiting the project height will allow for healthy tree growth.

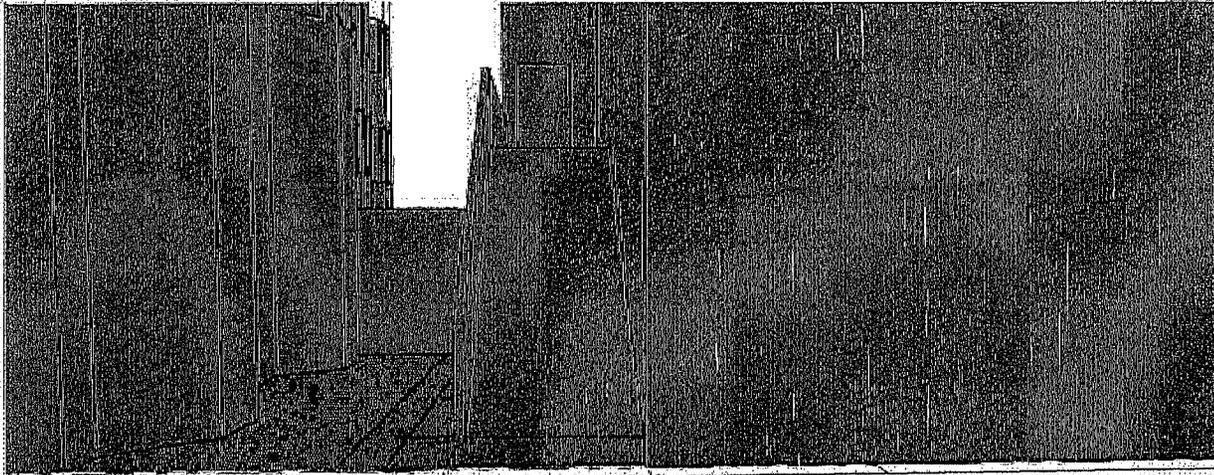
Recommendation:

Condition the project to a height not to exceed that of 210 27th Ave. (removal of 1 level and roof deck). Include language protecting existing tree roots and canopy.

Light – Tree Health

218 27th Avenue
SF Planning Commission

View from the Common Entry Deck



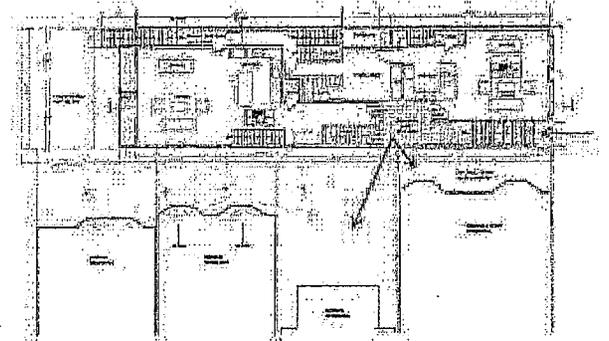
2218

Issue:

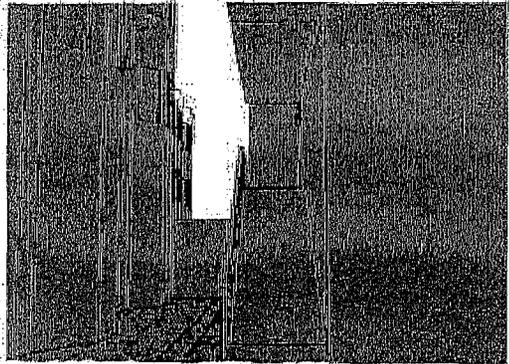
There is direct visual access into private interior and outdoor spaces from the Common Entry Deck

Recommendation:

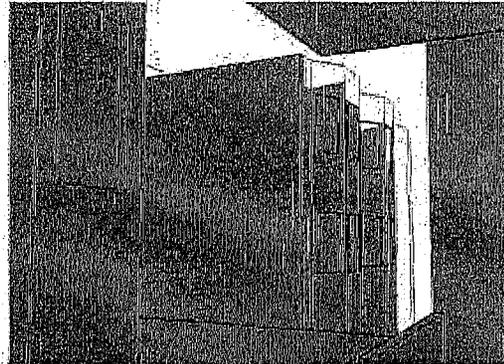
Condition the project to include an opaque screen or panel to prevent the invasive sightlines.



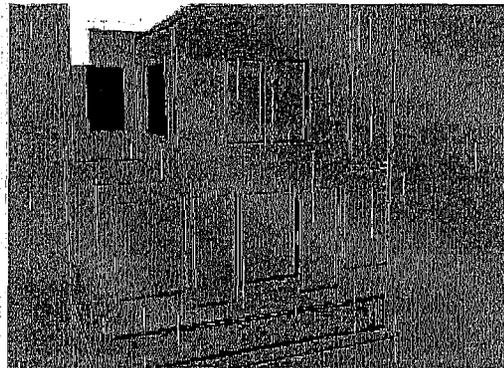
View from the Common Entry Deck



Common Entry Stair



Into Apartments



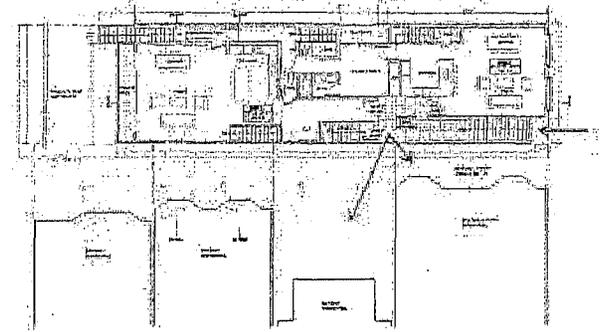
Into 2454 yard/interior

Issue:

There is direct visual access into private interior and outdoor spaces from the Common Entry Deck

Recommendation:

Condition the project to include an opaque screen or panel to prevent the invasive sightlines.



2219

Summary – We request the following changes/conditions:

1. Condition the project to a height not to exceed that of 210 27th Ave., removing 1 floor.
2. Condition the project to remove any roof deck and all roof access other than that minimally required for maintenance.
3. Direct that frosted windows at side elevations must be inoperable.
4. Require that an arborist regularly observe the construction, particularly during the demolition and subsequent placement of the foundation to report on the conditions and make recommendations to ensure the health of existing adjacent trees.
5. Direct that the Entry Stair and Common Entry Deck include an opaque screen or panel along the side railing extending above eye-level.

2220

EXHIBIT 3



SAN FRANCISCO PLANNING DEPARTMENT

Report for: 218 27TH AVENUE

Building Permits Report: 218 27TH AVENUE

Applications for Building Permits submitted to the Department of Building Inspection.

BUILDING PERMITS:

Permit:	<u>201607051548</u>
Form:	2 - New Wood Construction
Filed:	7/5/2016
Address:	218 27TH AV
Parcel:	1386/038
Existing:	
Proposed:	APARTMENTS
Existing Units:	0
Proposed Units:	3
Status:	TRIAGE
Status Date:	7/5/2016 10:58:55 AM
Description:	TO ERECT 4 STORIES, 3 UNITS RESIDENTIAL BUILDING.
Cost:	\$1,400,000.00
Permit:	<u>201607051544</u>
Form:	6 - Demolition
Filed:	7/5/2016
Address:	218 27TH AV
Parcel:	1386/038
Existing:	1 FAMILY DWELLING
Proposed:	
Existing Units:	1
Proposed Units:	0
Status:	TRIAGE
Status Date:	7/5/2016 10:51:19 AM
Description:	TO DEMOLISH 2 STORY SINGLE FAMILY DWELLING.
Cost:	\$15,000.00
Permit:	<u>200809040764</u>
Form:	8- Alterations Without Plans
Filed:	9/4/2008
Address:	218 27TH AV
Parcel:	1386/038
Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	0

Status:	COMPLETE
Status Date:	10/22/2008
Description:	REROOFING
Cost:	\$16,970.00

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Printed: 11/30/2017

<http://propertymap.sfplanning.org>

EXHIBIT 4



SAN FRANCISCO PLANNING DEPARTMENT

Report for: 218 27TH AVENUE

Planning Applications Report: 218 27TH AVENUE

Permits are required in San Francisco to operate a businesses or to perform construction activity. The Planning Department reviews most applications for these permits in order to ensure that the projects comply with the Planning Code. The 'Project' is the activity being proposed.

PLANNING APPLICATIONS:

2016-003258CUA

Laura Ajello Tel: 415-575-9142

Conditional Use Authorization (CUA) 218 27th Avenue

Demolition of a single family home and new construction of a 3-unit apartment building.

OPENED	STATUS	ADDRESS	FURTHER INFO
8/15/2016	Closed - Approved 11/9/2017	218 27TH AVE 94121	Related Documents View in ACA

RELATED RECORDS: 2016-003258PRJ
- 2016-003258CUA
- 2016-003258APL

2016-003258PRJ

Laura Ajello Tel: 415-575-9142

Project Profile (PRJ) 218 27th Avenue

Demolition of a single family home and new construction of a 3-unit apartment building.

OPENED	STATUS	ADDRESS	FURTHER INFO	PROJECT FEATURES
3/11/2016	Under Review 9/26/2017	218 27TH AVE 94121	Related Documents View in ACA	

RELATED RECORDS: 2016-003258PRJ
- 2016-003258CUA
- 2016-003258ENV

RELATED BUILDING PERMITS: Loading...

2016-003258ENV

Stephanie Cisneros Tel: 415-575-9186

Environmental (ENV) 218 27th Avenue

Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.

OPENED	STATUS	ADDRESS	FURTHER INFO
--------	--------	---------	--------------

3/11/2016

Closed - CEQA Clearance. 218 27TH AVE 94121
Issued
7/5/2016

[Related Documents](#)
[View in ACA](#)

RELATED RECORDS: [2016-003258PRJ](#)
[2016-003258ENV](#)
[2016-003258APL-02](#)

PERMITTED SHORT TERM RENTALS:

None

The Disclaimer: The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an 'as is' basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

Printed: 11/30/2017

<http://propertymap.sfplanning.org>

EXHIBIT 5

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

The Toboni Group

PROPERTY OWNER'S ADDRESS:

3364 Sacramento Street
San Francisco, CA 94118

TELEPHONE:

(415) 828-0717

EMAIL:

jtoboni@tobonigroup.com

APPLICANT'S NAME:

Same as Above

APPLICANT'S ADDRESS:

TELEPHONE:

()

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Ilene Dick

Same as Above

ADDRESS:

Farella Braun + Martel, LLP
235 Montgomery
San Francisco, CA, 94104

TELEPHONE:

(415) 954-4958

EMAIL:

idick@fbm.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

Same as Above

ADDRESS:

TELEPHONE:

()

EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:

218-27th Avenue

ZIP CODE:

94121

CROSS STREETS:

Lake and California Streets

ASSESSOR'S BLOCK/LOT:

1386

/ 038

LOT DIMENSIONS:

25'x120'

LOT AREA (SQ FT):

2,996

ZONING DISTRICT:

RM-1

HEIGHT/BULK DISTRICT:

40-X

3. Project Description

(Please check all that apply.)

- Change of Use
- Change of Hours
- New Construction
- Alterations
- Demolition
- Other Please clarify:

ADDITIONS TO BUILDING:

- Rear
- Front
- Height
- Side Yard

PRESENT OR PREVIOUS USE:

Single family home

PROPOSED USE:

3 - dwelling units

BUILDING APPLICATION PERMIT NO.:

201607051548 - new
cond

DATE FILED:

201607051548 - demo

7/5/16

4. Project Summary Table

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

EXISTING USES	EXISTING USES TO BE RETAINED	NET NEW CONSTRUCTION AND/OR ADDITION	PROJECT TOTALS
PROJECT FEATURES			
Dwelling Units	1	3	3
Hotel Rooms			
Parking Spaces	2	3	3
Loading Spaces			
Number of Buildings	1	1	1
Height of Building(s)	25'	40'	40'
Number of Stories	2	4	4
Bicycle Spaces		3	3
GROSS SQUARE FOOTAGE (GSF)			
Residential	1,200	5,245	5,245
Retail			
Office			
Industrial/PDR <small>Production, Distribution, & Repair</small>		950	950
Parking	800		
Other (Specify Use)			
TOTAL GSF	2,000	6,195	6,195

Please describe any additional project features that are not included in this table:
(Attach a separate sheet if more space is needed.)

5. Action(s) Requested (Include Planning Code Section which authorizes action):

Table 209.2 requires conditional use authorization for removal of dwelling units in RM-1 districts. Section 317(g)(5)(A)-(R) requires findings regarding the proposed dwelling unit removal.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

See attached.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

See attached.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

See attached.

3. That the City's supply of affordable housing be preserved and enhanced;

See attached.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

See attached.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

See attached.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

See attached.

7. That landmarks and historic buildings be preserved; and

See attached.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

See attached.

Estimated Construction Costs

CU	
R-2	
BUILDING TYPE	
6,540 gsf	Residential -5,530
	Garage-1,010
\$1,415,000	
Ilene Dick	
\$11,430.30	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____

Date: _____

Print name, and indicate whether owner, or authorized agent:

Joseph Tosari
Owner / Authorized Agent (circle one)
Myr 218 - 27th Ave LLC

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent and a department staff person.

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By:

Date:

APPLICATION FOR

Dwelling Unit Removal Merger, Conversion, or Demolition

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:
The Toboni Group
PROPERTY OWNER'S ADDRESS:
**3364 Sacramento Street
SF, CA. 94118**

TELEPHONE:
(415) 828-0717
EMAIL:
jtoboni@tobonigroup.com

APPLICANT'S NAME:

Same as Above

APPLICANT'S ADDRESS:

TELEPHONE:
()
EMAIL:

CONTACT FOR PROJECT INFORMATION:

ADDRESS:
Irene Dick
**235 Montgomery, 17th Flr.
SF, CA. 94104**

TELEPHONE:
(415) 954-4958
EMAIL:
idick@wfbm.com

Same as Above

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

ADDRESS:

TELEPHONE:
()
EMAIL:

Same as Above

2. Location and Classification

STREET ADDRESS OF PROJECT:
218-27th Avenue
CROSS STREETS:
Lake & California Streets

ZIP CODE:
94121

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ. FT.)	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
13.86 / 1079	25' x 120'	2,996	RM-1	40-X

3. Project Type and History

(Please check all that apply)

New Construction
 Alterations
 Demolition
 Other Please clarify:

ADDITIONS TO BUILDING:
 Rear
 Front
 Height
 Side Yard

BUILDING PERMIT NUMBER(S):
 201607051548 - construct
 201607051544 - DEMO

DATE FILED:
 7/5/16

DATE OF PROPERTY PURCHASE: (MM/DD/YYYY)
 08/06/2015

ELLIS ACT
 Was the building subject to the Ellis Act within the last decade?
 YES NO

4. Project Summary Table

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

	EXISTING USES	EXISTING USES TO BE RETAINED	NET NEW CONSTRUCTION AND/OR ADDITION	PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	1		2	3
Hotel Rooms				
Parking Spaces	2		3	3
Loading Spaces				
Number of Buildings	1		1	1
Height of Building(s)	25'		40'	40'
Number of Stories	2		4	4
Bicycle Spaces			3	3
GROSS SQUARE FOOTAGE (GSF)				
Residential	1,200		5,245	5,245
Retail				
Office				
Industrial/PDR <small>Production, Distribution, & Repair</small>				
Parking	800		950	950
Other (Specify Use)				
TOTAL GSF	2,000		6,195	6,195

5. Additional Project Details:

UNITS	EXISTING	PROPOSED	NET CHANGE
Owner-occupied Units:	1 - vacant	3	2
Rental Units:			
Total Units:	1	3	2
Units subject to Rent Control:			
Vacant Units:	1		(1)

BEDROOMS	EXISTING	PROPOSED	NET CHANGE
Owner-occupied Bedrooms:	3 - vacant	9	6
Rental Bedrooms:			
Total Bedrooms:	3	9	6
Bedrooms subject to Rent Control:			

6. Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY		ADDITIONAL CRITERIA (check all that apply)	
EXISTING	218	3	2,710	<input checked="" type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT	<input checked="" type="checkbox"/> VACANT
				<input type="checkbox"/> RENTAL		<input type="checkbox"/> RENT CONTROL	
PROPOSED	1	3	1,070	<input checked="" type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL		
EXISTING				<input type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT	<input type="checkbox"/> VACANT
						<input type="checkbox"/> RENT CONTROL	
PROPOSED	2	3	1,650	<input checked="" type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL		
EXISTING				<input type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT	<input type="checkbox"/> VACANT
						<input type="checkbox"/> RENT CONTROL	
PROPOSED	3	3	2,225	<input checked="" type="checkbox"/> OWNER OCCUPIED	<input type="checkbox"/> RENTAL		

7. Other Information

Please describe any additional project features that were not included in the above tables:
(Attach a separate sheet if more space is needed)

Priority General Plan Policies – Planning Code Section 101.1 (APPLICABLE TO ALL PROJECTS)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

Please respond to each policy; if it's not applicable explain why.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

see attached

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

see attached

3. That the City's supply of affordable housing be preserved and enhanced;

see attached

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

see attached

Please respond to each policy; if it's not applicable explain why:

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

see attached

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

see attached

7. That landmarks and historic buildings be preserved; and

see attached

8. That our parks and open space and their access to sunlight and vistas be protected from development.

see attached

Dwelling Unit Demolition

(SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(d), Residential Demolition not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval.

Administrative approval only applies to:

- (1) single-family dwellings in RH-1 and RH-1(D) Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); OR
- (2) residential buildings of two units or fewer that are found to be unsound housing.

Please see the Department's website under Publications for "Loss of Dwelling Units Numerical Values".

The Planning Commission will consider the following criteria in the review of Residential Demolitions. Please fill out answers to the criteria below:

EXISTING VALUE AND SOUNDNESS		YES	NO
1.	Is the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months)?	<input type="checkbox"/> N/A	<input type="checkbox"/>
	If no, submittal of a credible appraisal is required with the application.		
2.	Has the housing been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings)?	<input type="checkbox"/> N/A	<input type="checkbox"/>
3.	Is the property free of a history of serious, continuing code violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Has the housing been maintained in a decent, safe, and sanitary condition?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the property a <i>historical resource</i> under CEQA?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	If yes, will the removal of the resource have a substantial adverse impact under CEQA? <input type="checkbox"/> YES <input type="checkbox"/> NO		
RENTAL PROTECTION		YES	NO
6.	Does the Project convert rental housing to other forms of tenure or occupancy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Does the Project remove rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIORITY POLICIES		YES	NO
8.	Does the Project conserve existing housing to preserve cultural and economic neighborhood diversity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Does the Project conserve neighborhood character to preserve neighborhood cultural and economic diversity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Does the Project protect the relative affordability of existing housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.	Does the Project increase the number of permanently affordable units as governed by Section 415?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Dwelling Unit Demolition

(SUPPLEMENTAL INFORMATION CONTINUED)

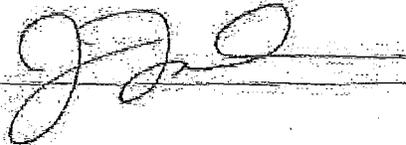
	YES	NO
12 Does the Project locate in-fill housing on appropriate sites in established neighborhoods?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13 Does the Project increase the number of family-sized units on-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14 Does the Project create new supportive housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15 Is the Project of superb architectural and urban design, meeting all relevant design guidelines, to enhance the existing neighborhood character?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16 Does the Project increase the number of on-site dwelling units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17 Does the Project increase the number of on-site bedrooms?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or authorized agent of the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. Other information or applications may be required.

Signature: _____



Date: _____

7-20-16

Print name, and indicate whether owner, or authorized agent:

Joseph Toroni

Owner / Authorized Agent (check one)

mgr 218-27th Avenue LLC

Demolition Application Submittal Checklist

(FOR PLANNING DEPARTMENT USE ONLY)

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials.

APPLICATION MATERIALS	CHECKLIST
Original Application, signed with all blanks completed	<input checked="" type="checkbox"/>
Prop. M Findings (General Plan Policy Findings)	<input checked="" type="checkbox"/>
Supplemental Information Pages for Demolition	<input checked="" type="checkbox"/>
Notification Materials Package: (See Page 4)	<input type="checkbox"/> *
Notification map	<input type="checkbox"/> *
Address labels	<input type="checkbox"/> *
Address list (printed list of all mailing data or copy of labels)	<input type="checkbox"/> *
Affidavit of Notification Materials Preparation	<input type="checkbox"/> *
Set of plans: One set full size AND two reduced size 11"x17"	<input checked="" type="checkbox"/>
Site Plan (existing and proposed)	<input checked="" type="checkbox"/>
Floor Plans (existing and proposed)	<input checked="" type="checkbox"/>
Elevations (including adjacent structures)	<input checked="" type="checkbox"/>
Current photographs	<input checked="" type="checkbox"/>
Historic photographs (if possible)	<input checked="" type="checkbox"/>
Check payable to Planning Dept. (see current fee schedule)	<input checked="" type="checkbox"/>
Letter of authorization for agent (if applicable)	<input type="checkbox"/>
Pre-Application Materials (if applicable)	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable. (e.g. letter of authorization is not required if application is signed by property owner).
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- * Required upon request upon hearing scheduling.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only
Application received by Planning Department:

By: _____

Date: _____



December 1, 2017

Hon. London Breed, President
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 218-27th Avenue CEQA and Conditional Use Appeal
Board File No. 171222
Hearing Date: December 12, 2017

Dear President Breed and Supervisors:

I am writing on behalf of the Toboni Group, a small local builder managed by Joe Toboni and his son, Joey, to oppose the appeals of the Planning Commission's approval of the 218-27th Avenue project (the "Project"). The Project is the demolition of a non-historic single-family home located near the corner of 27th Avenue and Lake Street (see photo at Exhibit A) and construction of a replacement three-unit building. The replacement building will contain two 3-bedroom and one 2-bedroom family-sized homes, each with a single off-street vehicle and bicycle parking space, in a new 4-story building (see Project plans at Exhibit B).

Appellants Alex Bernstein and Sonia Daccarett own a two-story single-family home at 2545 Lake Street, around the corner from and adjacent to the Project. They have appealed both the Project's CEQA Categorical Exemption Determination issued by the Planning Department and the Planning Code Section 317 conditional use unanimously approved by the Planning Commission on October 12, 2017. A Section 317 conditional use was required only to authorize the demolition of the existing dwelling unit; the replacement structure is principally permitted in this RM-1 zoning district and 40-X height and bulk district.

I urge you to reject the appeal for the following reasons, each more fully explained below:

- * The Project fully qualifies for a Class 3 Categorical Exemption from CEQA (construction of up to six dwelling units in an urbanized location).
- * The Project is a principally permitted family housing development located in a multi-family zoning district and 40-foot height district.
- * The demolition of the existing single dwelling unit and its replacement with three family-sized units meet the criteria of Section 317.

- * The Planning staff and Planning Commission have already ordered significant Project modifications to address Appellant's concerns and meet the Residential Design Guidelines.
- * Appellants' request to remove the entire 4th floor would eliminate one of the Project's three units, in violation of the Housing Accountability Act, or eliminate all three parking spaces in a zoning district that requires 1:1 parking.

1. The Project fully meets the Class 3 Categorical Exemption from CEQA, and there is no evidence of unusual circumstances disqualifying the Project from the exemption.

Pursuant to the State's CEQA Guidelines Sections 15300 and 15303:

The Secretary for Resources has found that the following classes of projects . . . do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. . . .

Class 3 consists of construction and location of limited numbers of new, small facilities or structures. . . . *In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.*

This Project is three units in a new building located in an urbanized area, half the six-unit limit for a Class 3 exemption, and thus the unrefuted evidence establishes that it qualifies for the exemption, as recited in the Planning Department's June 2016 Categorical Exemption Determination (Exhibit C). Contrary to Appellant's letter characterizing the Department's review as " cursory," the Exemption Certificate demonstrates a thorough evaluation of how the Project qualifies for the Class 3 exemption.¹ Even if Appellants can proffer evidence that would dispute the Department's determination, a court would uphold the Department's determination because it is supported by substantial evidence in the record. *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012.

Also contrary to Appellants' claim, the project described in the June 2016 Exemption Determination (three units in a 40-foot tall building with three parking spaces) is essentially the same project as approved by the Commission in October 2017, with the design modifications described below. Pursuant to Sections 31.08(i) and 31.19 of the Administrative Code, a new evaluation is required only if there has been a substantial modification to the project since completion of an exemption determination, defined as an expansion of the building envelope, a change of use, or a demolition not previously evaluated.² Here, the design modifications shrank the building, rather than expanded it, there has been no change of use, and the proposed

¹ The Certificate also states the Project qualifies for a Class 1 exemption (addition of up to 10,000 square feet to an existing facility). Because the Project is clearly exempt under Class 3, we do not discuss whether the Project also is exempt under Class 1.

² SF Admin. Code § 31.08(i): "An expansion or intensification of the project as defined in the Planning Code includes, but is not limited to: (A) a change that would expand the building envelope or change the use that would require public notice under Planning Code Sections 311 or 312, or (B) a change in the project that would constitute a demolition under Planning Code Sections 317 or 1005(f)."

demolition was already analyzed in the 2016 Certificate. Accordingly, no new evaluation was required and the 2016 Certificate may be relied upon by the Planning Commission and this Board in 2017.

