

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Appeal of Planning Commission Case No. 2017-013959DRP CEQA Determination [IWOV-BN.FID3029867]  
**Date:** Friday, June 26, 2020 8:46:48 AM  
**Attachments:** [Letter of CEQA Determination Appeal.pdf](#)  
[178 Sea Cliff memo Knapp 200527 \(2\).pdf](#)  
[DR Hearing Presentation.pdf](#)  
[Letter to David Winslow re 178 Seacliff Design Guidelines 2020.05.15.pdf](#)  
[PC 06.11.2020 - DR Abbreviated Analysis.pdf](#)

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**From:** Mansouri, Braeden <bmansouri@buchalter.com>  
**Sent:** Thursday, June 25, 2020 7:24 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>  
**Cc:** Guerra, Alicia C. <aguerra@buchalter.com>; Sanderford, Vera <vsanderford@buchalter.com>  
**Subject:** Appeal of Planning Commission Case No. 2017-013959DRP CEQA Determination [IWOV-BN.FID3029867]

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Good Evening,

We would like to appeal the action of the San Francisco Planning Commission on June 11, 2020 to not take discretionary review and to approve project number **2017-013959DRP**. At that hearing, the Commission relied upon a Categorical Exemption. This June 11 approval also constituted the “final approval action” of the project for the purposes of CEQA.

Please accept this email and the attachments as the application for appeal of the Planning Commission’s CEQA determination regarding case number 2017-013959DRP.

Attached are:

- Letter of Appeal;
- Planning Commission Discretionary Review Abbreviated Analysis for Case No. 2017-013959DRP, constituting the final CEQA action;
- Supplemental materials to support the Letter of Appeal.

Please advise the amount and method for linking the Appeal Fee with this application and we are happy to submit the fee as soon as possible.

Pursuant to S.F. Admin. Code section 31.16(b)(1), this application is being simultaneously submitted

to both the Clerk of the Board of Supervisors and the Environmental Review Officer.

Sincerely,  
Braeden

## Buchalter

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### **Braeden Mansouri**

Associate

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June 25, 2020

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**VIA E-MAIL (BOARD.OF.SUPERVISORS@SFGOV.ORG)**

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

**Re: Appeal of Planning Commission Determination of Categorical Exemption for Project No. 2017-013959DRP**

Dear Clerk of the San Francisco Board of Supervisors:

Mountain Lake Properties, LLC appeals the Planning Commission’s June 11, 2020 categorical exemption determination for a proposal to demolish a single-family residence at 178 Seacliff Avenue (the “Property”) (a contributing structure to the Sea Cliff Historic District) and to erect a three story structure in its place (collectively, the “Project”). At its June 11, 2020 meeting, the Planning Commission improperly determined that the Project is categorically exempt from the California Environmental Quality Act (“CEQA”). Substantial evidence exists to support a fair argument that the Project will result in significant adverse environmental impacts to the Sea Cliff Historic District. The Planning Commission disregarded the Project’s significant impacts to the environment, and thus failed to conduct the required level of environmental review prior to its determination to reject discretionary review, and authorized the Department of Building Inspection (DBI) to issue a building permit and demolition permit for the Project in violation of CEQA and the San Francisco Planning Code.

buchalter.com

Los Angeles  
Napa Valley  
Orange County  
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San Diego  
San Francisco  
Scottsdale  
Seattle

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**The City’s categorical exemption determination itself establishes a fair argument that the Project results in significant impacts that warrant environmental review under CEQA.**

Categorical exemptions are reserved for “classes of projects that have been determined not to have a significant effect on the environment.”<sup>1</sup> Even projects which may otherwise qualify for a categorical exemption cannot invoke the exemption when the project “may cause a substantial adverse change in the significance of a historical resource.”<sup>2</sup> A project that “may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”<sup>3</sup> A substantial adverse change to a historic resource includes “physical demolition” or “destruction” of that resource.<sup>4</sup> CEQA therefore requires lead agencies to “identify potentially feasible measures to mitigate significant adverse changes to a historical resource,”<sup>5</sup> particularly in the case of demolishing a contributing structure to a historic district.

Indeed, the City’s own categorical exemption determination checklist for the Project identified the Property as a “known historic resource” and the neighborhood as the “California Register-eligible Sea Cliff Historic District.” Effects on historic resources trigger exceptions to the City’s ability to rely on the categorical exemption. Here, even the Planning Department’s own analysis notes that there will be an impact to the historic district.