We agree that a Class 3 categorical exemption is not appropriate “for a project which may cause a substantial adverse change in the significance of a historical resource” or “where there is a reasonable possibility that the activity will have a significant effect on the environment *due to* unusual circumstances.” CEQA Guidelines §§ 15300.2(f) and (c). Here, the Planning Department correctly determined the existing building is not historic and that no unusual circumstance exists.

First, the Department determined that the existing house is not a previously designated historic resource or identified in any historic resource survey. And, although it is old, it is not associated with any historically significant persons or events, and the character defining features of the building have been so altered over the years that it does not retain integrity from any period of significance (see Exhibit C, page 6). The evidence to support the Department’s determination is the Historic Resource Evaluation (“HRE”) prepared by Richard Brandi (Exhibit D). Appellants did not dispute the Department’s conclusion or the accuracy of the HRE at the Planning Commission and their appeal letter does not either. Even if it did, the Department and this Board may rely upon the professionally prepared HRE in concluding that the existing house is not an historic resource. The courts uphold an agency’s determination whether an older unlisted building is an historic resource if the agency’s decision is supported by substantial evidence, even if there is contrary evidence presented by a project opponent. CEQA Guidelines § 15064.5(a)(c); *Friends of the Willow Trestle Glen v. City of San Jose* (2016) 2 Cal.App. 5th 457, 468.

Second, although Appellant’s appeal letter claims there are unusual circumstances associated with the Project, they do not explain how or why, nor present any evidence to support their assertion. The Project is a small infill triplex located in a fully built-up urban neighborhood with no extraordinary seismic hazards, hazardous soils or other unusual conditions, exactly the kind of project contemplated by the Class 3 exemption. The Department reviewed each of the eight potential unusual circumstances on Page 1-2 of its Certificate (Exhibit C), and determined none applies. Even if Appellants could provide evidence that the Project’s circumstances are unusual, the Department could rely on its own evidence as set forth in its Certificate to determine otherwise, as recently upheld by the California Supreme Court. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1114.

Appellant’s claim that the Project will have significant environmental light and privacy impacts on their property, even if accurate, does not disqualify it from the Class 3 exemption. It is only if there are significant impacts *due to* a Project’s unusual circumstances that a city even needs to evaluate whether the project could have environmental impacts. With no evidence of unusual circumstances, Appellant’s allegations are irrelevant. Moreover, even if relevant, Appellants’ allegations are only of *private* impacts to their own light and privacy, not impacts to the environment in general. In San Francisco, impacts on private views, light and privacy are not evaluated under CEQA. (See, e.g., S.F. Initial Study Checklist at 6: “Create new shadow in a manner that substantially affects outdoor recreation facilities or other *public* areas?”)

2. The Project as approved is a principally permitted family housing development located in a multi-family zoning district and 40-foot height district.

The Project is located in an RM-1 zoning district. According to Planning Code Section 209.2, “[t]hese districts contain a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height.” One unit per 800 square feet of lot area is principally permitted; here, up to four units are allowed on this 3,000 square foot lot. One parking space is required per dwelling unit (Planning Code Sec. 151), and rear yards are mandatory (Sec. 134). The height and bulk district is 40-X, allowing four-story buildings as of right. No reduced height or upper floor setbacks are required in RM districts, unlike the 30-foot height standard in RH-1 districts and the upper floor setbacks required in RH-1 and RH-2 districts by Section 261.

This RM-1/40-X district along 27th Avenue, Lake Street and 26th Avenue contains many four-story multi-family buildings and many large three-story buildings that are nearly 40 feet in height, including the immediately adjacent building at 210-27th Avenue (see photographs at Exhibit E). The only single-family homes in the vicinity are the subject building to be demolished and Appellants’ home, which is two stories in height, at least a story shorter than all surrounding buildings.

To provide large 2- and 3-bedroom units and to avoid the need for an elevator and other Building Code upgrades required for buildings with more than three units, the Toboni Group elected to propose three large units each with its own parking space and bicycle parking space. The vehicle and bicycle garage occupies most of the ground floor, with the three units in the three floors above and behind the garage on the ground floor. The building materials, including limestone tiles on the front façade, are high quality, as is the building’s understated modern design by Michael Leavitt Architects. At the direction of the Planning Department’s Residential Design Team, applying the Residential Design Guidelines, the fourth floor incorporates large front, rear and side setbacks to increase light to adjoining properties on Lake Street, including Appellants’, and to render the top floor nearly invisible from the street, such that the top floor was reduced to only a half floor. A large rear yard meets Planning Code requirements and matches the pattern of rear yards on the block. See plans at Exhibit B.

Thus, the Project conforms to the pattern of development and neighborhood character of this RM-1/40-X district and meets every objective standard of the Planning Code, Zoning Map and Residential Design Guidelines, with no variance or other exception required.

The only reason the Project required review by the Planning Commission is that it includes the demolition of an existing dwelling unit, a conditional use pursuant to Planning Code Section 317.

3. The demolition of the existing dwelling unit meets the criteria of Section 317, and Appellants do not dispute the Planning Commission’s demolition findings.

Since April 2016, the demolition of even a single dwelling unit now requires conditional use approval by the Planning Commission. Section 317 sets forth 18 criteria the Commission must apply in reviewing such demolition applications. In this case, the Commission easily found that every relevant criterion was met, as set forth on pages 6 to 8 of Planning Commission Motion No. 20025. Most significantly, the existing dwelling unit is not an historic resource, an affordable housing resource or subject to the rent control ordinance; the Project replaces one ownership unit with three ownership units and replaces three bedrooms with eight; the Project more closely conforms to the RM-1 zoning than does a single-family home; and the Project exhibits superior urban design.

Neither Appellants nor any other party disputed the proposed demolition's compliance with the Section 317 criteria at the Planning Commission hearing, orally or in writing, and their appeal to this Board does not either. In fact, the appeal supports the demolition of the existing building. Accordingly, the Commission did not abuse its discretion in approving the demolition of a single dwelling unit and its replacement with three family-sized units. This Board has been presented with no facts or arguments that would compel it to overrule the Commission's decision.

4. The Planning staff and Commission have already ordered significant Project modifications to address Appellant's concerns and meet the Residential Design Guidelines.

The Project has already undergone significant design review and substantial modifications. A pre-application meeting was held on the site on January 26, 2016, for the Toboni Group and architect to present the initial design. Appellants attended that meeting.

After the sponsor submitted the conditional use application in August 2016, the Planning Department's Residential Design Team reviewed the design on two separate occasions and the sponsor received a total of four requests from the Planning Department for modifications to meet the Residential Design Guidelines. Several of those modifications were aimed at minimizing light and privacy impacts to the adjoining buildings, including Appellants' home. The sponsor incorporated each of those requested modifications, including a substantial reduction of the fourth floor by incorporating a rear setback, a front setback and north side setbacks (none of which are required by the Planning Code). Attached as Exhibit F is a shadow study demonstrating how the fourth floor setbacks already incorporated into the Project will reduce shadow impacts to Appellants' yard and other properties along Lake Street.

At the Planning Commission hearing of October 12 this year, the Commission ordered even further revisions, all made at the request of Appellants. The Commission ordered complete removal of a roof deck for the top floor unit to protect Appellants' privacy, ordered that all side yard windows be glazed with frosted glass to preserve privacy to Appellants' home, and ordered the addition of a frosted glass privacy screen on the north side of the entry porch, again to protect Appellants' privacy. The Commission also ordered the fourth floor front setback increased from 12 feet to 15 feet.

The Commission discussed Appellants' request for the complete removal of the fourth floor, but unanimously declined to order that modification. The Commission recognized that

such a drastic modification would lead to the loss of a family-sized unit or elimination of all off-street parking. The Commission was ultimately satisfied that the revisions it ordered, in combination with the modifications previously ordered by the Residential Design Team, were the right balance between family housing production and neighborhood compatibility.

The Commission also recognized that Appellants' two-story single-family home is an anomaly in this RM-1 multi-family zoning district, and that it would be unfair and in violation of the General Plan and Planning Code to try to force a three-unit building to conform to the size and characteristics of an adjacent single-family home.

Appellants now also request that the Board order removal of side yard decks, that the north face of the building be painted white or a similar light reflecting color, and that construction hours be limited to 9:00 a.m. to 5:00 p.m. The Project contains no side yard decks, so the first request is immaterial. The sponsor is willing to paint the north side of the building a white or similar color. However, the Toboni Group is not able to agree to the construction hours proposed. The Police Code already regulates construction hours, and the sponsor will comply with those requirements. In addition, the Toboni Group is a general contractor that utilizes its own work crews and subcontractors, and its agreements with its workers mandate work hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday.

5. Appellants' request to remove the entire fourth floor would eliminate one of the Project's three units, in violation of the Housing Accountability Act, or eliminate all three parking spaces in a zoning district that requires 1:1 parking.

As the Board is well aware, the Housing Accountability Act (Cal. Gov't Code § 65589.5) prohibits cities from taking actions to reduce the density of proposed residential projects that conform to objective General Plan and Planning Code requirements, absent a finding that such a reduction is necessary to avoid a significant public health or safety impact. In 2017, the Legislation strengthened the Act further and increased penalties on cities found in violation.

Appellants' demand that the entire fourth floor of the Project be eliminated would result in the loss of one of the Project's three family-sized units, in direct violation of the Housing Accountability Act, given that there is no evidence of any public health or safety impacts associated with this three-unit project. Although Appellants claim that elimination of the top floor would not result in the loss of a unit, they have failed to demonstrate how.

The only way that three family-sized units could fit within a three-story building on a small infill lot would be if the garage and all side setbacks were eliminated. But, in the RM-1 zoning district, one parking space is required per dwelling unit by Planning Code Section 151. And for good reason in this location. The Project is located in the Outer Richmond district, and families with children in that neighborhood rely on private automobiles, as well as public transportation. Two- and three-bedroom units on 27th Avenue with no off-street parking would increase competition for limited on-street parking and would be extremely difficult to market.

While it is accurate that new Section 150(e) of the Planning Code allows a project sponsor to substitute bicycle parking for vehicle parking, that subsection did not eliminate all minimum parking requirements or authorize the Planning Commission or Board of Supervisors

to order, against the application of a project sponsor, the elimination of off-street in a zoning district where 1:1 parking is required, absent a showing that the sacrifice of vehicle parking is necessary to accommodate bicycle parking. Here, we are accommodating both bicycle parking and vehicle parking in the ground floor garage, in compliance with the 1:1 vehicle parking and 1:1 bicycle parking requirements of the RM-1 zoning district.

Conclusion. The Project is a well-designed family housing development, in full compliance with the Planning Code, Zoning Map, Residential Design Guidelines and Housing Element of the General Plan. It falls squarely within CEQA's Class 3 categorical exemption for infill projects of up to six units.

Appellants would prefer a significantly smaller building, with fewer units or no parking. But they have not demonstrated that the modest diminution in light to their two-story single-family home, which itself is out of character with the surrounding buildings and RM-1/40-X zoning district, justifies the drastic modification they seek. The Planning Commission has already ordered modifications to address Appellants' concerns; anything further would violate the Housing Accountability Act's mandate, the City's stated policies favoring new family-friendly housing and Planning Code requirements for off-street parking in RM-1 districts. For these reasons, we ask that you reject their appeals.

We look forward to the December 12 hearing. Please contact me prior to the hearing if we can provide any additional information.

Sincerely,



Steven L. Vettel

cc: Robia S. Crisp, Appellants' attorney
Joe Toboni
Joey Toboni
Michael Leavitt Architects
Planning Department

333666336553.1

TAB A

Historic Resource Evaluation

**218 27th Avenue
San Francisco, CA**



Prepared for:

Joe Toboni
The Toboni Group
3364 Sacramento Street
San Francisco, CA 94118

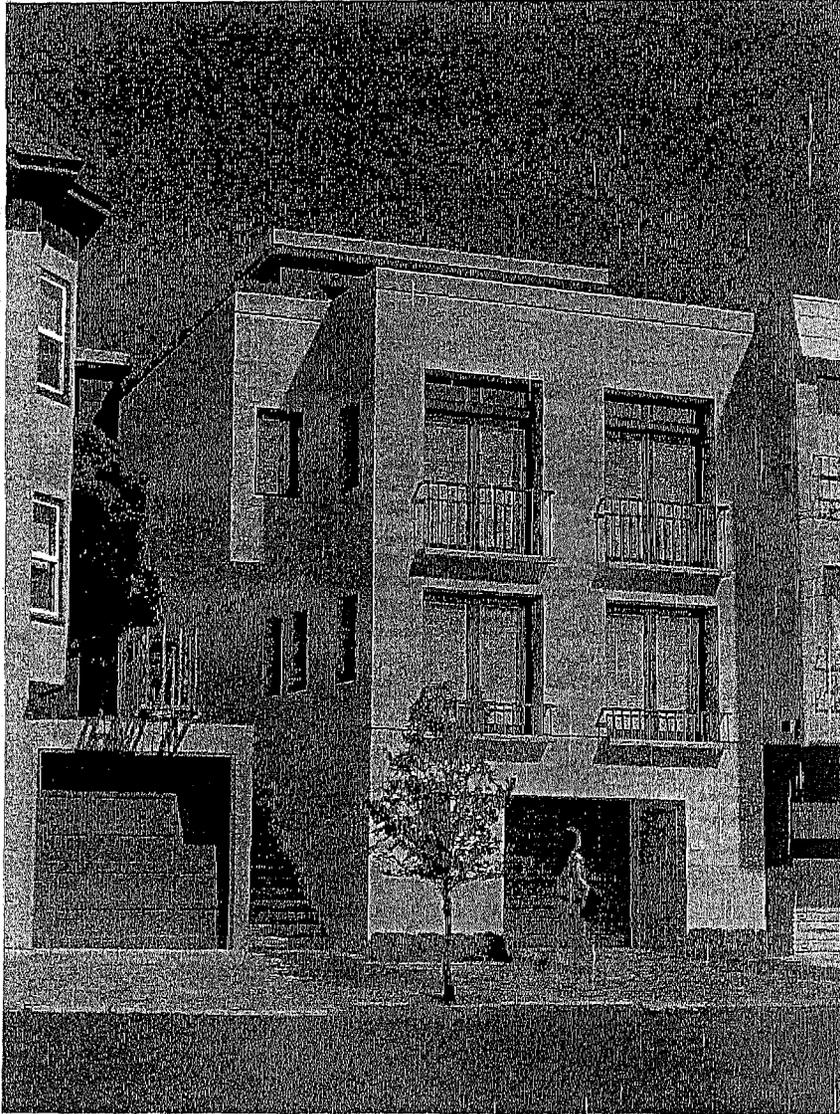
Prepared by:

Richard Brandi
Architectural Historian
125 Dorchester Way
San Francisco, CA 94127

April 29, 2016

TAB B

2253



DRAWING INDEX

- A0.0 SHEET INDEX / PROJECT DATA
- A0.1 SITE SURVEY
- A0.2 BLOCK FACE PHOTOS AT 27TH AVENUE
- A0.3 PHOTOS OF SUBJECT SITE / BUILDING
- A0.4 GREEN BUILDING SITE PERMIT CHECKLIST
- A1.0 EXISTING SITE PLAN
- A1.1 EXISTING FLOOR PLANS
- A1.2 EXISTING ROOF PLAN
- A1.3 EXISTING NORTHWEST ELEVATIONS
- A1.4 EXISTING SOUTH/EAST ELEVATIONS
- A2.0 PROPOSED SITE PLAN
- A2.1 PROPOSED GROUND FLOOR PLAN
- A2.2 PROPOSED SECOND FLOOR PLAN
- A2.3 PROPOSED THIRD FLOOR PLAN
- A2.4 PROPOSED FOURTH FLOOR PLAN
- A2.5 PROPOSED ROOF PLAN
- A3.0 PROPOSED FRONT ELEVATION
- A3.1 PROPOSED REAR ELEVATION
- A3.2 PROPOSED NORTH ELEVATION
- A3.3 PROPOSED SOUTH ELEVATION
- A4.1 PROPOSED BUILDING / SITE SECTION
- A4.2 PROPOSED TRANSVERSE SECTION

SCOPE OF WORK

CONSTRUCTION OF A NEW THREE UNIT RESIDENTIAL BUILDING ON THREE LEVELS ABOVE GARAGE. DEMOLITION OF EXISTING ONE STORY OVER GARAGE STRUCTURE.

LOCATION MAP



BUILDING AREA CALCULATIONS
LOT SIZE: 3,900 S.F.

OCCUPANCY	NET AREA (S.F.)	GROSS AREA	PRIVATE USABLE OPEN SPACE	COMMON USABLE OPEN SPACE
RESIDENTIAL - LEVEL 1	300	473	---	745 (UNITS 1 & 2)
RESIDENTIAL - LEVEL 2	1,515	1,595	---	---
RESIDENTIAL - LEVEL 3	1,270	1,625	---	---
RESIDENTIAL - LEVEL 4	1,055	1,149	420 (UNIT 3)	---
GARAGE	950	1,010	---	---
ROOF	---	---	---	---
TOTAL	5,090	6,745	420	745

UNIT AREA / BEDROOM COUNT TABLE

OCCUPANCY	NET AREA (S.F.)	GROSS AREA	# OF BEDROOMS
UNIT 1	1,320	1,290	3
UNIT 2	1,550	1,870	3
UNIT 3	2,060	2,200	3

NOTE: A LICENSED ARBORIST SHALL REGULARLY OBSERVE DEMOLITION AND FOUNDATION WORK TO REPORT ON SITE CONDITIONS AND MAKE RECOMMENDATIONS FOR THE HEALTH BENEFIT OF EXISTING TREES ADJACENT TO THE PROJECT SITE.

PLANNING CODE ANALYSIS TABLE

TOPIC / CODE SECTION	REQUIRED/ALLOWED	PROVIDED
ZONING	R11.1	RESIDENTIAL USE
DENSITY (220.2)	1 UNIT PER 800 S.F.	(2) THREE BED (1) TWO BED UNITS
HEIGHT (200.1.C)	40' ALLOWED AT MIDPOINT OF CURB	40' AT MIDPOINT OF CURB ON 27TH AVE
HEIGHT (200.1.B)	10' TO 10' EXEMPTION ALLOWED AT ROOF	MAX: 8'-0" HT. AT STAIR PENNHOUSE
HEIGHT EXEMPTION AREA (200.1.B)	20% OF OVERALL ROOF AREA	10% FOR STAIR PENNHOUSE
BULK	X - NO BULK SETBACK REQUIREMENT	MASS REDUCTION AT 3RD & 4TH LEVELS
SETBACKS (12.1a)	25% BASED ON AVG. OF ADJACENT BLDG. (B)	30'-0" (25% OF LOT DEPTH)
COMMON USABLE OPEN SPACE (130)	123 S.F. PER UNIT	745 S.F. @ YARD AREA FOR UNITS 1 & 2
PRIVATE USABLE OPEN SPACE (135)	100 S.F. PER UNIT	420 S.F. AT 3 DECK AREAS FOR UNIT 3
BICYCLE PARKING (150.2.1)	1 SPACE PER RESIDENTIAL UNIT	(3) @ 1 SPACE PER RESIDENTIAL UNIT
BELOW MARKET RATE UNITS (415)	NONE REQUIRED FOR A THREE UNIT BLDG.	NONE
STREET TREES (100.14.1)	1 TREE PER 20 FT. OF FRONTAGE	2 NEW STREET TREES PROVIDED

Revisions By

13 MAR. 2017	AL
13 MAR. 2017	AL
16 MAY 2017	ML
16 JUNE 2017	AL
19 OCT. 2017	AL

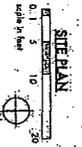
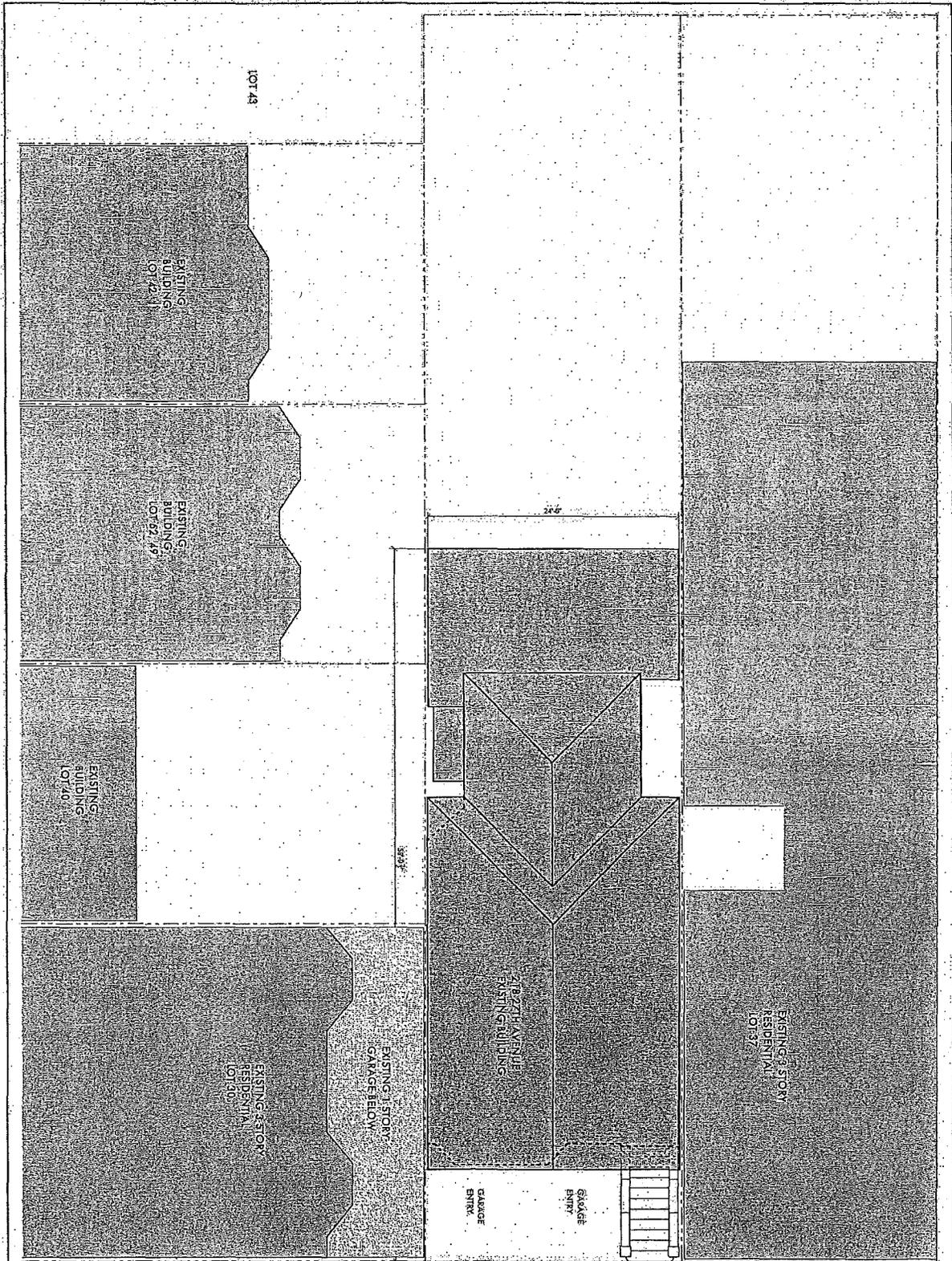
LEAVITT architecture

1327 mason st.
san francisco
california 94103
415 874 3100
415 874 3101

SHEET INDEX / PROJECT DATA

218 27TH AVENUE RESIDENCES
SAN FRANCISCO, CA
BLOCK 1067 LOT 38

DATE: #LJAE2017
SCALE: 1/4" = 1'-0"
DRAWN BY: AL
SHEET: **A0.0**



SITE PLAN
DATE: 11/15/10
SCALE: 1/8" = 1'-0"
DRAWN BY: [illegible]
CHECKED BY: [illegible]

218 27TH AVENUE RESIDENCES
BLOCK 1388 LOT 38 SAN FRANCISCO, CA

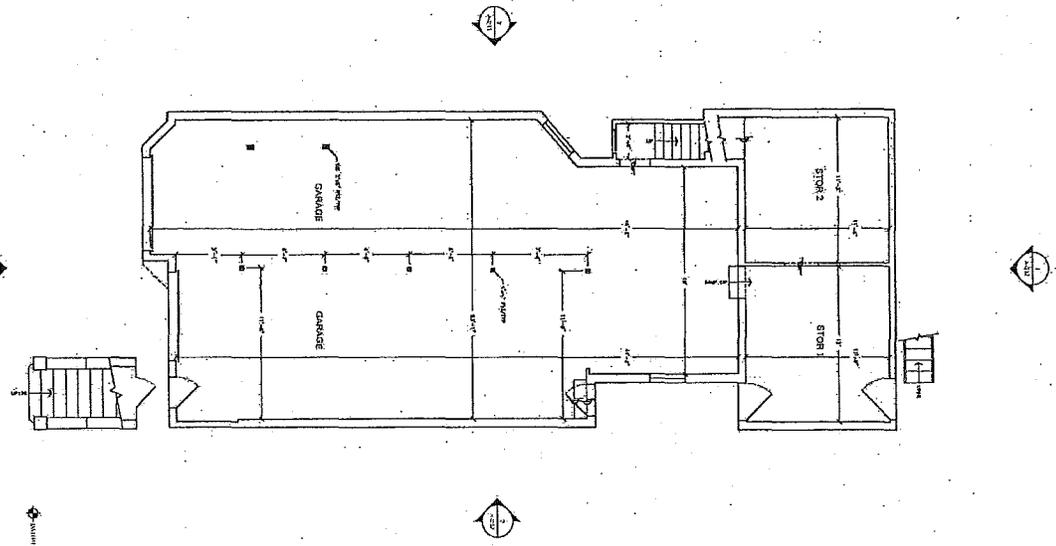
EXISTING SITE PLAN

10/15/10
11/15/10
1/15/11
1/15/11

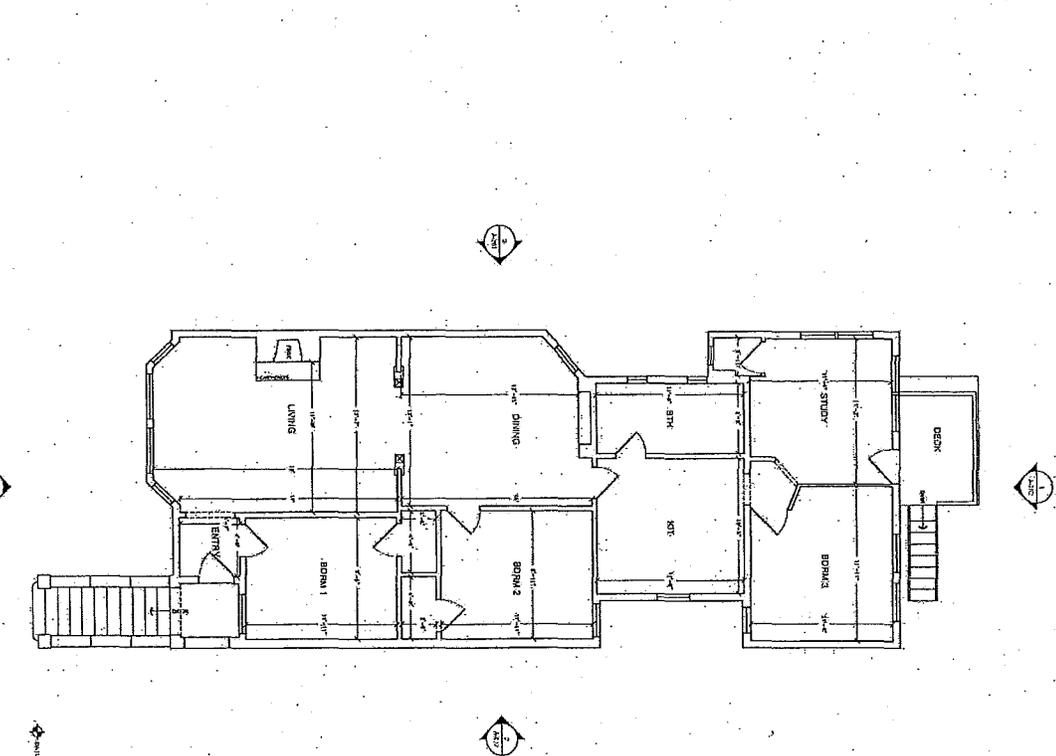
LEAVITT
architecture

Prepared By: [illegible]
Scale: 1/8" = 1'-0"

1 EXISTING GARAGE LEVEL PLAN



1 EXISTING ENTRY LEVEL PLAN

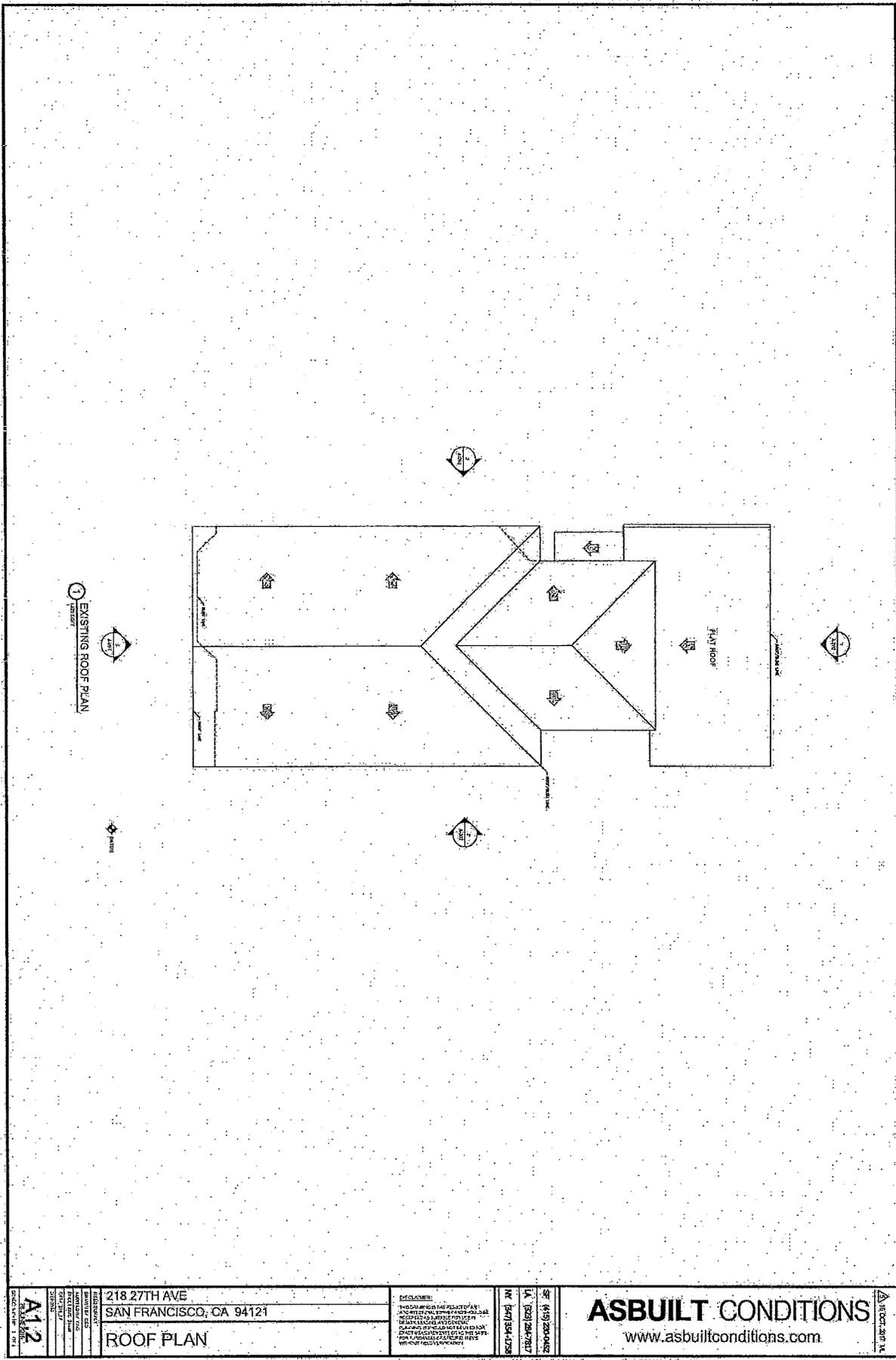


1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BUILDING DEPARTMENT'S REGULATIONS AND ORDINANCES. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BUILDING DEPARTMENT'S REGULATIONS AND ORDINANCES. 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BUILDING DEPARTMENT'S REGULATIONS AND ORDINANCES.

A11

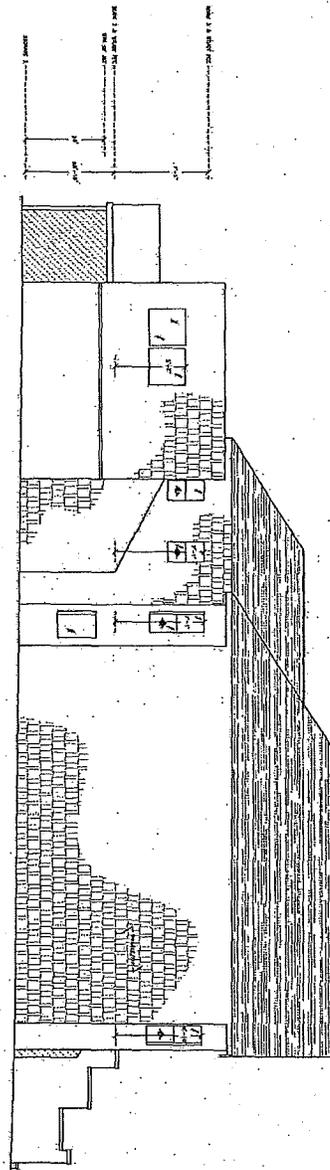
218 27TH AVE
SAN FRANCISCO, CA 94121
FLOOR PLAN

ASBUILT CONDITIONS
www.asbuiltconditions.com

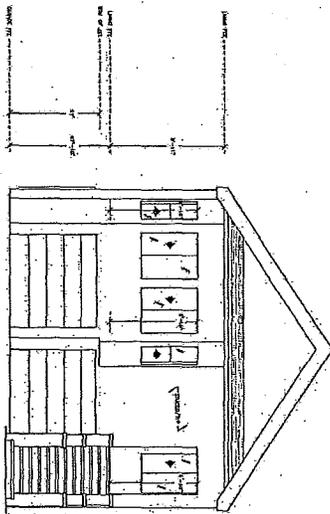


EXISTING ROOF PLAN

A12 SHEET NUMBER 218 27TH AVE SAN FRANCISCO, CA 94121	PROJECT NO. 15-0000000000	DATE 08/11/2015	DRAWN BY J. B. [unreadable]	CHECKED BY [unreadable]	PROJECT NO. 15-0000000000	DATE 08/11/2015	DRAWN BY J. B. [unreadable]	CHECKED BY [unreadable]	ASBUILT CONDITIONS www.asbuiltconditions.com	ARCHITECT [unreadable]
	ROOF PLAN		NOTES: 1. REFER TO ALL OTHER SHEETS FOR COMPLETE INFORMATION. 2. ALL DIMENSIONS ARE IN FEET AND INCHES. 3. DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. 4. ALL ROOF PITCHES ARE TO BE AS SHOWN. 5. ALL ROOF FINISHES ARE TO BE AS SHOWN. 6. ALL ROOF STRUCTURE IS TO BE AS SHOWN. 7. ALL ROOF STRUCTURE IS TO BE AS SHOWN.		PROJECT NO. 15-0000000000		DATE 08/11/2015		ASBUILT CONDITIONS www.asbuiltconditions.com	



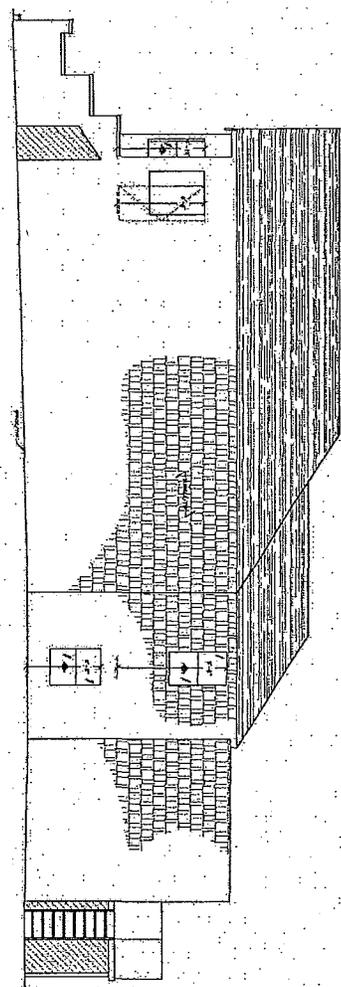
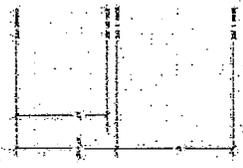
2 EXISTING NORTH ELEVATION



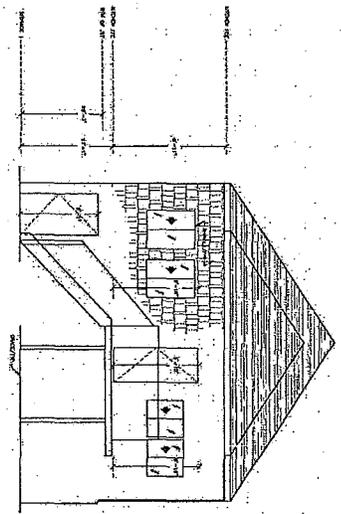
1 EXISTING WEST ELEVATION

DATE: 08/14/2014
 TIME: 10:00 AM
 PROJECT: 218 27TH AVE
 SHEET: 13

A13 13 13	218 27TH AVE SAN FRANCISCO, CA 94121	PROJECT NO. 218 27TH AVE	SHEET NO. 13	DATE 08/14/2014	TIME 10:00 AM	PROJECT 218 27TH AVE	SHEET 13	DATE 08/14/2014	TIME 10:00 AM	ASBUILT CONDITIONS www.asbuiltconditions.com	13 OCT 2014
	ELEVATIONS										



2 EXISTING SOUTH ELEVATION



1 EXISTING EAST ELEVATION

ASBUILT CONDITIONS
 218 27TH AVE
 SAN FRANCISCO, CA 94121
 1/14/14

218 27TH AVE
 SAN FRANCISCO, CA 94121
 ELEVATIONS
 A1:4
 1/14/14

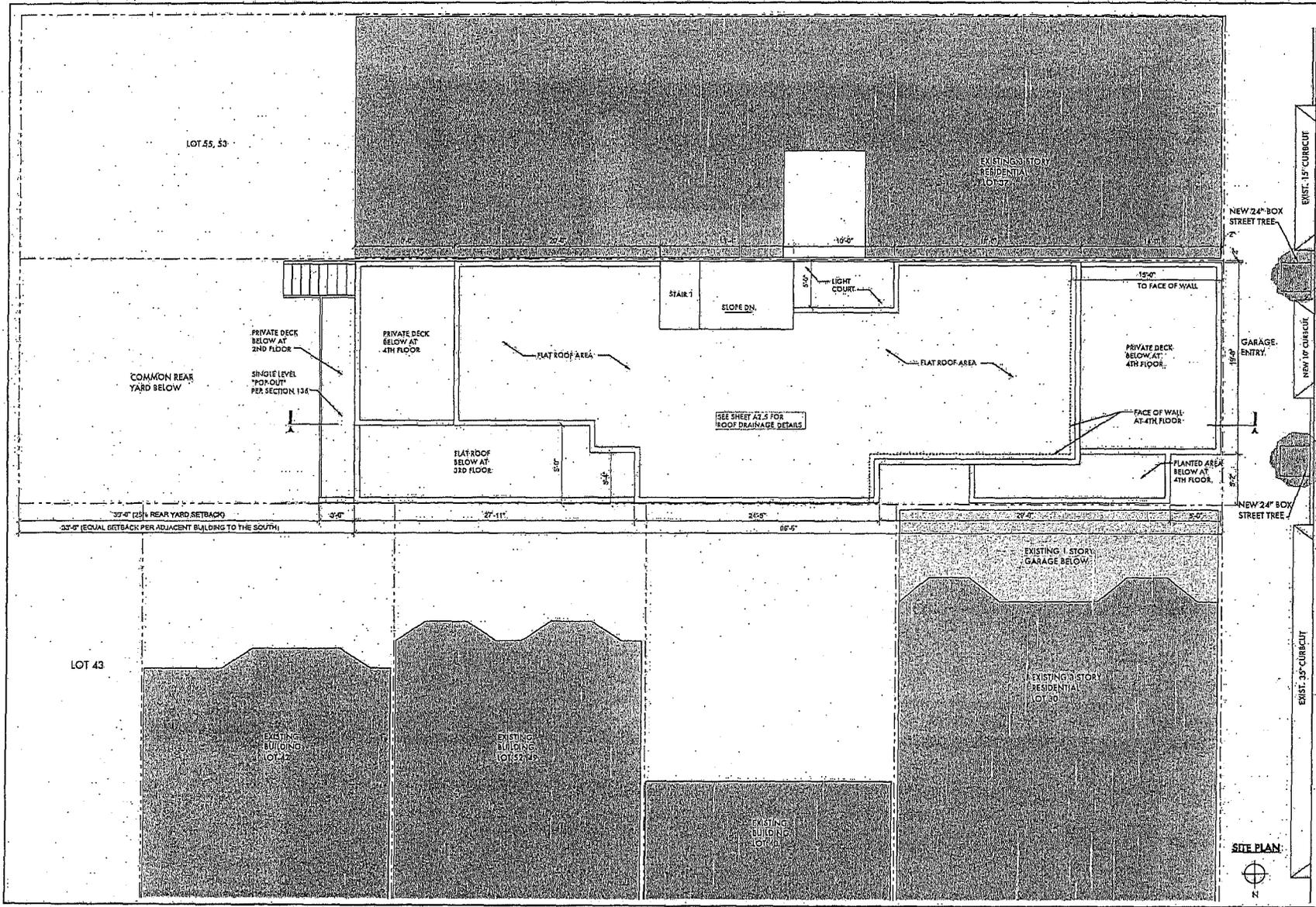
218 27TH AVE
 SAN FRANCISCO, CA 94121
 ELEVATIONS

EXCLUSIONS
 THIS DRAWING IS THE RESULT OF AN
 ASBUILT SURVEY AND IS NOT TO BE
 USED FOR CONSTRUCTION OF A
 NEW BUILDING OR FOR ANY OTHER
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 CONSENT OF ASBUILT CONDITIONS.
 ASBUILT CONDITIONS SHALL NOT BE
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 OMISSIONS IN THIS DRAWING.

ASBUILT CONDITIONS
 www.asbuiltconditions.com



2259



Revisions By

28 DEC 2016 ML
03 MAR 2017 ML
15 MAY 2017 ML
16 JUN 2017 ML
18 OCT 2017 ML

LEAVITT
architecture

1327 Market St
San Francisco
CA 94103
415.574.8100
415.574.8101

PROPOSED SITE PLAN

218 27TH AVENUE RESIDENCES
BLOCK 1088 LOT 52
SAN FRANCISCO, CA

DATE: 20 JUL 2016
SCALE: 1/8"=1'-0"
DRAWN: ML
CHECK: JET
A2.0



EXIST. 15" CURB CUT
NEW 24" BOX STREET TREE
NEW 10" CURB CUT
GARAGE ENTRY
FACE OF WALL AT 4TH FLOOR
PLANTED AREA BELOW AT 4TH FLOOR
NEW 24" BOX STREET TREE
EXIST. 30" CURB CUT

SITE PLAN

REVISIONS - BY
 1. 11/14/2017 RL
 2. 11/14/2017 AL
 3. 11/14/2017 AL
 4. 11/14/2017 RL
 5. 01/11/2018 AL

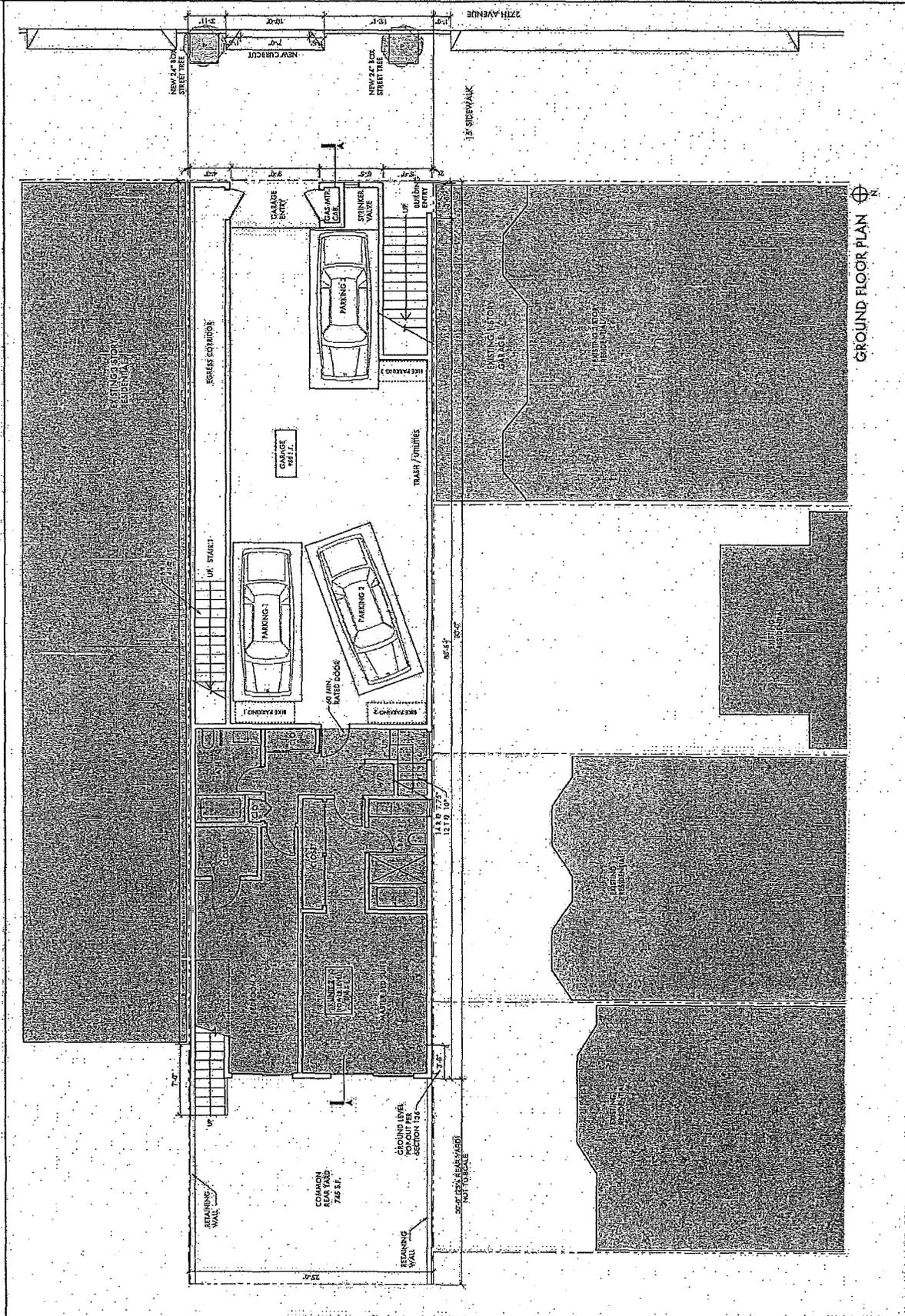
LEAVITT
 architecture llc
 1027 Mission St.
 San Francisco, CA 94103
 415.774.4444
 www.leavitt.com

GROUND FLOOR PLAN

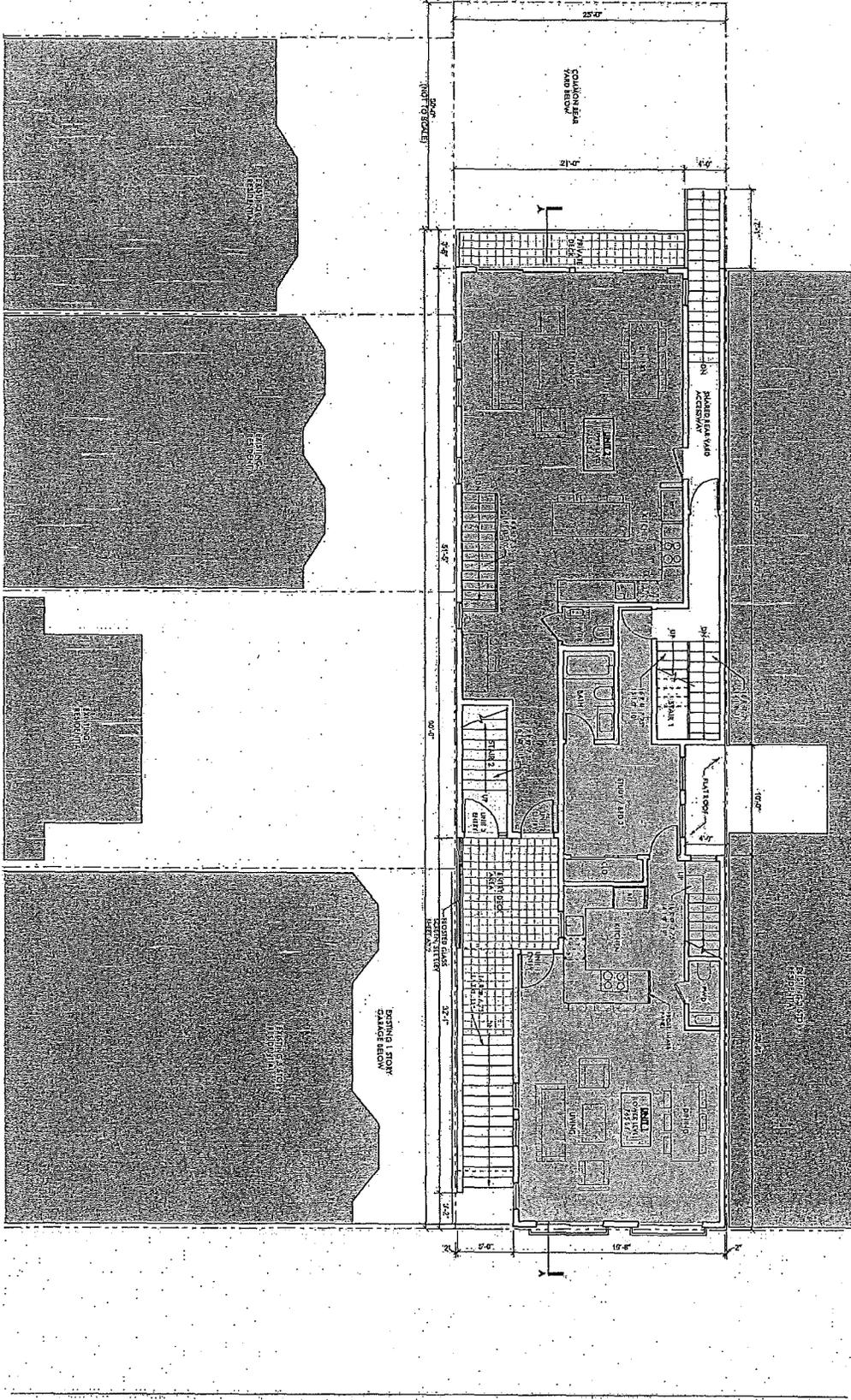
218 27TH AVENUE RESIDENCES
 BLOCK 1388 LOT 38
 SAN FRANCISCO, CA

DATE: 11/14/2017
 SCALE: 1/8" = 1'-0"
 DRAWN BY: RL
 SHEET:

A2.1



GROUND FLOOR PLAN



SECOND FLOOR PLAN

27TH AVENUE

DATE SUBMITTED
 04/16/2019
 DRAWN BY
 J. H. HARRIS
 CHECKED BY
 J. H. HARRIS

218 27TH AVENUE RESIDENCES
 BLOCK 1386 LOT 38
 SAN FRANCISCO, CA

SECOND FLOOR PLAN

LEAVITT
 architecture llc
 1427 GREEN ST
 SAN FRANCISCO, CA 94133
 TEL: 415.574.5100
 FAX: 415.574.5101

REVISIONS BY
 DATE
 DESCRIPTION

- △ 10/02/2018 J.H.
- △ 08/02/2018 J.H.
- △ 07/02/2018 J.H.
- △ 06/02/2018 J.H.