In its 2017 Historic Resource Evaluation, the City expressly identified that the residence at 178 Seacliff is a contributor to the Sea Cliff Historic District. Thus, any “alterations to the property would [] need to be reviewed for their impact on historic resources under CEQA.”<sup>6</sup> The effects of the Project exceed the scope of what is permissible under a categorical exemption, and would require the preparation of an environmental impact report (“EIR”). Moreover, we question how multiple City reports conclude that, despite recent modern renovations to two other properties in Sea Cliff, a review of these cumulative impacts to the historic district was not completed. Just because there are two modern buildings in Sea Cliff does not mean that the 178 Sea Cliff Project would not result in a cumulative impact; in fact, under CEQA, cumulative impacts result from the combined effects of two or more projects (*see e.g.*, 14 Cal. Code Regs. §15130).

Moreover, we provided extensive documentation and analysis prepared by the preservation architect, Frederic Knapp of Knapp Architects describing the impacts of the

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<sup>1</sup> Cal. Pub. Res. Code, § 21084(a); 14 Cal. Code Regs. (the “CEQA Guidelines”), § 15300.

<sup>2</sup> CEQA Guidelines, § 15300.2(f).

<sup>3</sup> Cal. Pub. Res. Code, § 21084.1.

<sup>4</sup> CEQA Guidelines, § 15064.5(b)(1).

<sup>5</sup> *Id.*, § 15064.5(b)(4).

<sup>6</sup> 178 Seacliff Ave. Historic Resource Evaluation, p. 37.

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proposed remodel on the Sea Cliff Historic District. The attached report and PowerPoint presentation we submitted to the Planning Commission for consideration at the June 11<sup>th</sup> meeting further demonstrate that the proposed remodel would result in significant unavoidable impacts to the neighborhood. No effort was made to incorporate into the remodel the preservation of the existing contributing structure nor was any effort made re-design the new house to be compatible with the existing historic district in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties. For these reasons, the Planning Commission unlawfully relied on a categorical exemption when substantial evidence supports a fair argument that the remodel at 178 Sea Cliff would result in significant unmitigated impacts.

### **Courts require preparation of an EIR for projects that affect a contributing structure to a historic district.**

Courts recognize the importance of an EIR and the CEQA process in evaluating the impacts of a Project on historic resources and historic districts. Particularly, a project's compatibility with a historic district is properly analyzed as an aesthetic impact in an EIR. Aesthetics alone can provide the requisite substantial evidence to support a fair argument that preparation of an EIR is required. As we have demonstrated, this Project promises to impose enough significant impacts to require preparation of an EIR.

For example, in *Protect Niles v. City of Fremont* (2018) (25 Cal.App.5th 1129), the Court of Appeal reviewed a proposal to construct mixed use structure on a vacant lot in Fremont's Niles Historic District. There, the court belabors the propriety of CEQA review for aesthetic issues and impacts on the community and surrounding uses. (*Id.*, p. 1141.) The court explained that "a project's visual impact on a surrounding officially-designated historical district is appropriate aesthetic impact review under CEQA." (*Id.*, p. 1145.) CEQA's historic resources rules "focus on direct physical changes to historical resources themselves that materially impair those resources' historical significance." (*Id.*)

Here, the demolition of a historic district contributing structure and the proposed concrete mass cube would dramatically affect the Sea Cliff Historic District's significance. In *Protect Niles*, the court cited innumerable concerns about the project's "height, density[,] massing, as well as its architectural style," its "contemporary" design, and the loss of neighborhood historic "integrity." (*Id.*, p. 1146.) Though "aesthetic judgments are inherently subjective," these comments about incompatibility "were not solely based on vague notions of beauty or personal preference, but were grounded in inconsistencies with the prevailing building heights and architectural styles of the" historic neighborhood. (*Id.*, p. 1147.) Preparation of an EIR was required there because it would facilitate the process of evaluating the project's aesthetic impacts on the historic district, will describe its compatibility with the district, assess adequacy of proposed mitigation measures, discuss alternative designs, and assess their feasibility. (*Id.*, p. 1149.)

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Throughout this Project's review process, we have repeatedly questioned the Planning Department's efforts to allow the Project to proceed in a manner where it's proposed height, density, massing, and architectural style result in evidence of incompatibility with the historic district. Our client is not opposed to a renovation, but this renovation should comport with the characteristics of the historic district, which it does not. Further, it is crucial to note that the Court of Appeal in *Protect Niles* required an EIR for a new structure on a vacant lot. Here, the fair argument of significant adverse environmental impacts is stronger because demolition of a home that evokes the unique characteristics of Sea Cliff is being destroyed and replaced with a wholly incompatible structure. No mitigation was required whatsoever by the Planning Commission in violation of CEQA.

Questions over a project's fit and compatibility within a historic district—specifically whether a project is capable of blending in—is enough to trigger an EIR. In *Georgetown Preservation Society v. County of El Dorado* (2018) (30 Cal.App.5th 358), residents challenged a proposal to construct a Dollar General on Main Street in unincorporated historic Georgetown. The County found the project to comply with zoning and its Historic Design Guide and tiered the CEQA Initial Study off of the general plan EIR, concluding that no additional environmental review was warranted.