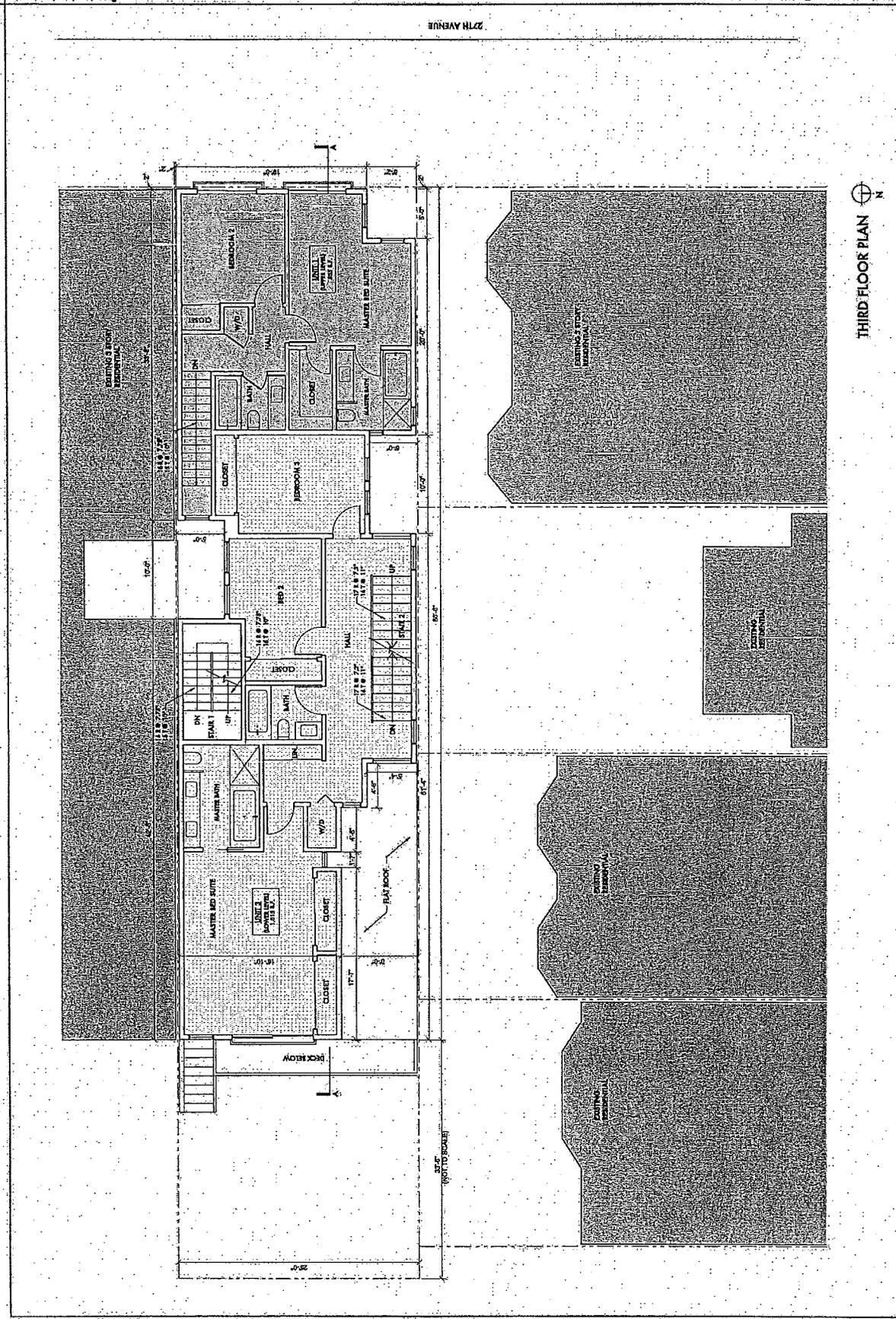
Revisions By
 27 FEB 2017 M.
 21 MAR 2017 M.
 09 MAY 2017 M.
 01 JUN 2017 M.
 14 OCT 2017 M.

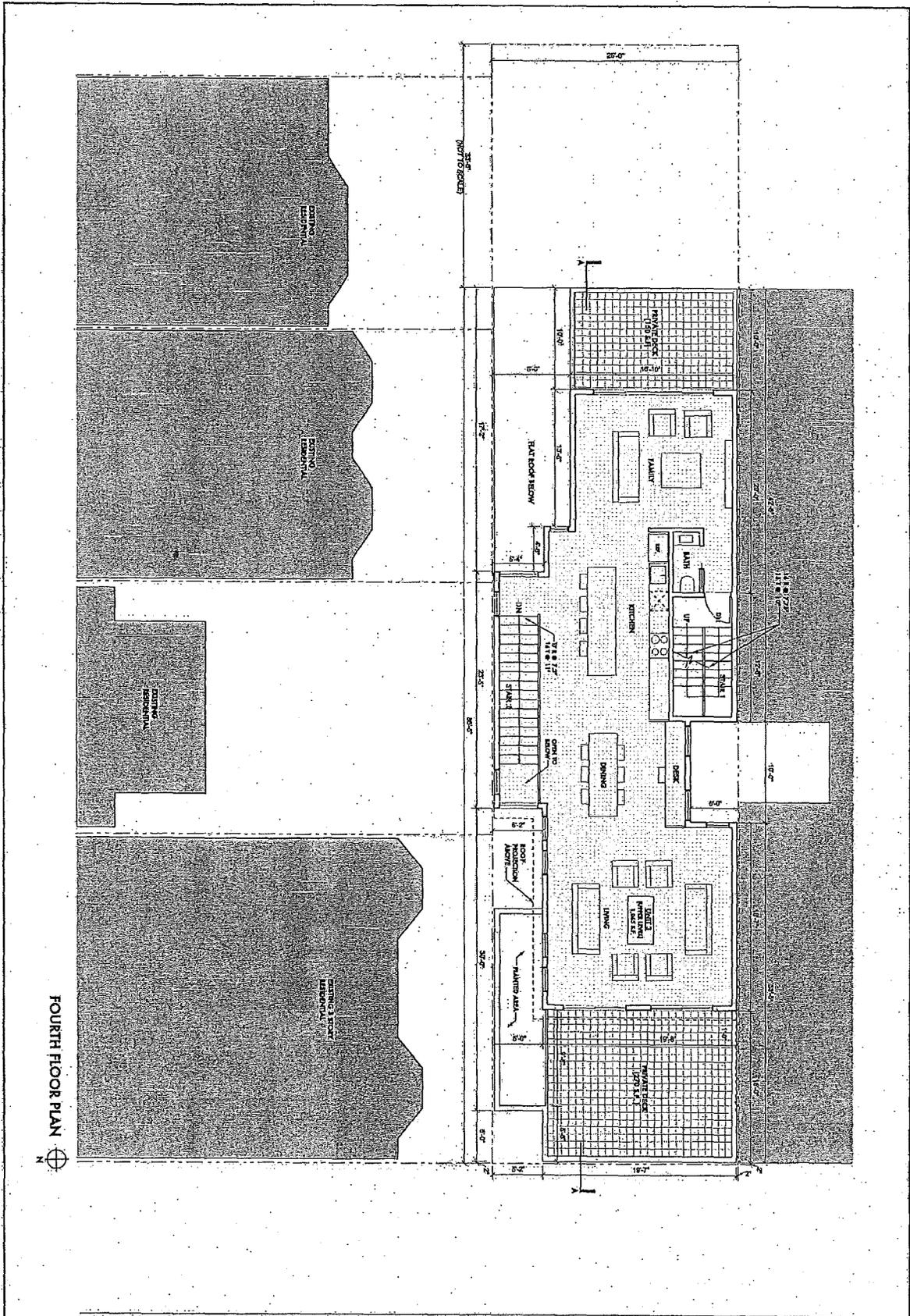
LEAVITT ARCHITECTURE INC.
 1000 MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 TEL: 415.774.8888
 WWW.LEAVITTARCH.COM

PROPOSED THIRD FLOOR PLAN

218 27TH AVENUE RESIDENCES
 BLOCK 1346 LOTS 8
 SAN FRANCISCO, CA

DATE SUBMITTED: 01/11/17
 DRAWN BY: M.
 SHEET: **A2.3**





FOURTH FLOOR PLAN

DATE: 01/15/2018
 SCALE: 1/8" = 1'-0"
 SHEET: 42.4

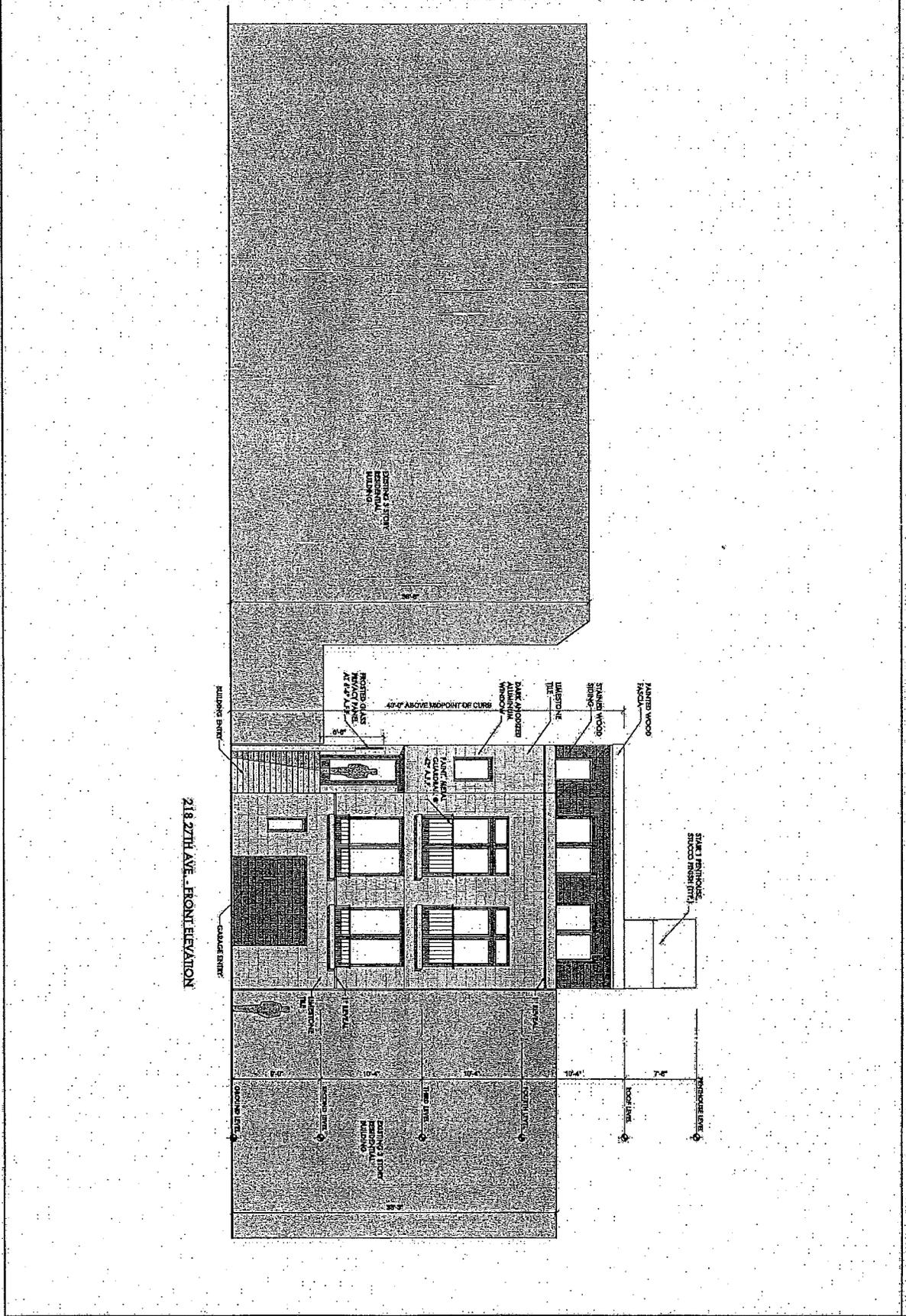
218 27TH AVENUE RESIDENCES
 BLOCK 1988 LOT 33 SAN FRANCISCO, CA

FOURTH FLOOR PLAN

THIS DOCUMENT IS
 UNLESS OTHERWISE
 INDICATED
 NOT TO BE USED FOR
 ANY OTHER PROJECT

LEAVITT architecture

DESIGNED BY
 ARCHITECT
 ARCHITECT
 ARCHITECT
 ARCHITECT



218 27TH AVE. FRONT ELEVATION

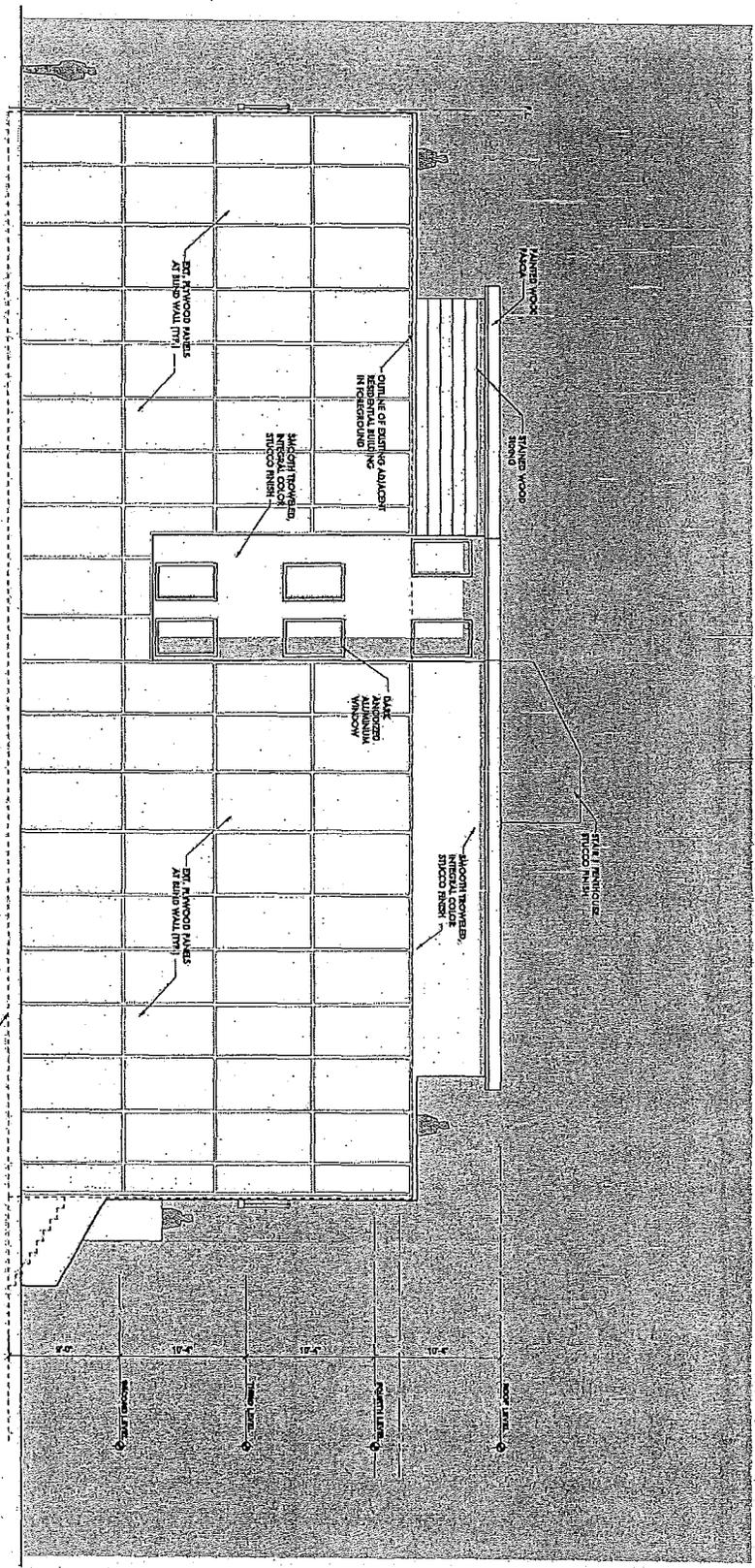
DATE: 05/20/2014
 SCALE: 1/8" = 1'-0"
 DRAWN BY: [Name]
 CHECKED BY: [Name]

218 27TH AVENUE RESIDENCES
 BLOCK 1326 LOT 38
 SAN FRANCISCO, CA

FRONT ELEVATION

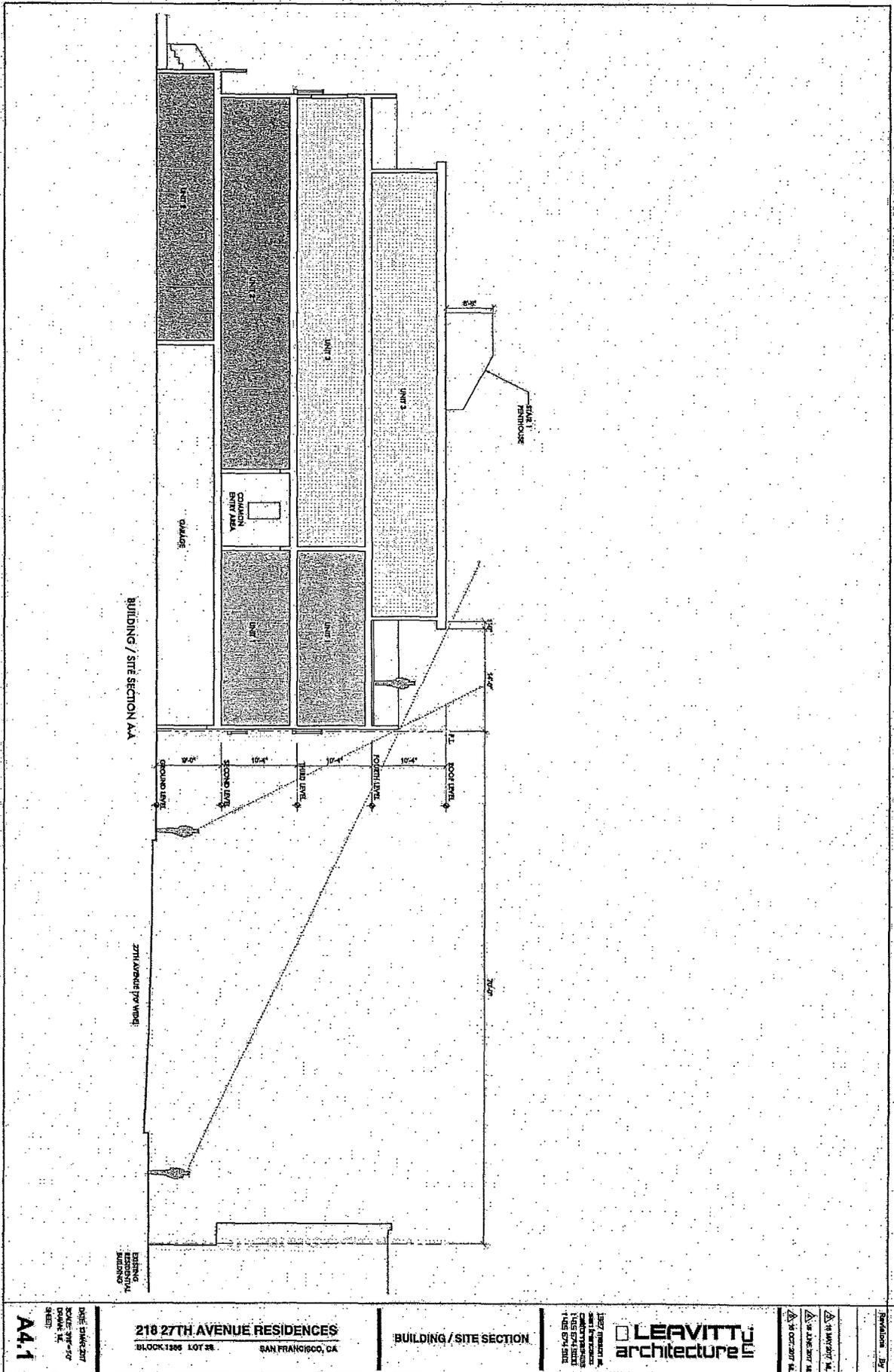
LEAVITT architecture inc

Prepared by: [Name]
 Checked by: [Name]
 Date: 05/20/2014
 Scale: 1/8" = 1'-0"
 Drawn by: [Name]
 Checked by: [Name]



SOUTH ELEVATION

<p>A3.3</p> <p>DATE: 10/20/17 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1/8" = 1'-0"</p>	<p>218 27TH AVENUE RESIDENCES BLOCK 1966 LOT 36 SAN FRANCISCO, CA</p>	<p>SOUTH ELEVATION</p>	<p>LEAVITT architecture</p> <p>1425 MARKET ST. SUITE 200 SAN FRANCISCO, CA 94102 TEL: 415.774.1100 WWW.LEAVITTARCH.COM</p>	<p>REVISIONS BY</p> <p>DATE</p> <p>DESCRIPTION</p> <p>10/20/17</p> <p>10/20/17</p> <p>10/20/17</p> <p>10/20/17</p>
	<p>DATE: 10/20/17 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1/8" = 1'-0"</p>			<p>10/20/17</p> <p>10/20/17</p> <p>10/20/17</p> <p>10/20/17</p>

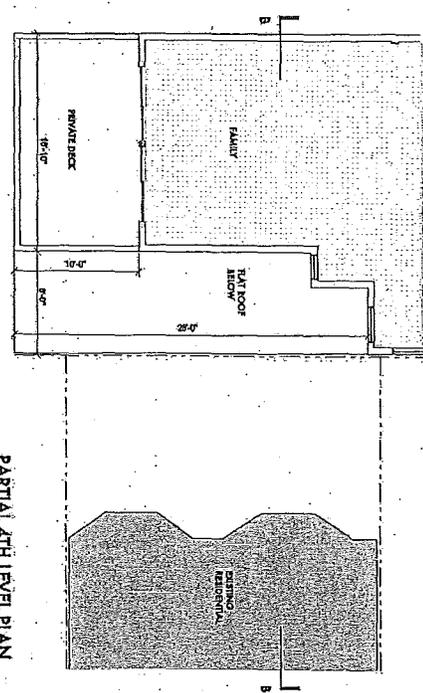


DATE: 11/15/17
 SCALE: 1/8"=1'-0"
 DRAWN BY: [Name]
 SHEET: A4.1

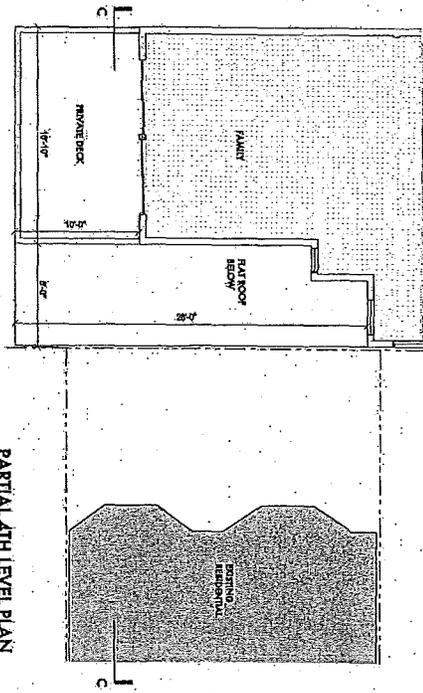
218 27TH AVENUE RESIDENCES
 BLOCK 1388 LOT 38
 SAN FRANCISCO, CA