Rejecting this conclusion, the Court of Appeal acknowledged that commentators' objection to the "size and overall appearance of the proposed building," and stated that "it cannot seriously be disputed that this body of opinion meets the low threshold needed to trigger an EIR." (*Id.*, p.375.) There are "a large number of interested people [that] believe this project would have a significant and negative effect on aesthetics. They have commented that the project is too big and too boxy or monolithic to blend in, such that its presence will damage the look and feel of the historic center of Georgetown. That is enough to trigger an EIR." (*Id.*, pp. 375-76.)

In *Georgetown*, the court found the project's setting to be determinative. While the project "might fit smoothly into a different town," the central district of Georgetown "has retained its historic character" and other large stores are located outside of the central historic district. (*Id.*, p. 376.) Sufficient evidence therefore existed to show that "*this project in this location might significantly impair the central district's unique and treasured Gold Rush character.*" (*Id.* [emphasis in original].) Responding to laypersons' criticism of signage, automatic doors, lighting, etc., the court stated that the County's design review process "does not supplant or supersede CEQA review." (*Id.*) Therefore, "evidence clearly shows that the low-threshold fair argument test has been met. Despite the subjective nature of aesthetic concerns, it is clear that the project may have a significant adverse environmental impact. Whether it likely will or will not have such an impact is a question that an EIR is designed to answer." (*Id.*, p. 377.)

*Georgetown Preservation Society* endorses our position that the proposed modernist cube

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in this historic district will jeopardize the unique character of Sea Cliff. The project may be appropriate in any number of San Francisco's other neighborhoods, but not in Sea Cliff. This Project is just too large, too monolithic, and too incongruent to fit within Sea Cliff. Accordingly, the fair argument threshold for requiring an EIR has been met. An EIR is therefore necessary to evaluate the project's impacts to the neighborhood and to devise potential mitigation measures. The potential mitigation measures that the City of San Francisco declined to require here are required by law to follow the Secretary of Interiors Standards for the Treatment of Historic Properties. The City has elected to apply them to other properties in Sea Cliff and they must do so here.

## **Conclusion**

As we noted in our Discretionary Review request, we question how the City was able to conclude *no* environmental review was required when even the Planning Department's Historic Resource Evaluation Response itself noted that the City would need to conduct environmental review to evaluate impacts and identify mitigation measures to mitigate the impact to the Sea Cliff Historic District to a less than significant level.<sup>7</sup> Knapp Architects conducted a thorough review of the Project's impacts to the historic resource at 178 Seacliff, as well as the Sea Cliff Historic District (the "Knapp Memorandum"). That analysis is attached to this letter of appeal.

Demolishing a structure contributing to a historic district constitutes a significant impact requiring CEQA review and mitigation. At this juncture, two options exist for the City: the City can prepare the requisite EIR for the Project as the applicant has submitted; or, ideally for both the City and the Project applicant, the City can ask the applicant and Project team to review the specific examples of adverse impacts that the Knapp Memorandum identifies, and go back and revise the house plans to better conform to the City's Design Guidelines and establish compatibility with the Sea Cliff Historic District. For example, the Project's impacts to a historic resource can be considered less than significant if it follows the Secretary of the United States Department of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.<sup>8</sup> This latter option would save the City and the applicant from costly environmental review and ensure that the residence is congruent with the historic district. Otherwise, substantial evidence exists supporting a fair argument that this Project will have a significant effect on the environment.

If the applicant is unwilling to amend the Project designs, we respectfully request that the Board of Supervisors recognize the aforementioned environmental impacts, overturn the Planning Commission's categorical exemption determination, and direct City staff to conduct the

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<sup>7</sup> See Cal. Pub. Res. Code, § 21084(e); CEQA Guidelines, § 15300.2(f); *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039.

<sup>8</sup> CEQA Guidelines, § 15064.5(b)(3).

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proper environmental review that is required under CEQA and send this remodel back to the drawing board. Such review would not only analyze the environmental impacts, but it would also provide the necessary mitigation measures for preserving architectural integrity in the Sea Cliff Historic District.

Very truly yours,

BUCHALTER  
A Professional Corporation

A handwritten signature in blue ink, appearing to read 'Alicia Guerra', with a long horizontal line extending to the right.