BUILDING / SITE SECTION

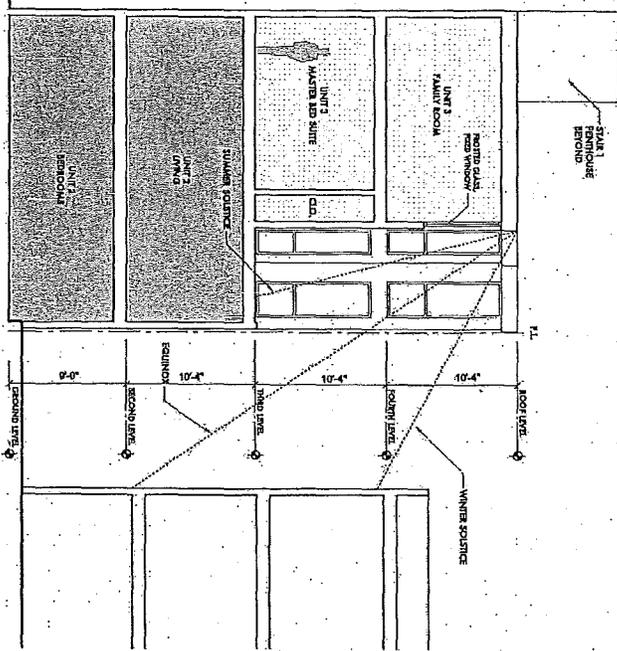
LEAVITT architecture inc.
 1000 MARKET STREET
 SAN FRANCISCO, CA 94102
 TEL: 415.774.1111
 WWW.LEAVITTARCH.COM



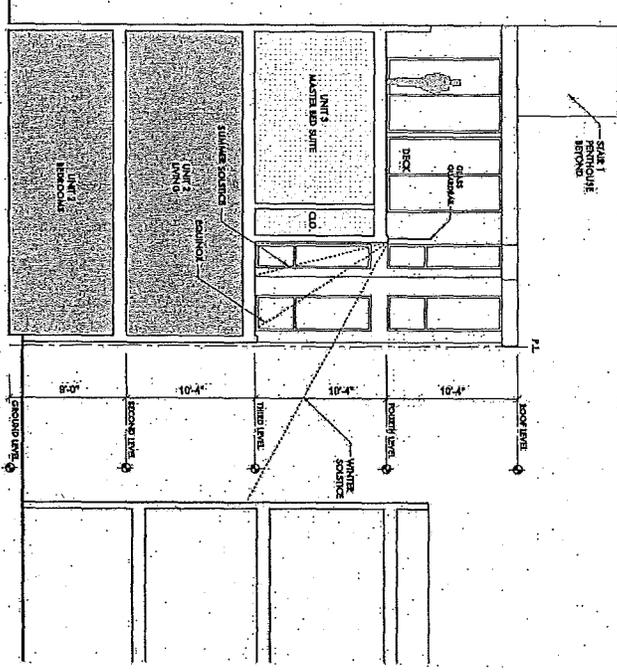
PARTIAL 4TH LEVEL PLAN



PARTIAL 4TH LEVEL PLAN



TRANSVERSE SECTION B-B



TRANSVERSE SECTION C-C

<p>Revisions By</p> <p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p> <p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p> <p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p>	<p>218 27TH AVENUE RESIDENCES</p> <p>BLOCK 1388 LOT 38</p> <p>SAN FRANCISCO, CA</p>	<p>TRANSVERSE SECTIONS</p>	<p>LEAVITT architecture</p>	<p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p> <p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p> <p>DATE: 04/20/07</p> <p>SCALE: 1/8"=1'-0"</p> <p>PROJECT: 218 27TH AVENUE RESIDENCES</p>
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TAB C



**SAN FRANCISCO
PLANNING DEPARTMENT**

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
218 27th Avenue		1386/038	
Case No.	Permit No.	Plans Dated	
2016-003258ENV		01/07/2016	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.			

**STEP 1: EXEMPTION CLASS
TO BE COMPLETED BY PROJECT PLANNER**

Note: If neither class applies, an Environmental Evaluation Application is required.

<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class _____

**STEP 2: CEQA IMPACTS
TO BE COMPLETED BY PROJECT PLANNER**

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

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>MaHer program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > MaHer layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling <small>By: Jean Poling On: 04/11/16 Title: Environmental Planner San Francisco Planning Department</small>	

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

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

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

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

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input checked="" type="checkbox"/>	10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> <input type="checkbox"/> Reclassify to Category A. <input checked="" type="checkbox"/> Reclassify to Category C a. Per HREB dated: _____ <i>(attach HREB)</i> b. Other <i>(specify)</i> : Per PTR form signed on June 21, 2016
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments <i>(optional)</i> :	
Preservation Planner Signature: Stephanie Cisneros <small>Digitally signed by Stephanie Cisneros, DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org, Date: 2016.06.29 14:23:13 -0700</small>	

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

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i> : <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.
Planner Name: Stephanie A. Cisneros	Signature: Stephanie Cisneros
Project Approval Action: Building Permit	<small>Digitally signed by Stephanie Cisneros DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2016.06.29 14:23:13 -0700</small>
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:	Date of Form Completion: 6/14/2016
---------------------------------	------------------------------------

PROJECT INFORMATION:		
Planner:	Address:	
Stephanie Cisneros	218 27th Avenue	
Block/Lot:	Cross Street:	
1386/038	Lake Street & California Street	
CEQA Category:	Art. 10/11:	DEA Case No:
B	N/A	2016-003258ENV

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

DATE OF PLANS UNDER REVIEW:	01/07/2016
-----------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation prepared by Richard Brandt (dated April 29, 2016).	
Proposed Project: Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.	

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

Complies with the Secretary's Standards/Article 10/Article 15	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

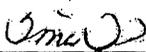
According to the Historic Resource Evaluation prepared by Richard Brandt and information found in the Planning Department files, the subject property at 218 27th Avenue contains a one-story-over-garage, wood-frame, single-family residence constructed in the early 1900s. No original building permit was found to determine exact date of construction, architect, or builder. A water tap record application was filed in 1904 for a one-story, 800 square-foot building, which was shown in the 1905 Sanborn map as located at the rear of the lot at full width but just short of the property line. The 1913 Sanborn map shows a one-story house with a flat facade and full width porch in the location of the current building and also shows a small building at the rear of the lot (different from the structure identified in the 1905 map). The 1950 Sanborn map shows a one-story-over-garage house with an angled bay and a full-width rectangular addition at the rear of the building and no longer shows the small building at the rear. For purposes of this review, the construction date for the current residence is narrowed to sometime between 1905 and 1913.

The original owner of the building was Francis W. Smiley, a laundry worker, and his wife Mary. The Smiley family owned and occupied the building from the time of its construction until 1938. The building has been owner-occupied for a majority of its existence. Known alterations to the property include: changing the front of the "old" building from a hipped to gabled roof, adding a portion of the old front porch to the living room, and changing the stairs from the center to the right side (1915); and re-roofing (2008). In comparing the current building to historic photos, it appears that other changes that have also occurred include: removing original siding and stuccoing the exterior; replacing windows; and replacing the garage doors.

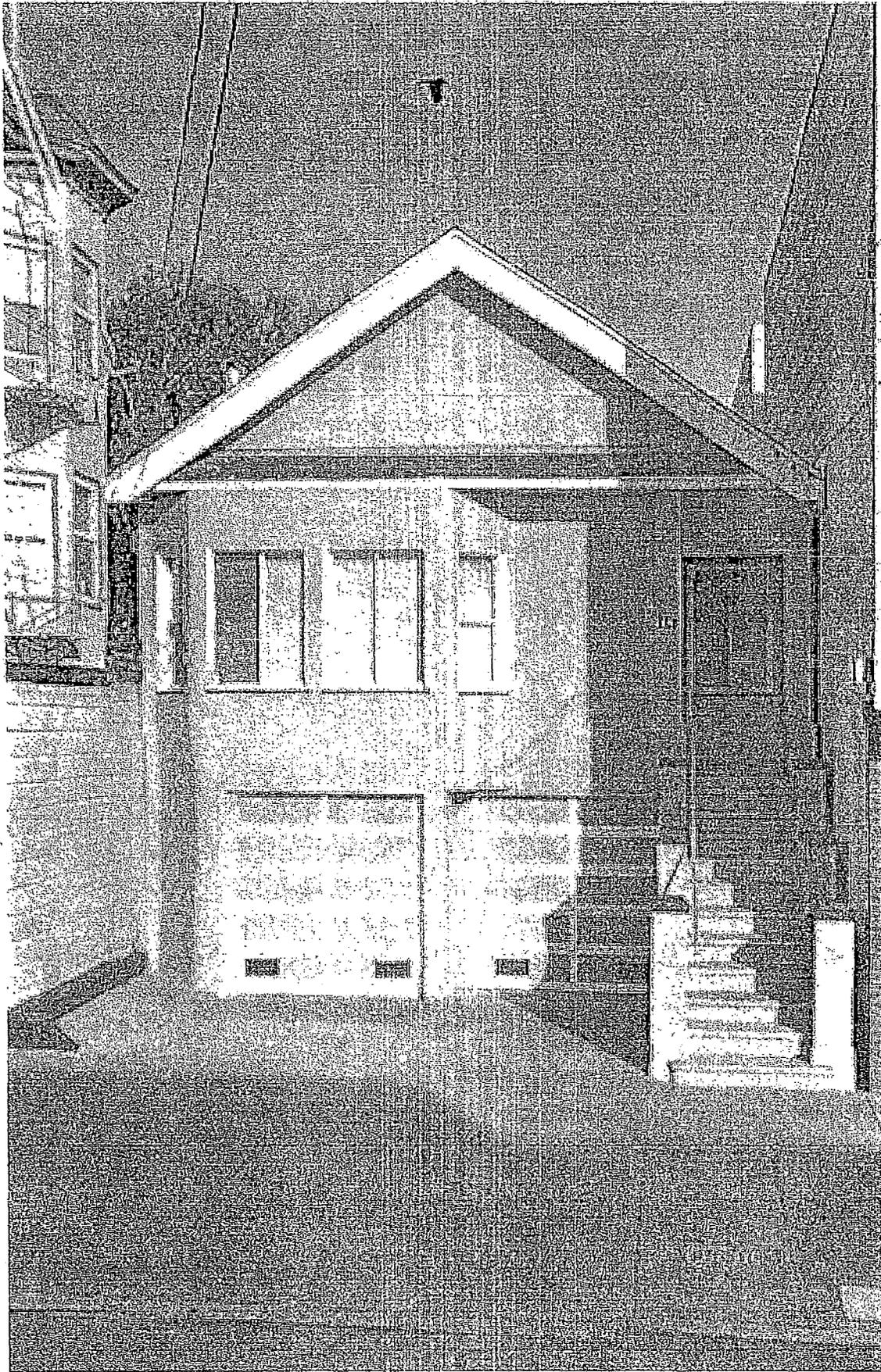
No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular cottage that has been stripped of any character-defining features. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.

The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Outer Richmond neighborhood on a block that exhibits a variety of vernacular architectural styles and construction dates ranging from early 1900s to 2000. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.

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

Signature of a Senior Preservation Planner / Preservation Coordinator	Date
	6-11-2016

SAN FRANCISCO
PLANNING DEPARTMENT



HANSON BRIDGETT LLP

CHECK NUMBER: 56742
CHECK DATE: 11-10-17

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
418153	35114.1-111017	11-10-17	597.00	Appeal fee -CEQA Exemption Determination (35114.1)	597.00

CHECK DATE
November 10, 2017

First Republic Bank
111 Pine Street
San Francisco, CA 94111

HANSON BRIDGETT LLP

425 MARKET STREET, 26TH FLOOR 415-777-3200
SAN FRANCISCO, CA 94105

CHECK NO. 56742

11-8166/3210

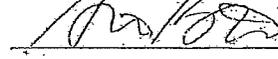
CHECK AMOUNT

\$ 597.00

PAY FIVE HUNDRED NINETY-SEVEN AND 00/100 Dollar(s)

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

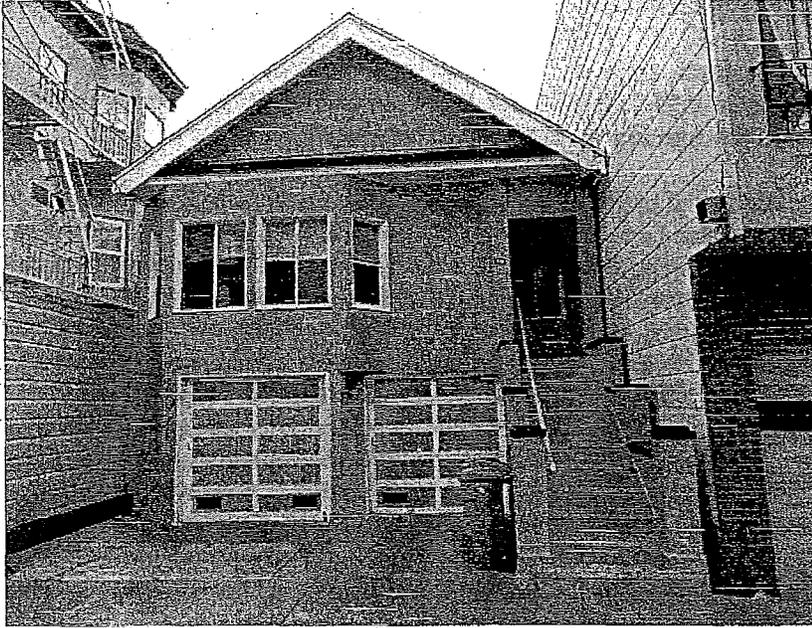
VOID AFTER 180 DAYS
TWO SIGNATURES REQUIRED IF OVER \$5,000.00



TAB D

Historic Resource Evaluation

**218 27th Avenue
San Francisco, CA**



Prepared for:

Joe Toboni
The Toboni Group
3364 Sacramento Street
San Francisco, CA 94118

Prepared by:

Richard Brandi
Architectural Historian
125 Dorchester Way
San Francisco, CA 94127

April 29, 2016

HISTORIC RESOURCE EVALUATION REPORT

1. Introduction

This HRE evaluates the building located at 218 27th Avenue, to determine its individual eligibility for the California Register of Historical Resources and whether it lies within the boundaries of an eligible historic district that has not been previously identified.

Based on archival research, a site visit, and analysis, 218 27th Avenue is not eligible for listing on the California Register of Historical Resources. Based on a survey of the area, the building does not appear to lie within a previously unidentified historic district.

This review was conducted by Richard Brandi who holds an M.A. in Historic Preservation from Goucher College, Maryland and a B.A. from U.C. Berkeley. He is listed as a qualified historian by the San Francisco Planning Department and the California Historical Resources Information System. In addition to researching and writing historic context statements, Mr. Brandi conducts historic resource evaluations; architectural surveys; CEQA, NEPA and Section 106 reviews; HABS/HAER documentation; National Register nominations; and project reviews using the Secretary of the Interior's Standards for the Treatment of Historic Properties. Richard has completed two nominations to the National Register of Historic Places, two HABS/HAER documentations, and dozens of HREs. He has also evaluated hundreds of buildings and surveyed thousands of buildings and structures. He has conducted design review using the Secretary of the Interior's Standards for the Treatment of Historic Properties in San Francisco, Chico, Pacific Grove, Pebble Beach, and Riverside. With more than 10 years of professional experience in architectural history and historic preservation, Mr. Brandi meets the requirements of a Qualified Professional as set forth by the Secretary of the Interior.

The building at 218 27th Avenue is located on the east of 27th Avenue (Block/ Lot 1386/038), between Lake and California Streets. It is located in an RM-1 Residential Mixed Low Density and 40-X Height and Bulk District.

Current Historic Status

The building at 218 27th Avenue is not listed on the National Register of Historic Resources or California Register of Historical Resources, has not been rated by the California Historic Resources Information Center, and is not designated under San Francisco Planning Code Articles 10 or 11 as a local landmark or within a historic conservation district. The building is not included in *Splendid Survivors* and was not included in the 1976 citywide survey.

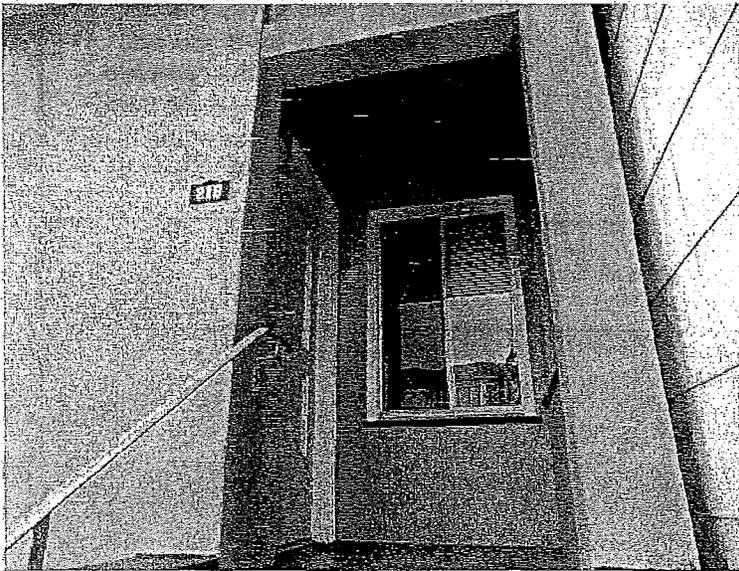
2. Building and Property Description/Site History

The building is a rectangular-in-plan, one-story over garage, single-family residence. The house is attached on the south side and partially attached on the north side. The house has an end gable roof clad in composition shingles. The primary façade on the ground story has two roll-up garage doors and an exterior concrete staircase on the right-hand side. A personnel door accessing the garage is located beneath the stairs. The second story has an angular bay window with four

aluminum slider windows. The landing at the top of the stairs is recessed and the entrance is turned 90 degrees from the street. An aluminum window is located on the landing. The façade has a shed roof forming the base of the end gable verge boards. The façade is stucco clad. The rear of the house has a flat roof extension clad in asbestos siding. There is a personnel door accessing a small wood deck and wood stairs leading to the backyard. There are four aluminum slider windows on the second story and no fenestration on the ground story.



Primary façade.



Close-up of entrance.



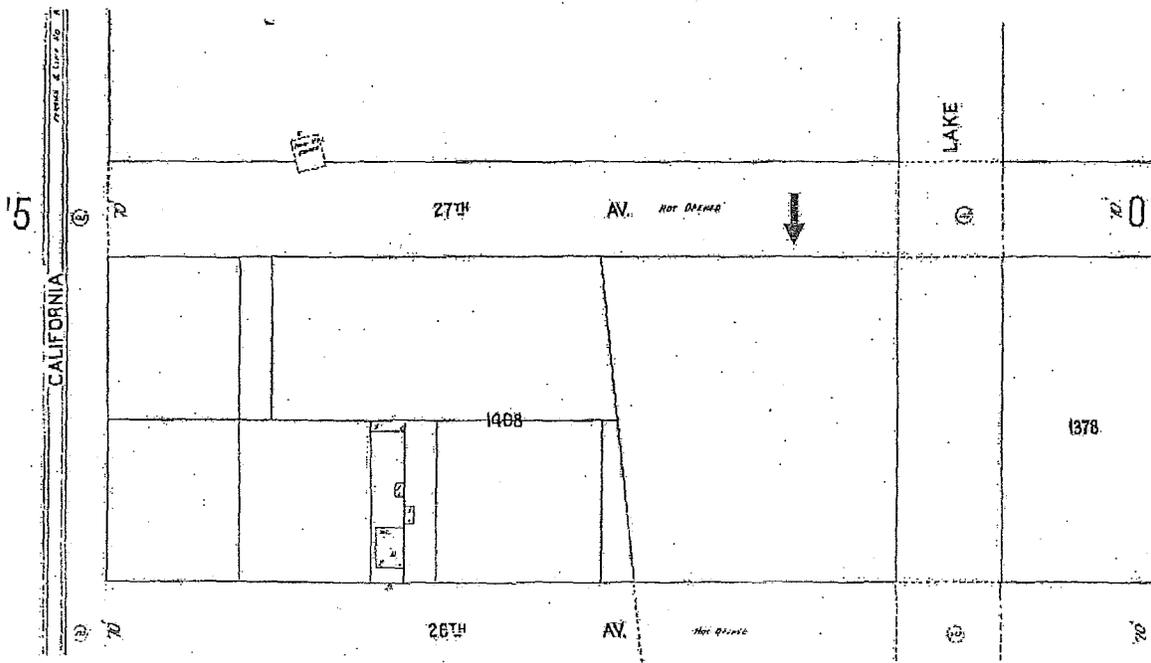
Rear.

Permit History Table

Date	Permit application	Name on Permit application listed as owner	Description of Work
August 11, 1915	64459	F. W. Smiley	"By changing front elevation of old building from hip to gable roof and adding a portion of old front porch to living room and changing stairs from center to south west corner of building." No architect. Builder F. W. Smiley; address 218 27 th Avenue.
September 4, 2008	200804040764	Ferman Elissetche	Re-roofing

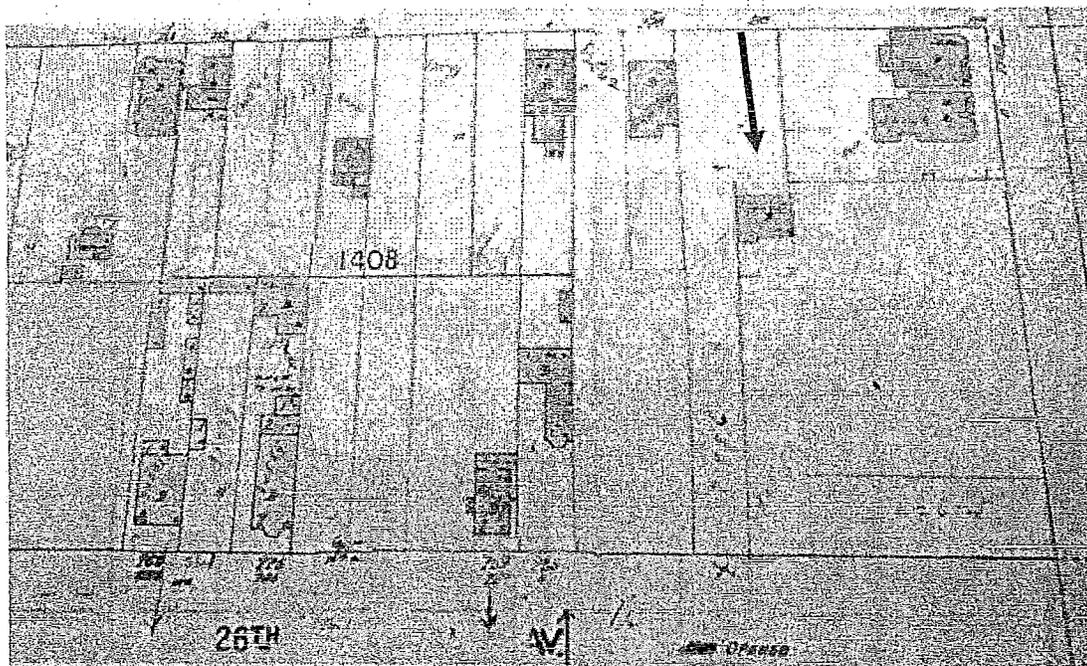
Building Construction History

The construction history of this building is unclear. The Assessor gives the date of construction as 1917, but this is not correct (see below). The 1900 Sanborn maps show no buildings on the site.



1900 Sanborn. Arrow marks approximate future location of 218 27th Avenue.

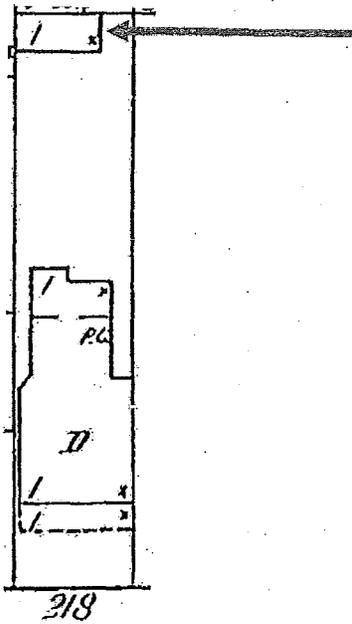
The 1905 Sanborn shows a small dwelling located at the rear of the lot but short of the property line. It is shown as taking the full width of the lot.



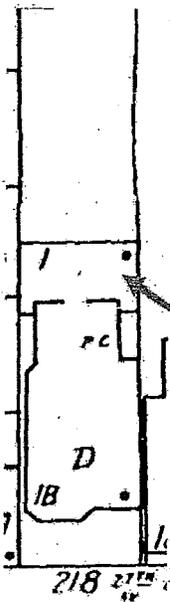
1905 Sanborn map.

The Spring Valley Water Company records indicate that water service application for 218 27th Avenue was taken out on May 4, 1904 by Mrs. Smiley. The application gives the size of the one story building as 880 square feet. Therefore, building in the rear may have been built sometime between 1900 and 1904.

The 1913 Sanborn shows a one-story house with a flat façade and full-width porch in the present location of the current house but otherwise the shape of the body of the house looks like the current house. The 1913 Sanborn map also shows a small building at the rear of the lot against the rear property line.



1913 Sanborn map.



1950 Sanborn map.

The 1950 Sanborn map shows the house with an angular bay and a full-width rectangular shaped section added to the rear of the building (extant) where a partial width section formerly stood. The rear building is gone.

Only two building permits were uncovered by the Department of Building Inspection. The earliest one, dated 1915, says that an existing "old building" was being modified; the roof was being changed from hip to gable, a portion of the old porch was being added to the living room, and the center stairs were being relocated to the right-hand side of the house. An original building construction permit was not found by DBI and it appears that the 1915 permit refers to the building shown on the 1913 Sanborn.

It is not known how the original house with hip roof and front porch came to be constructed on the site. It could have been newly built sometime after 1905 and before 1913 without a construction permit, or the permit could have been lost. Or a house from another location could have been moved to 218 27th Avenue between 1905 and 1913. If so, this could explain the description of the house as an "old building." If the house was built between 1905 and 1913, it would not make sense to refer to it as an old house on the permit application. It is virtually impossible to determine how the house came to be sited at 218 17th Avenue. Based on the 1913 Sanborn map, a date of construction of 1913 is assigned to the house.

The Assessor's Property Data Card has an undated photo of the house before it was clad in stucco. The lower level of the house was clad in horizontal wood siding, and the second story was clad in clapboard siding. The windows were wood, double-hung with wood trim. The door entrance on the second story was framed in flat wood casings with a cross beam supported by wood supports. Wood brackets supported the shed roof. There was one, swing-out garage door and a wood window where the second garage door is now located. While the photo is undated, it probably was taken in 1938 when the data card was apparently written. It is unknown whether the house appeared this way as a result of the work described on the 1915 permit. It is unknown when the house was clad in stucco and when the second garage door was added.



Undated photo probably taken in 1938. Source Assessor's Property Data Card.

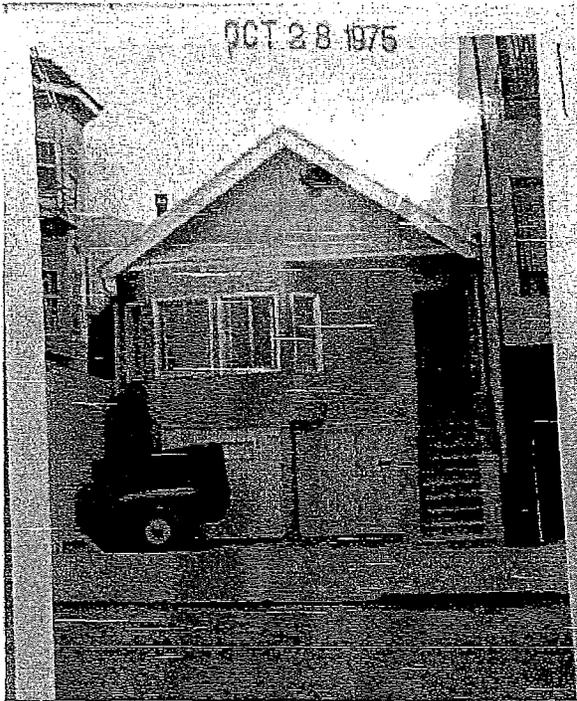


Photo dated 1975. By 1975, the house appeared much as it does today. The garage doors have been replaced with roll up doors. Source Assessor's Property Data Card.

3. Focused Neighborhood Context

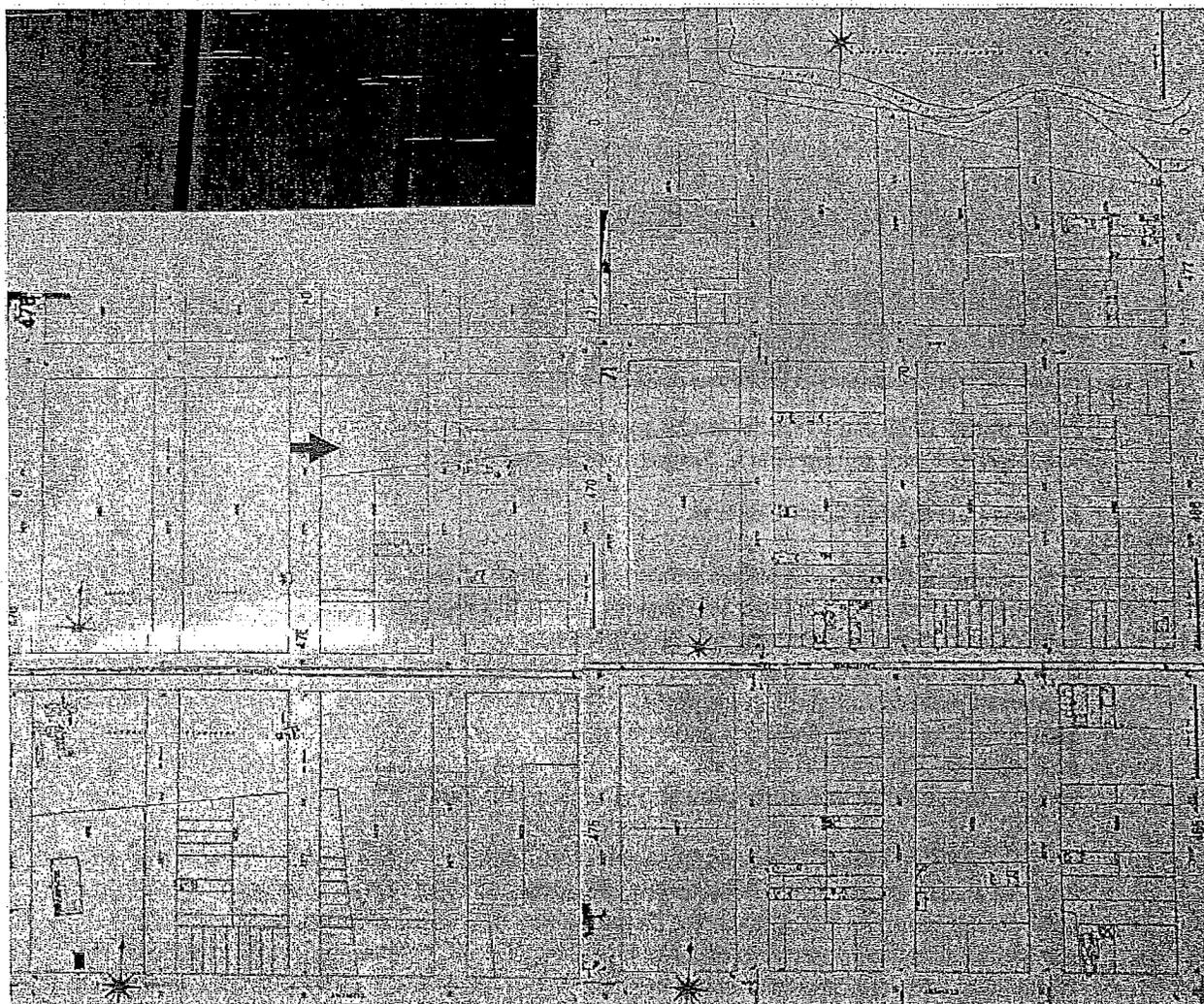
The Richmond District was once a windswept expanse of sand dunes with a sparse covering of chaparral. In June 1846, the last Mexican governor, Pio Pico, granted the Rancho Punta de los Lobos—encompassing the Richmond—to Benito Diaz. Diaz left his lands unimproved, and few claims were made on the area. The area was not then part of the City of San Francisco and a number of ranches and dairy farms dotted the area. In 1866 and 1868 the board of supervisors passed the Clement and Outside Lands Ordinances as means to settle land claims and facilitate development. The legislation set aside public lands for parks, including Golden Gate Park, schools, fire stations, and a city cemetery (now Lincoln Park).

In 1881, Adolph Sutro, the successful engineer and eventual mayor of San Francisco, purchased the Cliff House and built a railroad to provide access. He also bought up much of the Richmond and became one of its major boosters. Street railway franchises were granted to several companies with the primary routes following Geary (in 1877) and California Street (in 1878). These lines were operated with horse cars, which were later replaced by steam trains and then electric streetcars in the early 20th century.

One of the most important tasks for building was the grading of streets, which in the late nineteenth century was the responsibility of local landowners. In 1889, Geary and Arguello were the first streets in the district to be paved. Neighborhood improvement clubs were especially crucial to overseeing these improvements. Nonetheless, residential development was slow until

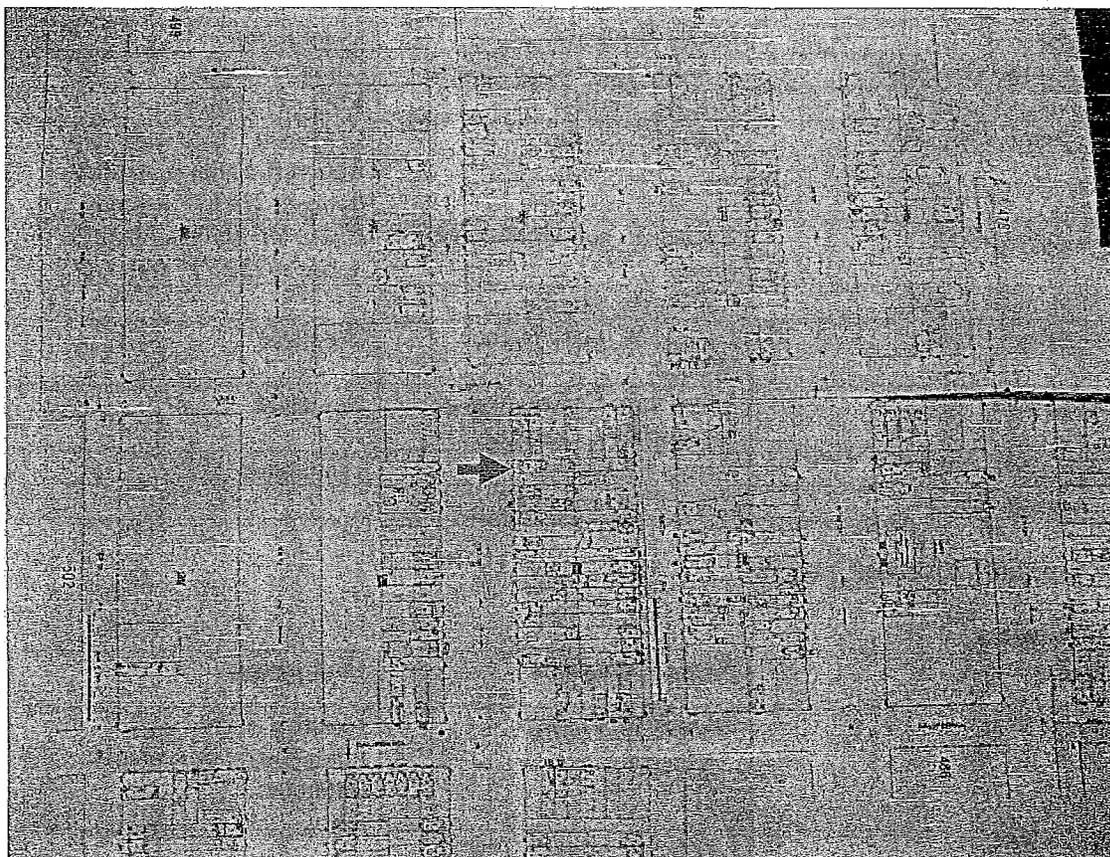
1906, and development was clustered along the principal transportation lines: California Street, Geary Street, Fulton Street, and several north-south cross streets. Much of the building along these corridors was the result of speculative development undertaken by local builders/developers.

The earthquake and fire of 1906 destroyed most of downtown San Francisco, and many people decided to settle in the Richmond. Parcels were subdivided and houses began to pop up all over the district. New residential development occurred at a rapid pace, and the district was largely built out by the late 1920s.¹



Sanborn maps in 1900 showing area from Cement Street (bottom) to Lake Street and 29th Avenue (left) to 21st Avenue. Large arrow points to approximate location of 218 27th Avenue.

In 1900, the area in the vicinity of 218 27th Avenue was sparsely settled. Vegetable gardens were located from 27th to 29th Avenues with water tanks and a windmill. These streets were "not opened," meaning they had been patted but had not been graded. The large building shown in the lower left comprised a stable, storage area, and bocce ball alley.



Sanborn maps in 1913–1915 showing a dense concentration of buildings running as far west as 27th Avenue. The area farther to the west was still sparsely settled, and 28th and 29th Avenues were still not opened. Arrow points to 218 17th Avenue.

4. Owner/Occupant History

The original owner of the house was Francis W. Smiley. Smiley lived at 1511 Ellis Street until 1905 when he moved to a small building at the rear of the lot with the address 218 27th Avenue. This small one-story building is shown on the 1905 Sanborn map as the only structure on the lot,

Firmin Elissetche resided from at least 1953 to 1982. He died May 7, 2014, in San Francisco, at age 88. He was born April 11, 1926, in Uhart Cize, France. His wife, Marguerite Elissetche, died before him. He was survived by his daughter Marie Huertas and sons John, Francis, and Phillip (Julie). Firmin was a landscape gardener for 63 years in San Francisco.

Owner

Dates	Name Owner(s)	Occupation
December 28, 1910*	F. Smiley and Mary Smiley	Laundry worker
January 23, 1917	Mary S. Smiley	Wife of F. Smiley
September 25, 1931	Robert S. Smiley	Unknown. There were two Robert S. Smileys, neither living at 218 27 th Avenue
August 1, 1938	Sydney E. and Florence M. Smith	Clerk, VP Sullivan. Didn't reside at 218 27 th Avenue
September 7, 1944	Cal Pacific title Co.	
October 5, 1944	George W. and Florence Wilson	Not listed
August 29, 1946	Jean Pierre Etchebarron and Marguerite L. Arnarez	Not listed
August 16, 1993	Firmin Elissetche	Landscaper
August 6, 2015	218 27 th Avenue LLC	

* Map book Richmond, page 724

Occupants

Dates	Name Occupants	Occupation
1913-1923	Francis W. Smiley	Laundry worker, then lithographer, then finally carpenter.
1923-1952*	Unknown, property owners did not live at 218 27 th Avenue.	
1953-1982**	Firmin Elissetche. He was 27 years old when he moved in.	Landscaper

*Reverse directories start in 1953. Elissetche is not listed as living at 218 27th Avenue before 1953, when he was 27 years old. **Last city directory was in 1982.

5. Architect/Builder

The designer and builder of the original building are unknown. F. W. Smiley is named as the builder on the 1915 permit for the alterations.

6. Eligibility for the California Register of Historical Resources

The date of construction is circa 1913. This year is also used as the period of significance.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) evaluates a resource's historic significance based on the following four criteria:

Criterion 1 (Event): Resources 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.

Criterion 2 (Person): Resources associated with the lives of persons important to local, California, or national history.

Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of a master or possess high artistic values.

Criterion 4 (Information Potential): Resources that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one of the four criteria, a resource must be more than 50 years old, unless it can be demonstrated that sufficient time has passed to understand the building's historical importance. The estimated age of the building is 103 years, making it potentially eligible for listing.

Under Criterion 1 (Event), the subject building was constructed circa 1913 during the development of the Richmond after the 1906 Earthquake and Fire, but it was one of thousands of buildings erected at the time and is not significantly associated with the rebuilding period.

Under Criterion 2 (Person), the building is not associated with the lives of persons important to local, California, or national history. None of the people who owned or lived in the house appear to be historically important.

Under Criterion 3 (Design/Construction), the style and design of the original house is not known. It was significantly altered in 1915 and then again at an unknown date when the house was clad in stucco and an additional garage door was added. A large addition was made to the rear of the house at an unknown date. The house does not resemble any

recognized style. The work in 1915 was done by the then owner, Francis Smiley, who worked in a laundry and was not a master designer or builder. The appearance of the house does not embody the distinctive characteristics of a type, period, region, or method of construction. Therefore, the house does not qualify under criterion 3.

This report does not address archeology under Criterion 4 (Information Potential).

Based on archival research, a site visit, and analysis, 218 27th Avenue is not eligible for listing on the California Register of Historical Resources.

Historic District Analysis



Google Earth 2016.

The house is located east of the Sea Cliff neighborhood boundary and south and west of West Clay Park boundary, both early 20th century residence parks and potential historic districts. The closest HRERs were conducted on 156 27th Avenue which is rated "C," not a historic resource, and 126 27th Avenue, which is rated "A," a historic resource. (This is the Alfred G. Hanson residence and San Francisco Landmark #196.)

The buildings on the 200 block of 27th Avenue are generally two-story-over garage flats with some three-story over garage buildings. The ages of the buildings range from the 1920s through the 1960s. The buildings are attached and roofs are uniformly flat. The adjacent streets on Lake and California contain similar mix of attached one and two stories over garage residential buildings.



27th Avenue across the street from 218 17th Avenue, looking left.



27th Avenue directly across the street from 218 17th Avenue.



27th Avenue across the street from 218 17th Avenue, looking right.



Same side of 27th Avenue, as 218 17th Avenue, looking right.



Same side of 27th Avenue as 218 17th Avenue, looking midblock.



Same side of 27th Avenue as 218 27th Avenue, looking left. Arrow points to 218 27th Avenue.



Intersection of 27th Avenue and Lake Street looking west. Sea Cliff is at end of street.



Intersection of 27th Avenue and Lake Street looking east.



South side of Lake Street, 2500 block, around the corner from 218 27th Avenue.



Intersection of 27th Avenue and California, looking east.



North side of 6400 block of California Street, around the corner from 218 27 Avenue.

The diverse types of buildings and the wide time span during which the buildings were constructed do not present a concentration of historic resources. Therefore, the area does not have "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" necessary to be considered an historic district.²

7. Integrity

The evaluation of historic significance is a two-step process. First, the historic significance of the property must be established. If the property appears to possess historic significance, then a determination is made of its physical integrity; that is, its authenticity as evidenced by the survival of characteristics that existed during the resource's period of significance. There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. The house does not appear to possess historic significance; therefore, it is not necessary to assess its historic integrity.

8. Character-defining Features

Not applicable.

CITY & COUNTY OF SAN FRANCISCO
 Planning & Building Department
 JOSEPH E. TORRES, ASSESSOR

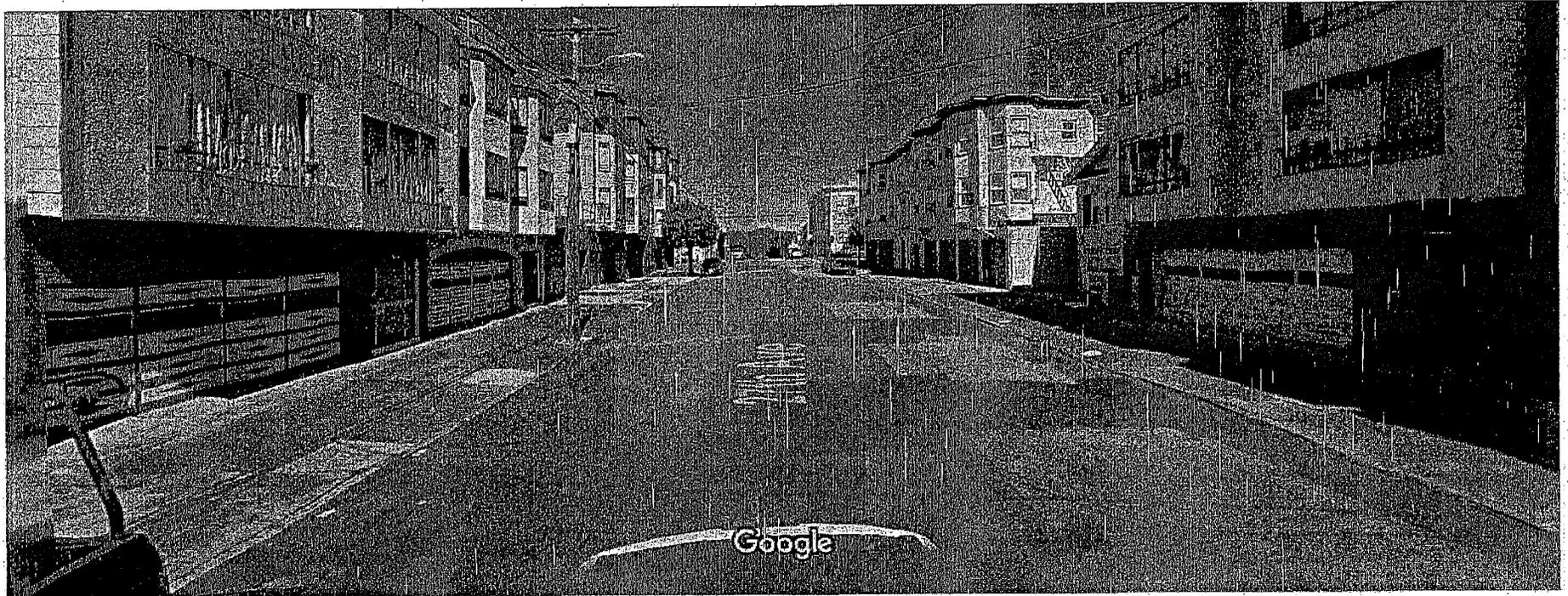
Val. 10. 1994. 1994. 1994. 1994.
 10. 1994. 1994. 1994. 1994.
 10. 1994. 1994. 1994. 1994.