Alicia Guerra  
Shareholder

AG:vs

Attachments

cc: Mayor Breed and Members of the City Council/Board of Supervisors  
Lance Geersten  
Braeden Mansouri





# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
178 SEACLIFF AVE		1306017
<b>Case No.</b>		<b>Permit No.</b>
2017-013959ENV		201710231990
<input type="checkbox"/> <b>Addition/ Alteration</b>	<input checked="" type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input checked="" type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>          Lot #1306/017 located between 26th Avenue and 27th Avenue. Parcel area 7,325 sq. ft. Demolish existing three-story, 3,747-square-foot, 30-foot-high, single-family residence over basement and detached garage. Construct new three-story, 8,011-square-foot, 30-foot-high, single-family residence over basement. Increase parking spaces from one to three. Excavation of 1,600 square feet to a depth of 15.5 feet, 950 cubic yards.</p>		

### STEP 1: EXEMPTION CLASS

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

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input checked="" type="checkbox"/>	<p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input checked="" type="checkbox"/>	<p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</p>
<input checked="" type="checkbox"/>	<p><b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input checked="" type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b></p>
<p><b>Comments and Planner Signature (optional):</b> Diane Livia</p> <p>PLEASE SEE ATTACHED</p>	

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , 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. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input checked="" type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  See HRER Part II dated 11.4.19. Staff finds that the demolition of 178 Seaclyff Avenue and construction of the proposed project would not result in a cumulative impact to the California Register-eligible Sea Cliff Historic District. Although the design of the project will not be compatible in massing, materials or details with nearby historic resources, the physical separation between new construction and such resources (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Michelle A Taylor	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Diane Livia
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/20/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

## **CEQA Impacts**

Hazardous Materials: Application to Maher complete, signed waiver submitted.

Archeology: Preliminary archeological review completed by department staff dated April 24, 2018.

Slope: Geotechnical report submitted dated August 7, 2017.

Seismic-Landslide: Geotechnical report submitted dated August 7, 2017.

Noise: The project would use typical construction equipment that would be regulated by Article 29 of the Police Code (section 2907, Construction Equipment). No impact pile driving or nighttime construction is required. Construction vibration would not be anticipated to affect adjacent buildings. The proposed project would not generate sufficient vehicle trips to noticeably increase ambient noise levels, and the project's fixed noise sources, such as heating, ventilation, and air conditioning systems, would be subject to noise limits in Article 29 of the Police Code (section 2909, Noise Limits).

Air Quality: The proposed project's construction would be subject to the Dust Control Ordinance (Article 22B of the Health Code). The proposed land uses are below the Bay Area Air Quality Management District's construction and operational screening levels for requiring further quantitative criteria air pollutant analysis. The project site is not located within an air pollutant exposure zone.

Water Quality: The project's construction activities are required to comply with the Construction Site Runoff Ordinance (Public Works Code, article 2.4, section 146).

Natural Habitat: The project site is paved and within a developed urban area. The project site has no significant riparian corridors, estuaries, marshes, wetlands, or any other potential wildlife habitat that might contain endangered, rare or threatened species. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

The proposed project would be designed to incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance. The project's water supply demand would constitute a negligible increase relative to the existing and projected water supply demand for the city as a whole and is accounted for in the SFPUC's Urban Water Management Plan, which addresses water demand and supply through 2040. As such, sufficient water supplies are available to serve the proposed project in normal, dry, and multiple dry years, and the proposed project would not require or result in the relocation or construction of new or expanded water facilities the construction or relocation of which could cause significant environmental effects.

## 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)
178 SEACLIFF AVE		1306/017
Case No.	Previous Building Permit No.	New Building Permit No.
2017-013959PRJ	201710231990	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Action DRA-0701 HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2017-013959DRP  
*Project Address:* 178 Sea Cliff Avenue  
*Building Permit:* 2017.1023.1990  
*Zoning:* RH-1(D) [Residential House, One-Family-Detached]  
40-X Height and Bulk District  
*Block/Lot:* 1306/017  
*Project Sponsor:* Lewis Butler  
Butler Armsden Architects  
1420 Sutter Street  
San Francisco, CA 94109  
*DR Requestor:* Mountain Lake Properties  
164 Sea Cliff Avenue  
San Francisco, CA  
*Staff Contact:* David Winslow – (415) 575-9179  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)

**ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2017-013959DRP AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2017.1023.1990 TO DEMOLISH AN EXISTING THREE-STORY SINGLE-FAMILY RESIDENCE WITH A DETACHED GARAGE AND CONSTRUCT A NEW THREE-STORY OVER BASEMENT SINGLE FAMILY RESIDENCE WITH A TWO-CAR GARAGE AT THE BASEMENT LEVEL AT 178 SEA CLIFF AVENUE WITHIN THE RH-1(D) (RESIDENTIAL HOUSE, ONE-FAMILY-DETACHED) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### **PREAMBLE**

On October 23, 2017, Lewis Butler filed for Building Permit Application No. 2017.1023.1990 to demolish an existing three-story single-family residence with a detached garage and construct a new three-story over basement single family residence with a two-car garage at the basement level at 178 Sea Cliff Avenue within the Rh-1(D) (Residential House, One-Family-Detached) Zoning District And A 40-X Height And Bulk District.

On January 28, 2020 Mountain Lake Properties (hereinafter “Discretionary Review (DR) Requestor”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2017-013959DRP) of Building Permit Application No. 2017.1023.1990.

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



On June 11, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2017-013959DRP.

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

**ACTION**

The Commission found there are no extraordinary or exceptional circumstances in this case and hereby does not take Discretionary Review requested in Record No. 2017-013959DRP and approves Building Permit Application 2017.1023.1990.



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

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

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

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as referenced in this action memo on June 11, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

NAYS: None

ABSENT: None

ADOPTED: June 11, 2020



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Action DRA-0701 HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2017-013959DRP  
*Project Address:* 178 Sea Cliff Avenue  
*Building Permit:* 2017.1023.1990  
*Zoning:* RH-1(D) [Residential House, One-Family-Detached]  
40-X Height and Bulk District  
*Block/Lot:* 1306/017  
*Project Sponsor:* Lewis Butler  
Butler Armsden Architects  
1420 Sutter Street  
San Francisco, CA 94109  
*DR Requestor:* Mountain Lake Properties  
164 Sea Cliff Avenue  
San Francisco, CA  
*Staff Contact:* David Winslow – (415) 575-9179  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)

**ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2017-013959DRP AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2017.1023.1990 TO DEMOLISH AN EXISTING THREE-STORY SINGLE-FAMILY RESIDENCE WITH A DETACHED GARAGE AND CONSTRUCT A NEW THREE-STORY OVER BASEMENT SINGLE FAMILY RESIDENCE WITH A TWO-CAR GARAGE AT THE BASEMENT LEVEL AT 178 SEA CLIFF AVENUE WITHIN THE RH-1(D) (RESIDENTIAL HOUSE, ONE-FAMILY-DETACHED) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### **PREAMBLE**

On October 23, 2017, Lewis Butler filed for Building Permit Application No. 2017.1023.1990 to demolish an existing three-story single-family residence with a detached garage and construct a new three-story over basement single family residence with a two-car garage at the basement level at 178 Sea Cliff Avenue within the Rh-1(D) (Residential House, One-Family-Detached) Zoning District And A 40-X Height And Bulk District.

On January 28, 2020 Mountain Lake Properties (hereinafter “Discretionary Review (DR) Requestor”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2017-013959DRP) of Building Permit Application No. 2017.1023.1990.

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

On June 11, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2017-013959DRP.

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

**ACTION**

The Commission found there are no extraordinary or exceptional circumstances in this case and hereby does not take Discretionary Review requested in Record No. 2017-013959DRP and approves Building Permit Application 2017.1023.1990.

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

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

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

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as referenced in this action memo on June 11, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

NAYS: None

ABSENT: None

ADOPTED: June 11, 2020



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* June 4, 2020  
*Case No.:* **2017-013959DRP**  
*Project Address:* **178 Sea Cliff Avenue**  
*Permit Application:* 2017.1023.1990  
*Zoning:* RH-1-D [Residential House, One-Family-Detached]  
40-X Height and Bulk District  
*Block/Lot:* 1306/017  
*Project Sponsor:* Lewis Butler  
Butler Armsden Architects  
1420 Sutter Street,  
San Francisco, CA 94109  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Do not take DR and Approve**

### PROJECT DESCRIPTION

The project includes the demolition of an existing three-story single-family residence with a detached garage and the construction of a new three-story over basement single family residence with a two-car garage at the basement level.

### SITE DESCRIPTION AND PRESENT USE

The site is a 42' -6" wide by approximately 172' -4" deep 7,226 s.f down sloping lot with an existing 3-story, 3,585 s.f. single-family house built in 1914. The existing house extends shallower into the rear yard than its adjacent neighbors.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Sea Cliff Avenue has a prevalent pattern of two- and three-story houses with front and side setbacks. The architecture and building forms are an eclectic mix that range from Mediterranean style with gentle sloping clay tiled roofs to simple form revival style buildings detailed with quoins and flat roofs with cornices. Stucco is the predominant material. The rear of the buildings on this block face Baker Beach and the outer bay. The alignment of the buildings at the rear is somewhat inconsistent, with different levels terracing to varying depths.

### BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	December 31, 2019 – January 30, 2020	1.28. 2020	6.11. 2020	135 days

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	May 29, 2020	May 29, 2020	20 days
Mailed Notice	20 days	May 29, 2020	May 29, 2020	20 days
Online Notice	20 days	May 29, 2020	May 29, 2020	20 days

### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	1	0

### DR REQUESTOR

Mountain Lake Properties, 164 Sea Cliff Avenue, neighbor to the East of the proposed project.

### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The proposed design:

1. Is incompatible with the traditional design elements of the surrounding eligible Sea Cliff Historic District;
2. Is out of scale with other buildings in the area and;
3. Impacts light, privacy and views of the Golden Gate Bridge and Baker Beach from adjacent properties;

Their proposed alternatives include:

1. Respect setbacks per Planning Code Sections 133 and 134 for front and side setbacks;
2. Reduce expansion to rear and;
3. Incorporate traditional design composition and elements.

See attached *Discretionary Review Application*, dated January 28, 2020.

## PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

The project complies with the Planning Code and the Residential Design Guidelines related to building height, massing, and scale at the street and is compatible with the forms and features of the surrounding buildings. Ample setbacks and lot sizes of this and neighboring properties enable plenty of space to preserve light privacy.

See attached *Response to Discretionary Review*, dated May 28, 2020.

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class 3 – New Construction. Up to three new single-family residences or six dwelling units in one building.

## DEPARTMENTAL REVIEW

The demolition of the existing building was reviewed for its impacts to the Sea Cliff California Register-eligible Historic District, which is characterized by its bluff-top location in the Sea Cliff neighborhood comprised of two- to three-story buildings with side setbacks and landscaped front setbacks.

Many of the buildings employ Mediterranean Revival style features including stucco cladding, gabled and hipped roofs with Spanish clay tiles, and exterior chimney.

Others include rich eclectic revival detailing such as faux quoins, wood shutters, cartouches and balconettes; and multi-light wood-sash windows, often with arched openings

The existing building is categorized as an ‘A’ resource as a contributor to the eligible Seacliff Historic District, and its removal was determined to not result in a cumulative impact to the integrity of the district.

Considering the DR request, this project was re-reviewed by Residential Design Advisory Team and confirmed that the proposed design complies the Residential Design Guidelines.

Specifically:

1. The siting of the building is consistent with the front and side and rear setbacks of the surrounding buildings and is Code-complaint.
2. The three-story massing at the street is consistent with other buildings on this block.
3. The building massing and siting at the rear maintains light and visual access to the common open space from adjacent properties; (Views are not protected.)
4. The application of Residential Design Guidelines is intended to result in designs that are compatible with the patterns of existing context, not to necessarily imitate or recreate previous historical styles. As such the massing, composition, materials, proportions and details – are a modern and compatible fit with the family other buildings in the surroundings.

Therefore, staff deems there are no exceptional or extraordinary circumstances and recommends not taking Discretionary Review and approving as proposed.

<b>RECOMMENDATION:</b> <b>Do not take DR and Approve</b>
--

**Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

CEQA Determination

HRE

DR Application and exhibits

Letters

Response to DR Application dated May 28, 2020

Reduced Plans





55 Second Street  
Suite 1700  
San Francisco, CA 94105  
415.227.0900 Phone  
415.227.0770 Fax  
File Number: B2944-0164  
415.227.3508 Direct  
aguerra@buchalter.com

*Braeden Mansouri*  
415.227.3516 Direct  
bmansouri@buchalter.com

May 27, 2020

**VIA E-MAIL (DAVID.WINSLOW@SFGOV.ORG)**

David Winslow, Principal Architect  
Design Review Citywide and Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 178 Seacliff Ave. Conformance with CEQA, Design Guidelines, and U.S.  
Secretary of the Interior’s Standards for Historic Preservation

Dear David:

Thank you for facilitating our mediation with the project team for the 178 Seacliff Avenue demolition and reconstruction (the “Project”). While we are encouraged that the Project applicant is willing to consider some of my client’s concerns regarding the Project, Mountain Lake Properties, LLC does not intend to redesign the house on the applicant’s behalf. My client, with support from the surrounding neighborhood, is interested in a modified house design for 178 Sea Cliff Avenue that is compatible with the Sea Cliff neighborhood and avoids adverse effects to the contributing structure to the Sea Cliff Historic District.

In response to your request for further specific comments about the plans for 178 Sea Cliff, I am forwarding a technical memorandum dated May 27, 2020 prepared by Knapp Architects, Mountain Lake Properties architect, which identifies several key considerations that a revised design would need to incorporate in order to maintain compliance with the San Francisco Residential Design Guidelines and the Secretary of Interiors Standards (“Knapp Memorandum”). As we indicated in our Discretionary Review request and discussed in our mediation, and as further discussed in the Knapp Memorandum, the current Butler design results in extraordinary and exceptional circumstances warranting discretionary review because the proposed design results in significant, unavoidable adverse impacts to a historic resource in violation of the California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*) (“CEQA”) and the U.S. Secretary of the Interior’s Standards for the Treatment of Historic Properties.

buchalter.com

Los Angeles  
Napa Valley  
Orange County  
Portland  
Sacramento  
San Diego  
San Francisco  
Scottsdale  
Seattle

David Winslow, Principal Architect

May 27, 2020

Page 2

## **The project's adverse effects on the Sea Cliff Historic District are undisputed.**

The City's own Historic Resource Evaluation Report ("HRER") prepared during the Project review process evaluated the historic nature of the Project's site and setting. The neighborhood's setting, layout, landscaping, and the eclectic architectural revival styles "resulted in [a] neighborhood with a high level of architectural consistency."<sup>1</sup> While a single structure in the Sea Cliff Historic District may not enjoy historic resource protections, each home is a "contributor" to the unique and historic nature of the neighborhood as explained in the HRER and noted in the attached Knapp Memorandum. As also noted in the Knapp Memorandum, the City did not fully evaluate the context that will be affected by the current house design.

The 178 Sea Cliff Project Historic Resource Evaluation states that the Project's overall design, as currently proposed, "is not compatible with the district."<sup>2</sup> It "will not incorporate design elements identified as character defining to the Sea Cliff Historic District." Proposed Project features "will be at odds" with the detailing common to the neighborhood. Since the neighborhood was first identified as eligible for inclusion in the California Register in 2006, "all but one project" have conformed to City standards and no contributing buildings have been demolished. Our client asks why start now? All of the supporting reports the City has relied upon for its review of the current Project design indicate that the demolition of the existing house and replacement with the new building will be incompatible and adversely impact the Sea Cliff Historic District. My client asks that the City consider the Project's impacts as highlighted in the attached Knapp Memorandum and mitigate the adverse impacts on the Sea Cliff neighborhood.

## **The City's categorical exemption determination itself establishes a fair argument that the Project is subject to further environmental review under CEQA.**

Categorical exemptions are reserved for "classes of projects that have been determined not to have a significant effect on the environment."<sup>3</sup> Even projects which may otherwise qualify for a categorical exemption, cannot invoke the exemption when the project "may cause a substantial adverse change in the significance of a historical resource."<sup>4</sup>

Projects that "may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment."<sup>5</sup> A substantial adverse change to a historic resource includes "physical demolition" or "destruction" of a resource.<sup>6</sup> CEQA therefore requires lead agencies to "identify potentially feasible measures to

---

<sup>1</sup> 178 Seacliff Ave. Historic Resource Evaluation Response, Part I.

<sup>2</sup> 178 Seacliff Ave. Historic Resource Evaluation Response, Part II.

<sup>3</sup> Cal. Pub. Res. Code, § 21084(a); 14 Cal. Code Regs. (the "CEQA Guidelines"), § 15300.

<sup>4</sup> CEQA Guidelines, § 15300.2(f).

<sup>5</sup> Cal. Pub. Res. Code, § 21084.1.

<sup>6</sup> CEQA Guidelines, § 15064.5(b)(1).

David Winslow, Principal Architect  
May 27, 2020  
Page 3

mitigate significant adverse changes in the significance of an historical resource”<sup>7</sup> particularly in the case of demolition of a contributing structure to a historic district.

Indeed, the City’s own categorical exemption determination checklist for the Project identified the Property as a “known historic resource” and the neighborhood as the “California Register-eligible Sea Cliff Historic District.” Effects on historic resources trigger exceptions to the City’s ability to rely on the categorical exemption. Here, even the Planning Department’s own analysis notes that there will be an impact to the historic district.

Here, in its 2017 HRE, the City expressly identified that the residence at 178 Seacliff is a contributor to the Sea Cliff Historic District. Thus, any “alterations to the property would [] need to be reviewed for their impact on historic resources under CEQA.”<sup>8</sup> The effects of the Project exceed the scope of what is permissible under a categorical exemption, and would require the preparation of an environmental impact report. Moreover, we question how multiple City reports conclude that, despite recent modern renovations to two other properties in Sea Cliff, a review of these cumulative impacts to the historic district was not warranted. Just because there are two modern buildings on Sea Cliff does not mean that the 178 Sea Cliff Project would not have a cumulative impact; in fact, under CEQA, cumulative impacts result from the combined effects of two or more projects (see e.g., 14 Cal. Code Regs. §15130).

As we noted in our Discretionary Review request, we question how the City was able to conclude no environmental review was required when even the HRER itself noted that the City would need to conduct environmental review to evaluate impacts and identify mitigation measures to mitigate the impact to the Sea Cliff Historic District to a less than significant level.<sup>9</sup> Perhaps, the City and the project team can review the specific examples of adverse impacts that the Knapp Memorandum identifies, and go back and revise the house plans to better conform to the City’s Design Guidelines and establish compatibility with the Sea Cliff Historic District.

## Conclusion

The homes within the Sea Cliff Historic District are defined by their symbiotic relationship—each home provides its own respectful interpretation of the revivalist architectural themes of the neighborhood. Demolishing the existing 1917 house and replacing it with a contemporary cube does not comply with the Secretary of Interiors Standards and the City’s Residential Design Guidelines. By contrast, my client is requesting that the City and project sponsor redesign the remodel project to preserve the character defining features of an existing

---

<sup>7</sup> *Id.*, § 15064.5(b)(4).

<sup>8</sup> 178 Seacliff Ave. Historic Resource Evaluation, p. 37.

<sup>9</sup> See Cal. Pub. Res. Code, § 21084(e); CEQA Guidelines, § 15300.2(f); *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039.

# Buchalter

David Winslow, Principal Architect

May 27, 2020

Page 4

contributing structure to the Sea Cliff Historic District. The attached Knapp Memorandum offers some suggestions that the City and project sponsor should consider in an effort to design a remodel project that would be compatible with the Sea Cliff Historic District and maintain consistency with the Secretary of Interiors Standards.

Sincerely,

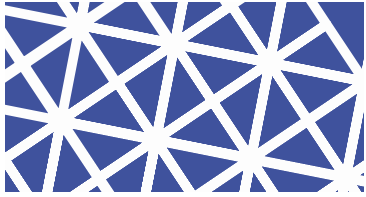
BUCHALTER  
A Professional Corporation

A handwritten signature in blue ink, appearing to read 'Alicia Guerra', with a long horizontal line extending to the right.

Alicia Guerra  
Shareholder

Attachment

cc: James Reuben  
Tom Tunny  
Lance Geertsen  
Frederic Knapp  
Braeden Mansouri



## Memorandum

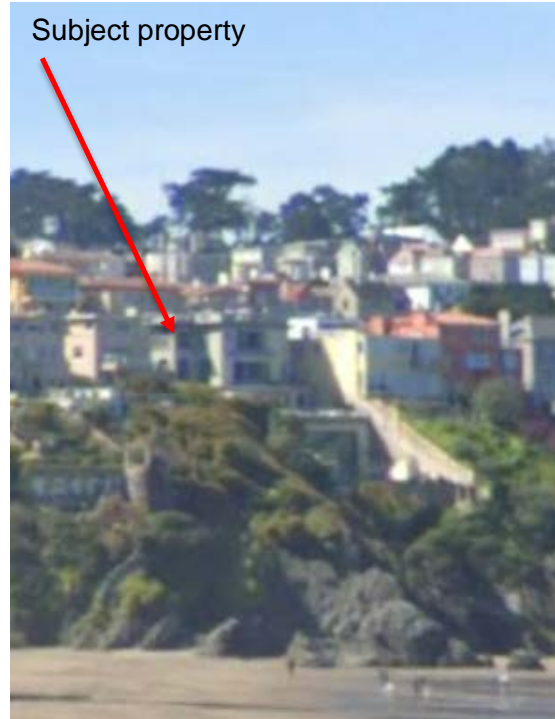
Date 27 May 2020  
Project 178 Sea Cliff Avenue  
To Alicia Guerra, Buchalter  
From Frederic Knapp  
Topic Historical Evaluation  
Copied  
Via e-mail

### Introduction

This memorandum has been prepared to offer an overview of previous reviews of the design proposed for a house which will replace the existing house at 178 Sea Cliff Avenue. In addition, this document offers a detailed analysis of the proposed design, focusing on the portion of the building which would be visible publicly from Sea Cliff Avenue. The document begins with a capsule summary of the Historic Resource Evaluation Response Parts 1 and 2 prepared by the San Francisco Planning Department, and then provides a very short overview of relevant provisions of the Secretary of the Interior's Standards for Rehabilitation. Following this, there is an analysis of the proposed design, breaking it down into 15 different aspects and comparing whether they are similar physically to the prevailing condition in the district. Based on this, there is an evaluation of whether the proposed design conforms to the Secretary of the Interior's Standards for Rehabilitation with respect to each of the 15 components of the design, and overall. This memorandum concludes that while six aspects of the proposed design do conform to the Standards, nine of them do not—and under the holistic approach set forth for review under the Standards by the National Park Service and used by many agencies, the proposed design falls well outside the bounds articulated by the Standards for appropriate new construction in a historic district.

Because individual eligibility of the subject property is not being discussed currently, it is not presented in this memorandum. This memorandum points out some of the basic limitations of review imposed by the predicament of the consensus that a potential district exists while a complete survey, context statement, and designation are not available. It is not possible within the scope of this document and the timeframe in which it was prepared to attempt to fill these gaps and suggest the specifics of what the review with such a complete would conclude.