Single Family Dwelling

IMPROVEMENT DATA		13. PLUMBING FIXTURES		100. RECORD DATA	
1. CLASS	2. YEAR	3. SINKS	4. TOILETS	5. ROOMS	6. ROOMS
1.0	1994	1.0	1.0	1.0	1.0
1.1	1994	1.1	1.1	1.1	1.1
1.2	1994	1.2	1.2	1.2	1.2
1.3	1994	1.3	1.3	1.3	1.3
1.4	1994	1.4	1.4	1.4	1.4
1.5	1994	1.5	1.5	1.5	1.5
1.6	1994	1.6	1.6	1.6	1.6
1.7	1994	1.7	1.7	1.7	1.7
1.8	1994	1.8	1.8	1.8	1.8
1.9	1994	1.9	1.9	1.9	1.9
1.10	1994	1.10	1.10	1.10	1.10
1.11	1994	1.11	1.11	1.11	1.11
1.12	1994	1.12	1.12	1.12	1.12
1.13	1994	1.13	1.13	1.13	1.13
1.14	1994	1.14	1.14	1.14	1.14
1.15	1994	1.15	1.15	1.15	1.15
1.16	1994	1.16	1.16	1.16	1.16
1.17	1994	1.17	1.17	1.17	1.17
1.18	1994	1.18	1.18	1.18	1.18
1.19	1994	1.19	1.19	1.19	1.19
1.20	1994	1.20	1.20	1.20	1.20
1.21	1994	1.21	1.21	1.21	1.21
1.22	1994	1.22	1.22	1.22	1.22
1.23	1994	1.23	1.23	1.23	1.23
1.24	1994	1.24	1.24	1.24	1.24
1.25	1994	1.25	1.25	1.25	1.25
1.26	1994	1.26	1.26	1.26	1.26
1.27	1994	1.27	1.27	1.27	1.27
1.28	1994	1.28	1.28	1.28	1.28
1.29	1994	1.29	1.29	1.29	1.29
1.30	1994	1.30	1.30	1.30	1.30
1.31	1994	1.31	1.31	1.31	1.31
1.32	1994	1.32	1.32	1.32	1.32
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1.36	1994	1.36	1.36	1.36	1.36
1.37	1994	1.37	1.37	1.37	1.37
1.38	1994	1.38	1.38	1.38	1.38
1.39	1994	1.39	1.39	1.39	1.39
1.40	1994	1.40	1.40	1.40	1.40
1.41	1994	1.41	1.41	1.41	1.41
1.42	1994	1.42	1.42	1.42	1.42
1.43	1994	1.43	1.43	1.43	1.43
1.44	1994	1.44	1.44	1.44	1.44
1.45	1994	1.45	1.45	1.45	1.45
1.46	1994	1.46	1.46	1.46	1.46
1.47	1994	1.47	1.47	1.47	1.47
1.48	1994	1.48	1.48	1.48	1.48
1.49	1994	1.49	1.49	1.49	1.49
1.50	1994	1.50	1.50	1.50	1.50
1.51	1994	1.51	1.51	1.51	1.51
1.52	1994	1.52	1.52	1.52	1.52
1.53	1994	1.53	1.53	1.53	1.53
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1.60	1994	1.60	1.60	1.60	1.60
1.61	1994	1.61	1.61	1.61	1.61
1.62	1994	1.62	1.62	1.62	1.62
1.63	1994	1.63	1.63	1.63	1.63
1.64	1994	1.64	1.64	1.64	1.64
1.65	1994	1.65	1.65	1.65	1.65
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1.67	1994	1.67	1.67	1.67	1.67
1.68	1994	1.68	1.68	1.68	1.68
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1.70	1994	1.70	1.70	1.70	1.70
1.71	1994	1.71	1.71	1.71	1.71
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1.77	1994	1.77	1.77	1.77	1.77
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1.79	1994	1.79	1.79	1.79	1.79
1.80	1994	1.80	1.80	1.80	1.80
1.81	1994	1.81	1.81	1.81	1.81
1.82	1994	1.82	1.82	1.82	1.82
1.83	1994	1.83	1.83	1.83	1.83
1.84	1994	1.84	1.84	1.84	1.84
1.85	1994	1.85	1.85	1.85	1.85
1.86	1994	1.86	1.86	1.86	1.86
1.87	1994	1.87	1.87	1.87	1.87
1.88	1994	1.88	1.88	1.88	1.88
1.89	1994	1.89	1.89	1.89	1.89
1.90	1994	1.90	1.90	1.90	1.90
1.91	1994	1.91	1.91	1.91	1.91
1.92	1994	1.92	1.92	1.92	1.92
1.93	1994	1.93	1.93	1.93	1.93
1.94	1994	1.94	1.94	1.94	1.94
1.95	1994	1.95	1.95	1.95	1.95
1.96	1994	1.96	1.96	1.96	1.96
1.97	1994	1.97	1.97	1.97	1.97
1.98	1994	1.98	1.98	1.98	1.98
1.99	1994	1.99	1.99	1.99	1.99
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2.03	1994	2.03	2.03	2.03	2.03
2.04	1994	2.04	2.04	2.04	2.04
2.05	1994	2.05	2.05	2.05	2.05
2.06	1994	2.06	2.06	2.06	2.06
2.07	1994	2.07	2.07	2.07	2.07
2.08	1994	2.08	2.08	2.08	2.08
2.09	1994	2.09	2.09	2.09	2.09
2.10	1994	2.10	2.10	2.10	2.10
2.11	1994	2.11	2.11	2.11	2.11
2.12	1994	2.12	2.12	2.12	2.12
2.13	1994	2.13	2.13	2.13	2.13
2.14	1994	2.14	2.14	2.14	2.14
2.15	1994	2.15	2.15	2.15	2.15
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2.17	1994	2.17	2.17	2.17	2.17
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2.19	1994	2.19	2.19	2.19	2.19
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2.21	1994	2.21	2.21	2.21	2.21
2.22	1994	2.22	2.22	2.22	2.22
2.23	1994	2.23	2.23	2.23	2.23
2.24	1994	2.24	2.24	2.24	2.24
2.25	1994	2.25	2.25	2.25	2.25
2.26	1994	2.26	2.26	2.26	2.26
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2.36	1994	2.36	2.36	2.36	2.36
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2.38	1994	2.38	2.38	2.38	2.38
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2.44	1994	2.44	2.44	2.44	2.44
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2.46	1994	2.46	2.46	2.46	2.46
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2.52	1994	2.52	2.52	2.52	2.52
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2.67	1994	2.67	2.67	2.67	2.67
2.68	1994	2.68	2.68	2.68	2.68
2.69	1994	2.69	2.69	2.69	2.69
2.70	1994	2.70	2.70	2.70	2.70
2.71	1994	2.71	2.71	2.71	2.71
2.72	1994	2.72	2.72	2.72	2.72
2.73	1994	2.73	2.73	2.73	2.73
2.74	1994	2.74	2.74	2.74	2.74
2.75	1994	2.75	2.75	2.75	2.75
2.76	1994	2.76	2.76	2.76	2.76
2.77	1994	2.77	2.77	2.77	2.77
2.78	1994	2.78	2.78	2.78	2.78
2.79	1994	2.79	2.79	2.79	2.79
2.80	1994	2.80	2.80		

T A B L E

Google Maps 226 27th Ave



2304

Image capture: Mar 2017 © 2017 Google

San Francisco, California

Google, Inc.

Street View - Mar 2017

Google Maps 2545 Lake St



2305

Image capture: Mar 2017 © 2017 Google

San Francisco, California

Google, Inc.

Street View - Mar 2017

Google Maps 233 26th Ave



2306

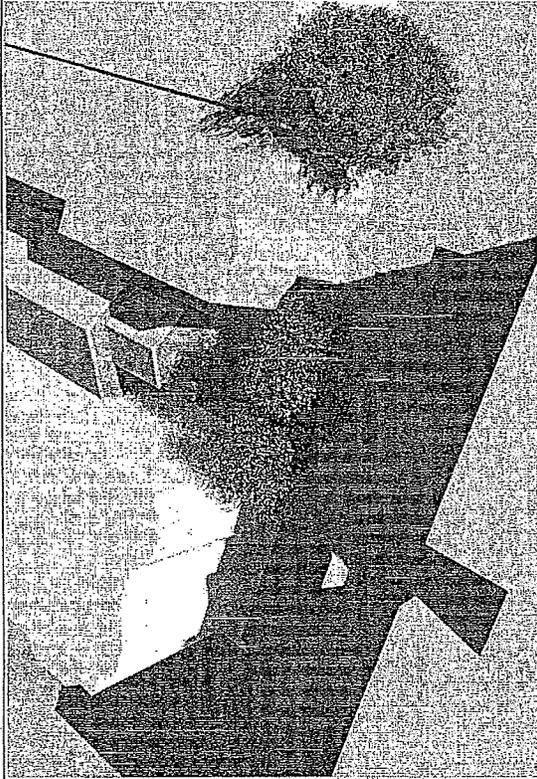
Image capture: Aug 2014 © 2017 Google

San Francisco, California

Google, Inc.

Street View - Aug 2014

TAB F



EXISTING CONDITION: DEC. 21 - 10 AM



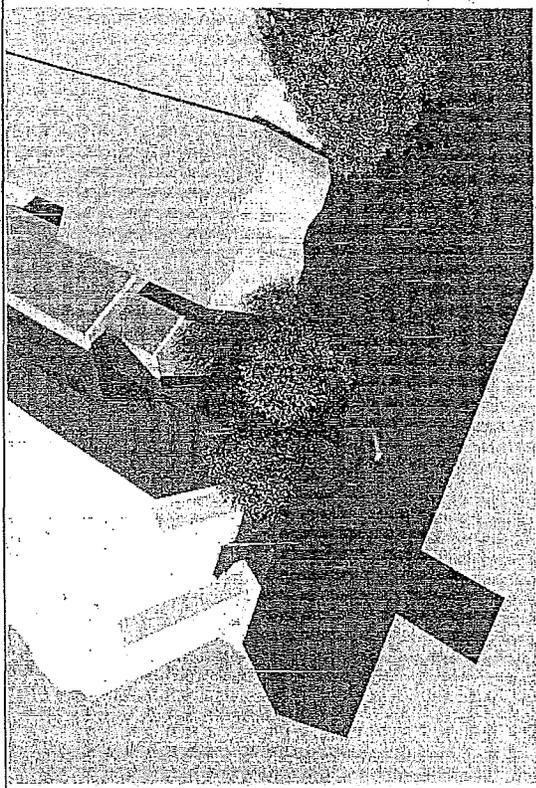
PROPOSED CONDITION: DEC. 21 - 10 AM



EXISTING CONDITION: DEC. 21 - 8 AM



PROPOSED CONDITION: DEC. 21 - 8 AM



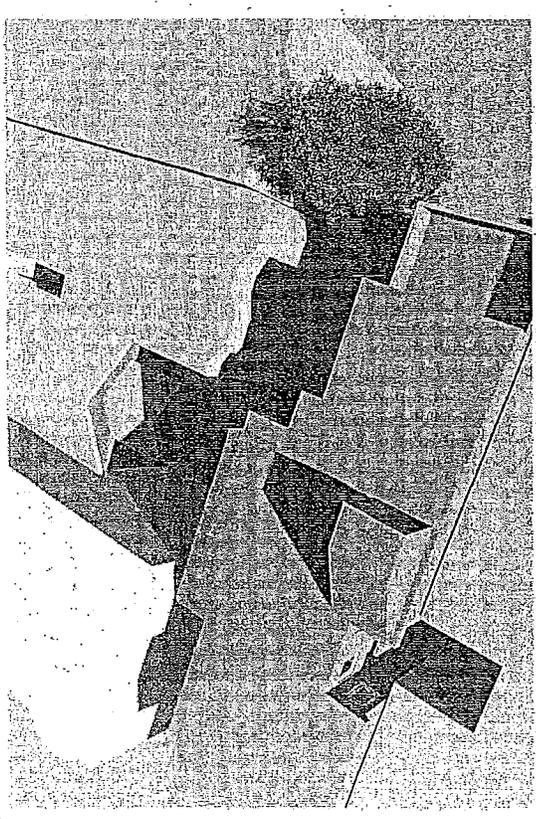
EXISTING CONDITION: DEC. 21 - 2 PM



PROPOSED CONDITION: DEC. 21 - 2 PM



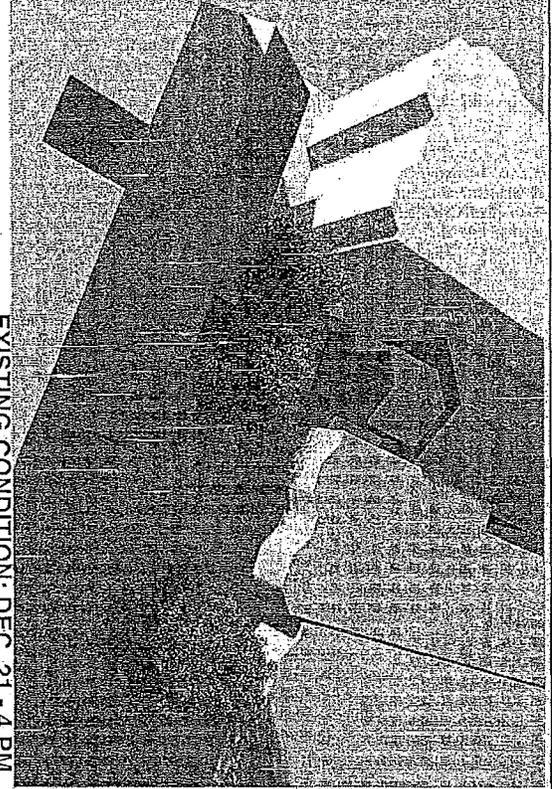
EXISTING CONDITION: DEC. 21 - NOON



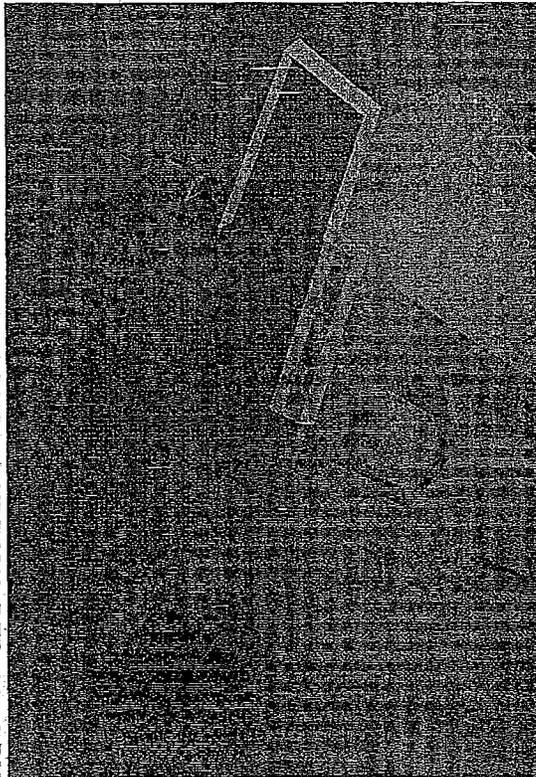
PROPOSED CONDITION: DEC. 21 - NOON



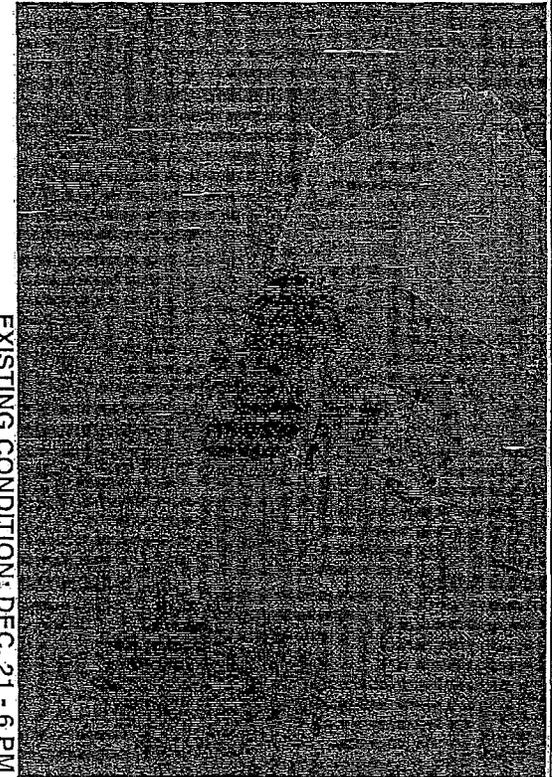
PROPOSED CONDITION: DEC. 21 - 4 PM



EXISTING CONDITION: DEC. 21 - 4 PM



PROPOSED CONDITION: DEC. 21 - 6 PM



EXISTING CONDITION: DEC. 21 - 6 PM

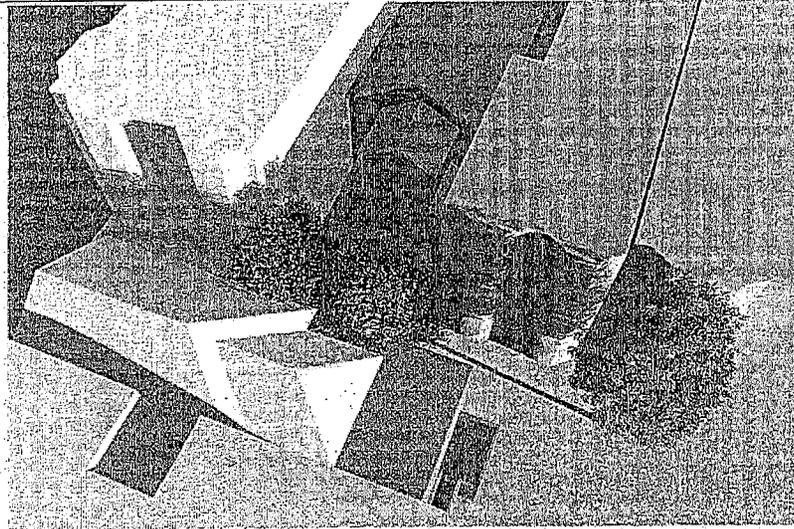
A5.3

218 27TH AVENUE RESIDENCES
BLOCK 1386 LOT 38 SAN FRANCISCO, CA

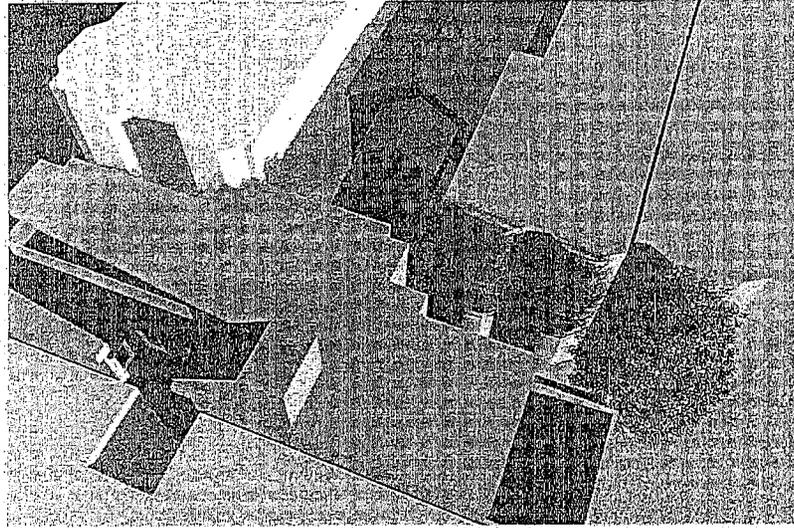
SHADOW IMPACT STUDY
WINTER SOLTICE - AFTERNOON

LEAVITT
ARCHITECTURE

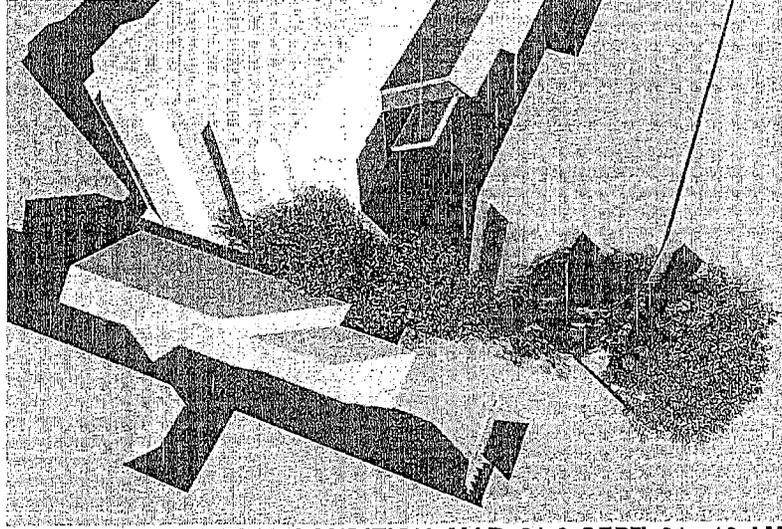
LEAVITT
architecture



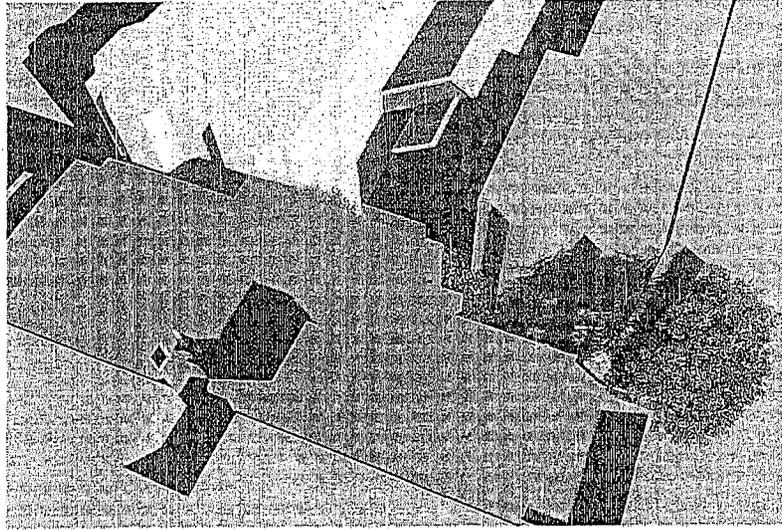
EXISTING CONDITION: MAR. 21 & SEPT. 21 - 8 AM



PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 8 AM



EXISTING CONDITION: MAR. 21 & SEPT. 21 - 10 AM



PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 10 AM

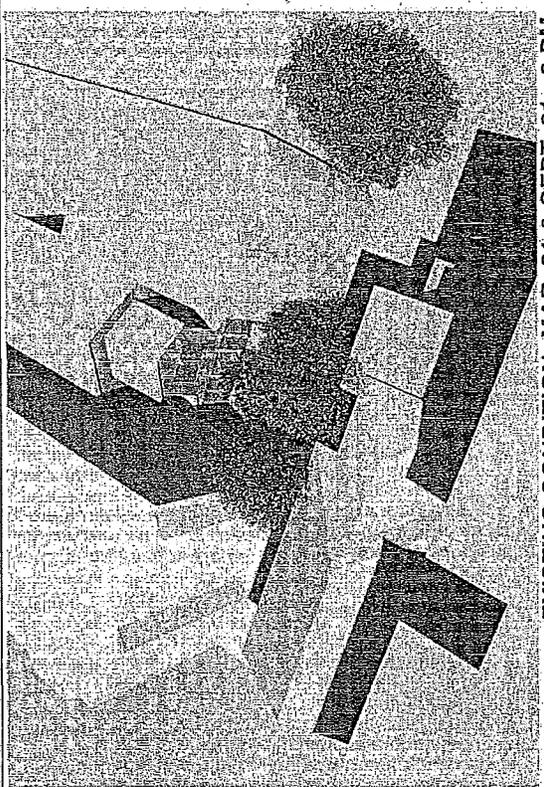
LEAVITT
architecture

1327 Mason St.
San Francisco
CA 94109
415.775.5141

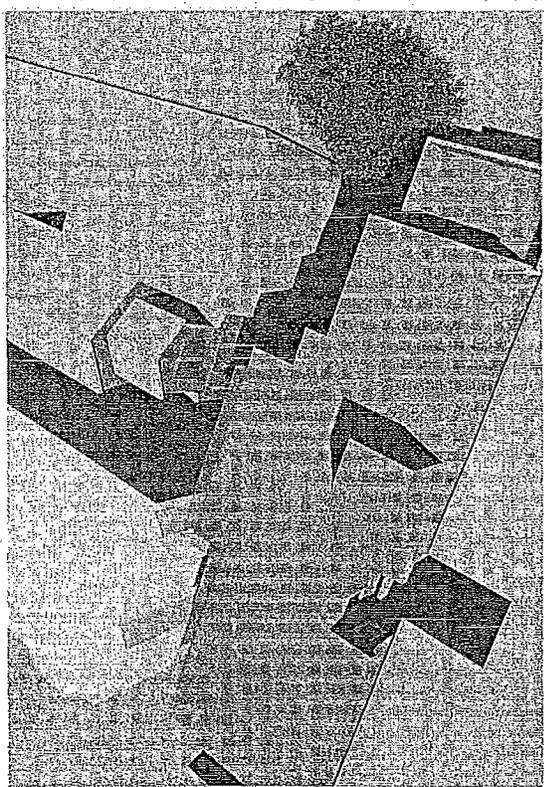
SHADOW IMPACT STUDY
- SPRING / FALL EQUINOX - MORNING

218 27TH AVENUE RESIDENCES
BLOCK 1306 LOT 38 SAN FRANCISCO, CA

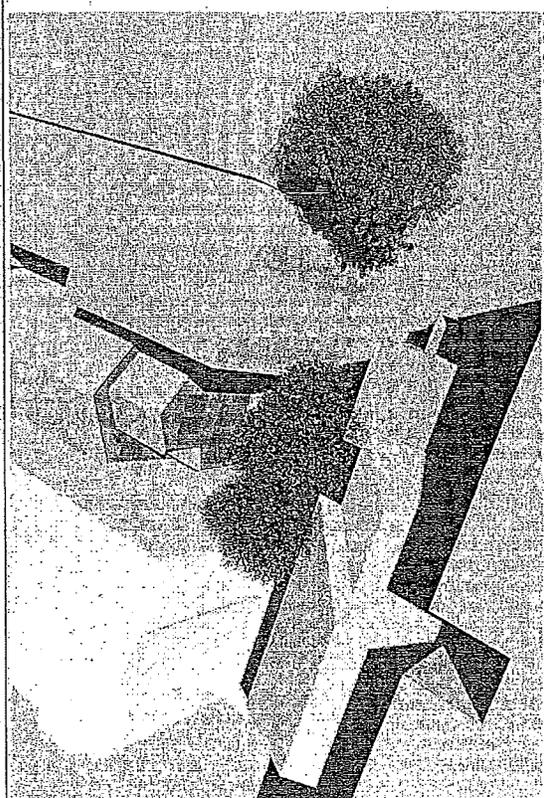
A6.1



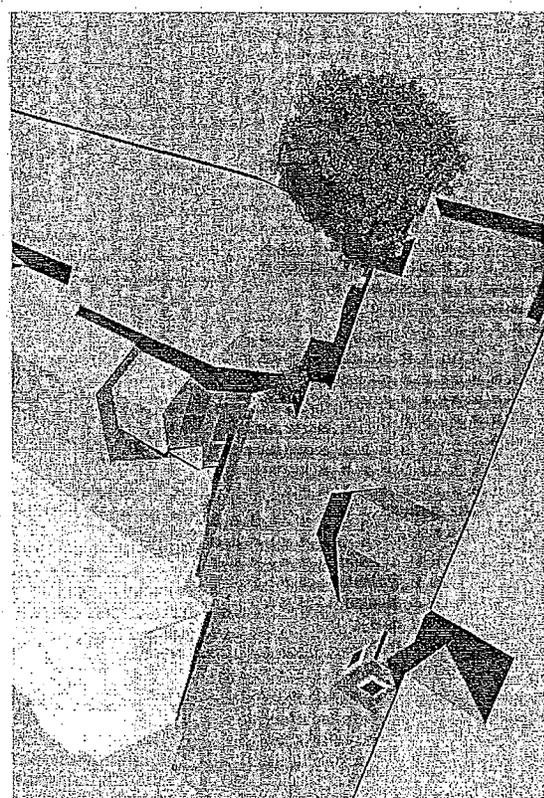
EXISTING CONDITION: MAR. 21 & SEPT. 21 - 2 PM



PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 2 PM



EXISTING CONDITION: MAR. 21 & SEPT. 21 - NOON



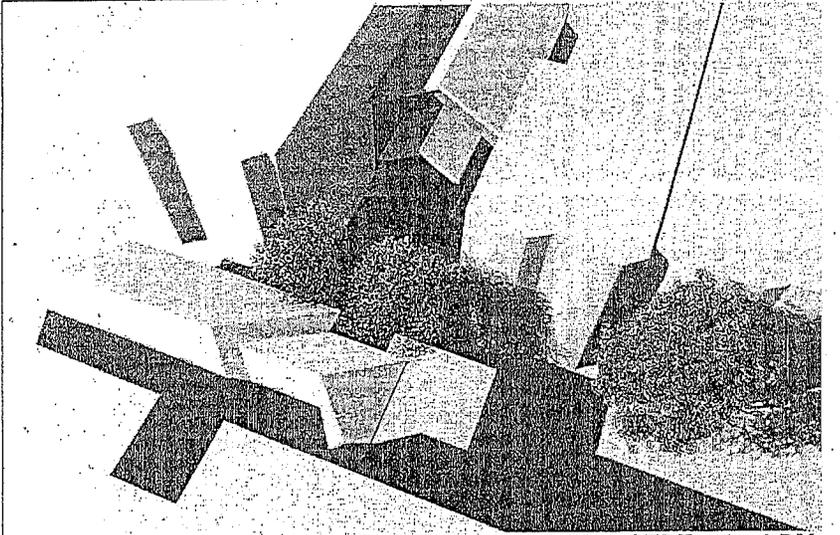
PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 8 AM

LEAVITT architecture
 1927 Market St.
 San Francisco, CA 94102
 415.574.8100
 415.574.9101

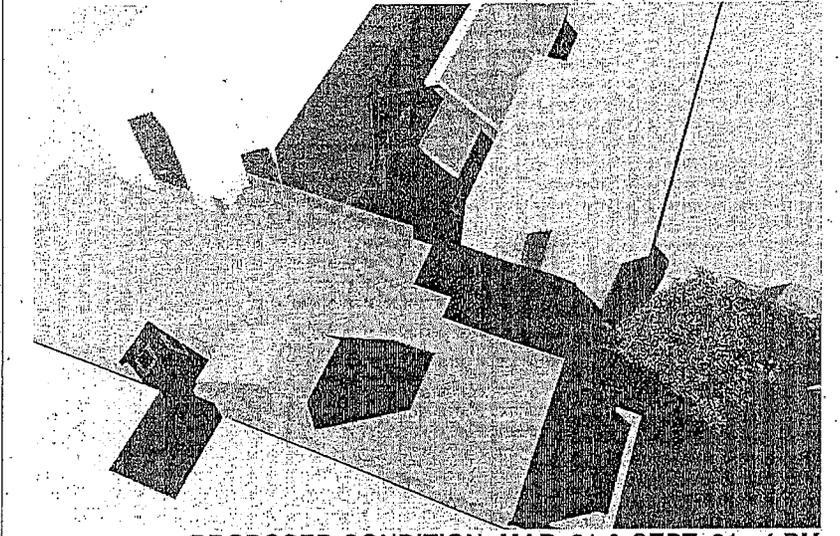
SHADOW/IMPACT STUDY
 SPRING / FALL/EQUINOX - MIDDAY

218 27TH AVENUE RESIDENCES
 BLOCK 1386 LOT 38
 SAN FRANCISCO, CA

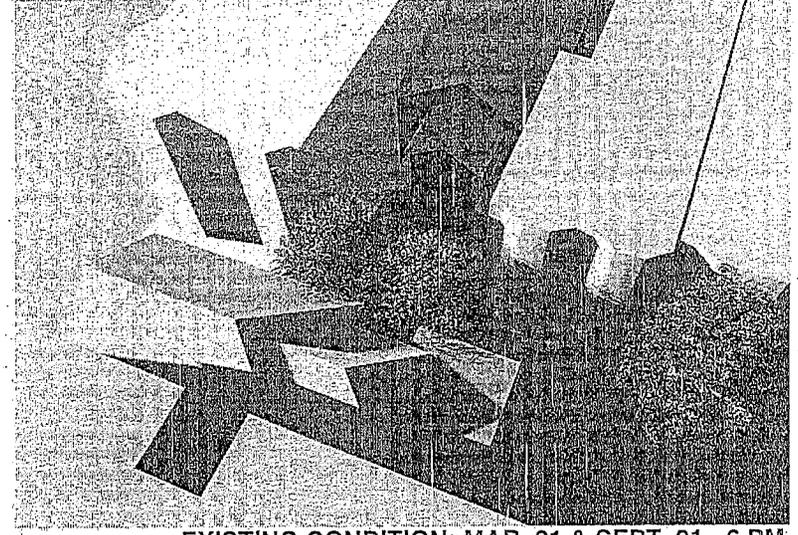
A6.2



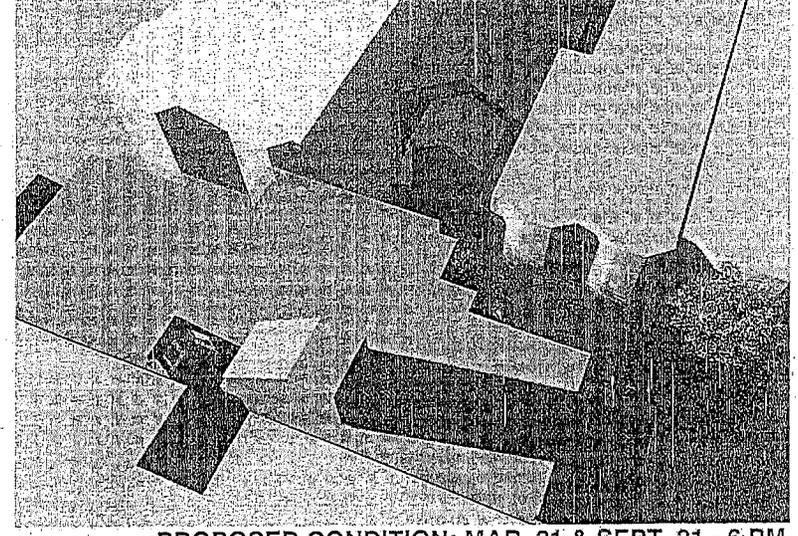
EXISTING CONDITION: MAR. 21 & SEPT. 21 - 4 PM



PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 4 PM



EXISTING CONDITION: MAR. 21 & SEPT. 21 - 6 PM



PROPOSED CONDITION: MAR. 21 & SEPT. 21 - 6 PM

LERAVITTO
architecture

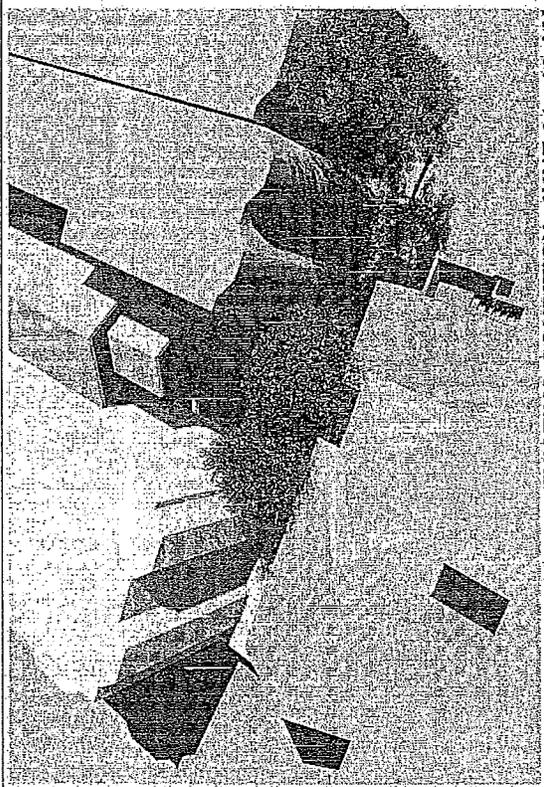
1227 mission st.
san francisco
california 94103
415 574 8000
415 574 8000

SHADOW IMPACT STUDY
SPRING / FALL EQUINOX - AFTERNOON

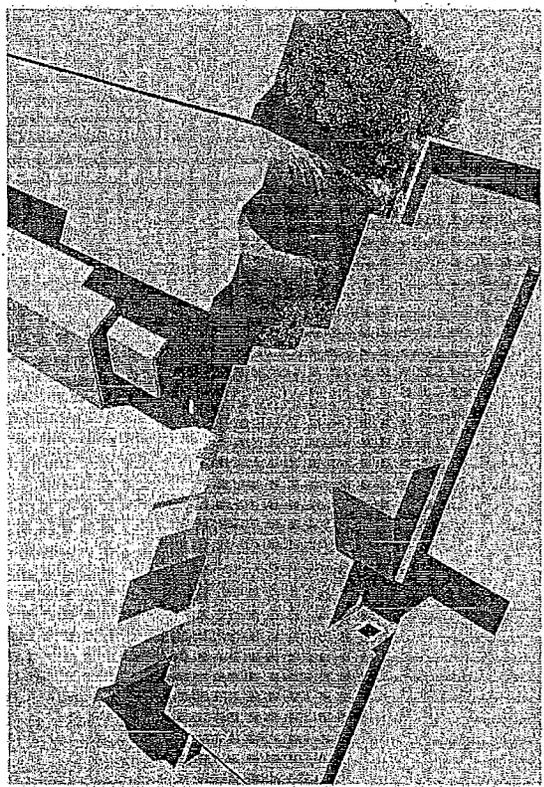
218, 27TH AVENUE RESIDENCES
BLOCK 1386 LOT 38 SAN FRANCISCO, CA

A6.3

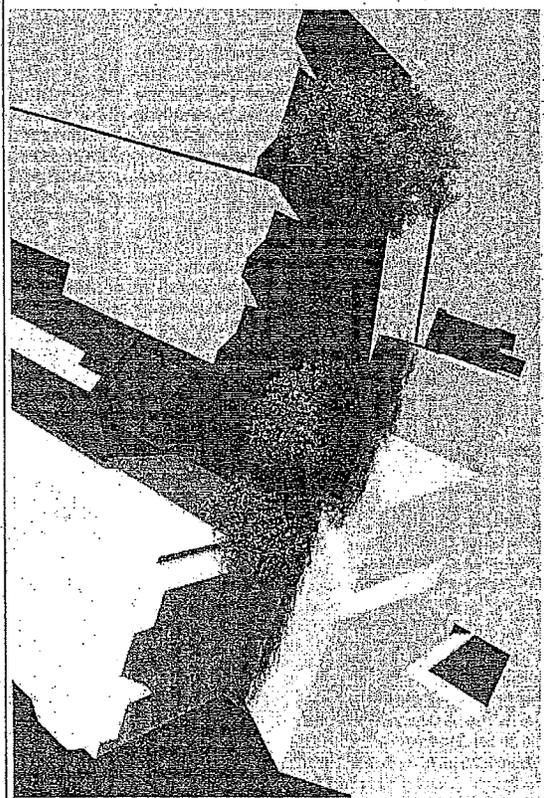
DATE: 11/11/11



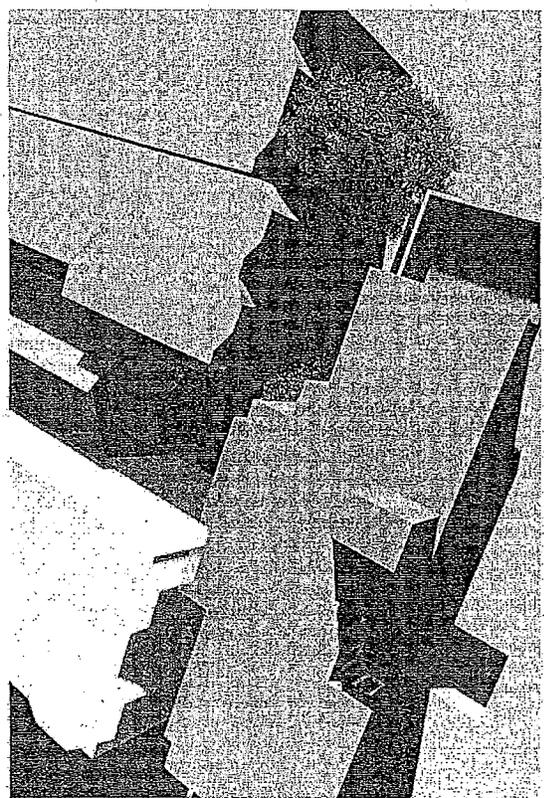
EXISTING CONDITION: JUNE 21 - 10 AM



PROPOSED CONDITION: JUNE 21 - 10 AM



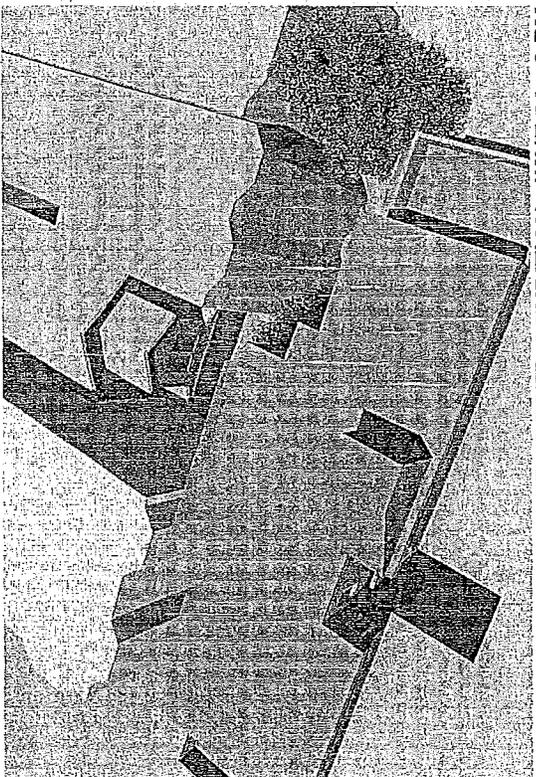
EXISTING CONDITION: JUNE 21 - 8 AM



PROPOSED CONDITION: JUNE 21 - 8 AM



EXISTING CONDITION: JUNE 21 - 2 PM



PROPOSED CONDITION: JUNE 21 - 2 PM



EXISTING CONDITION: JUNE 21 - NOON



PROPOSED CONDITION: JUNE 21 - NOON



LEAVITT
architecture inc.

1827 Mission St.
San Francisco, CA 94103
Tel: 415.774.1200
Fax: 415.774.1201

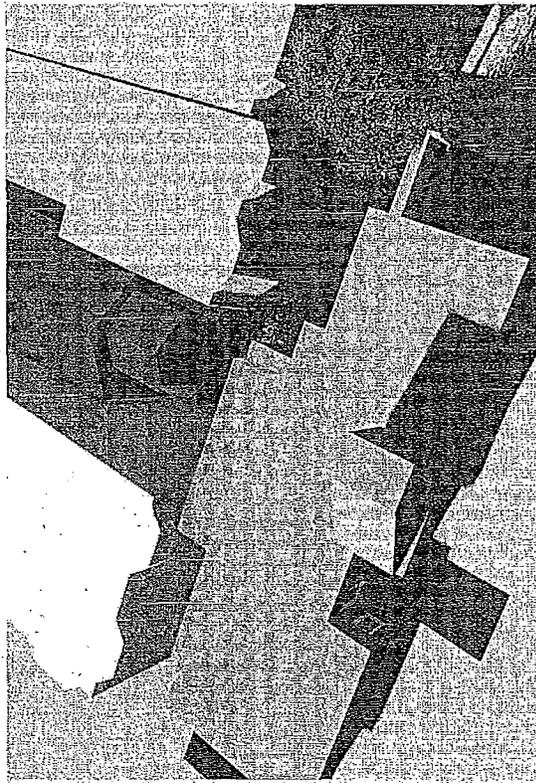
SHADOW IMPACT STUDY
SUMMER SOLSTICE - AFTERNOON

218 27TH AVENUE RESIDENCES
BLOCK 1386 - LOT 38
SAN FRANCISCO, CA

A7.3



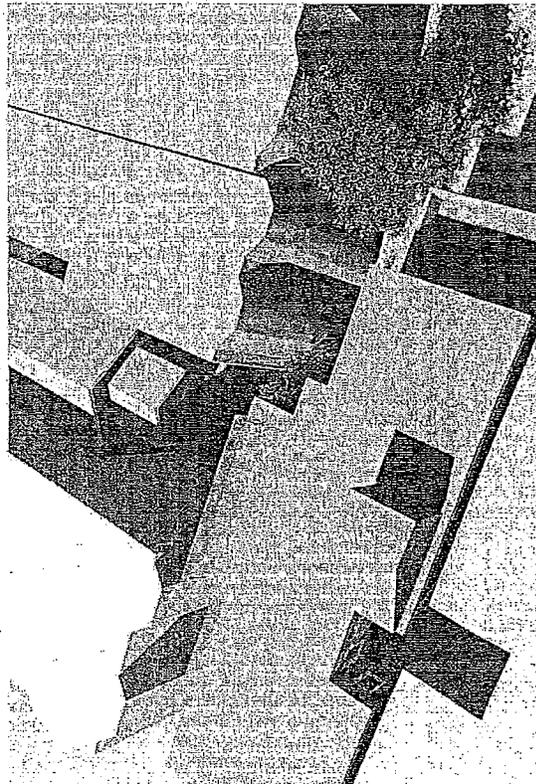
EXISTING CONDITION: JUNE 21 - 6 PM



PROPOSED CONDITION: JUNE 21 - 6 PM



EXISTING CONDITION: JUNE 21 - 4 PM



PROPOSED CONDITION: JUNE 21 - 4 PM

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARINGS

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, December 12, 2017

Time: 3:00 p.m.

Location: Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

Subject: **File No. 171222.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 29, 2017, approved on October 12, 2017, for the proposed project at 218-27th Avenue, to demolish an existing two-story single-family home and construct a four-story building containing three residences and three parking spaces. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

File No. 171226. Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 317, for a proposed project located at 218-27th Avenue, Assessor's Parcel Block No. 1386, Lot No. 038, identified in Case No. 2016-003258CUA, issued by the Planning Commission by Motion No. 20025 dated October 12, 2017, to demolish an existing two-story, single-family dwelling and construct a new four-story, three-unit building within the RM-1 (residential, mixed, low density) district and a 40-X height and bulk district. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

Continues on Next Page

From: BOS Legislation, (BOS)
To: rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; IDick@fbm.com; SVettel@fbm.com
Cc: Glyner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Ajello, Laura (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Poling, Jeanie (CPC)
Subject: HEARING NOTICE - Appeal of Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017
Date: Tuesday, November 28, 2017 8:46:48 AM
Attachments: image001.png

Greetings,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **December 12, 2017, at 3:00 p.m.**, to hear an appeal of Determination of Exemption and Conditional Use Authorization of the proposed project at 218-27th Avenue.

Please find the following link to the hearing notice for the matter.

[Hearing Notice - November 28, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

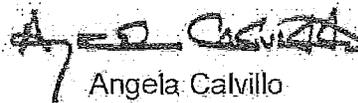


Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public records in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to these matters are available in the Office of the Clerk of the Board and agenda information relating to these matters will be available for public review on Friday, December 8, 2017.


Angela Calvillo
Clerk of the Board

DATED/MAILED/POSTED: November 28, 2017

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 20, 2017

File Nos. 171222-171225, 171226-171229
Planning Case No. 2016-003258ENV, CUA

Received from the Board of Supervisors Clerk's Office two checks, in the amount of Five Hundred Ninety Seven Dollars (\$597) representing the filing fee paid by Robia Crisp of Hanson Bridgett, LLP, representing Alex Bernstein and Sonia Daccarett, for the appeals of the Determination of Exemption under CEQA and Conditional Use Authorization for the proposed project at 218-27th Avenue.

Planning Department
By:

Gleb Wono
Print Name

[Signature] 11/20/17
Signature and Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 171222

Description of Items: Public Hearing Notices - Hearing - Appeal of Determination of Exemption From Environmental Review - 218-27th Avenue - 160 Notices Mailed

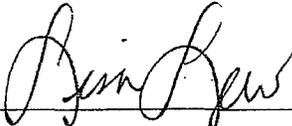
I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 28, 2017

Time: 8:15 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

From: BOS Legislation, (BOS)
To: rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; IDick@fbm.com; SVettel@fbm.com
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Aiello, Laura (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Appeal of Determination of Exemption and Conditional Use - Proposed 218-27th Avenue - Appeal Hearing on December 12, 2017
Date: Monday, November 20, 2017 9:29:28 AM
Attachments: image001.png

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **December 12, 2017, at 3:00 p.m.** Please find linked below letters of appeal filed against the proposed project at 218-27th Avenue, as well as direct links to the Planning Department's determination of timeliness for the appeal, and an informational letter from the Clerk of the Board.

[Determination of Exemption Appeal Letter - November 13, 2017](#)

[Conditional Use Authorization Appeal Letter - November 13, 2017](#)

[Planning Department Memo - November 17, 2017](#)

[Public Works Memo - November 17, 2017](#)

[Clerk of the Board Letter - November 17, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Please note that the hearing date is swiftly approaching. Our office must notice this appeal hearing on Tuesday, November 28, 2017. If you have any special recipients for the hearing notice, kindly provide a list of addresses for interested parties to us in spreadsheet format by 12:00 p.m., Wednesday, November 22, 2017.

Thank you,

Brent Jalipa

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org



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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

November 17, 2017

Robia Crisp
Hanson Bridgett, LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

**Subject: File Nos. 171222 and 171226 - Appeals of CEQA Exemption
Determination and Conditional Use Authorization - 218-27th Avenue
Project**

Dear Ms. Crisp:

The Office of the Clerk of the Board is in receipt of a memorandum dated November 17, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 218-27th Avenue.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

The City and County Surveyor has informed the Board of Supervisors in a letter received November 17, 2017, (copy attached), that the signatures represented with your appeal filing of November 13, 2017, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and would be sufficient for an appeal.

Pursuant to Administrative Code, Section 31.16, and Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, December 12, 2017, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Continues on next page

Please provide to the Clerk's Office by noon:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

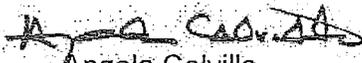
11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,


Angela Calvillo
Clerk of the Board

c: Ilene Dick, Farella, Braun, and Martel, LLP, Project Sponsor
Steven Vettel, Farella, Braun, and Martel, LLP, Project Sponsor
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Dan Sider, Policy Advisor, Planning Department
Stephanie Cisneros, Staff Contact, Planning Department
Laura Ajello, Staff Contact, Planning Department
Jonas Ionin, Planning Commission Secretary



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 17, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer *LHG*

RE: Appeal timeliness determination – 218 27th Avenue
Planning Department Case No. 2016-003258ENV

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the categorical exemption determination for the proposed project at 218 27th Avenue (Planning Department Case No. 2016-003258ENV) was filed with the Office of the Clerk of the Board of Supervisors on November 13, 2017, by Robia S. Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett.

Date of Approval Action	30 Days after Approval Action/ Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
Thursday, October 12, 2017	Saturday, November 11, 2017	Monday, November 13, 2017	Monday, November 13, 2017	Yes

Approval Action: On June 29, 2016, the Planning Department issued a CEQA Categorical Exemption Determination for the demolition of an existing two-story single-family home and construction of a four-story building with three residences. The Approval Action for the project was the Conditional Use Authorization approval on October 12, 2017 (Date of the Approval Action).

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, November 11, 2017, and the first business day after the 30 days was Monday, November 13, 2017 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Monday, November 13, 2017, which is the last business day within the time frame specified above. Therefore, the appeal is considered timely.

From: [Jalipa, Brent \(BOS\)](#)
To: [Rahaim, John \(CPC\)](#)
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation \(BOS\)](#)
Subject: Appeal of CEQA Exemption Determination - 218-27th Avenue - Timeliness Determination Request
Date: Thursday, November 16, 2017 8:56:03 AM
Attachments: [image001.png](#)
[Appeal Ltr 111317.pdf](#)
[COB Ltr 111417.pdf](#)

Good morning, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project at 218-27th Avenue. The appeal was filed by Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett, on November 13, 2017.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org



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November 14, 2017

To: John Rahaim
Planning Director

From: *ACC* Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 218-27th Avenue

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 218-27th Avenue was filed with the Office of the Clerk of the Board on November 13, 2017, by Robia Crisp of Hanson Bridgett, LLP, representing Alex Bernstein and Sonia Daccarett.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Stephanie Cisneros, Staff Contact, Planning Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Exemption From Environmental Review - 218-27th Avenue

The text is listed below or attached:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 29, 2017, approved on October 12, 2017, for the proposed project at 218-27th Avenue, to demolish an existing two-story single-family home and construct a four-story building containing three residences and three parking spaces. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

Signature of Sponsoring Supervisor: *Alisa Bomer*

For Clerk's Use Only:

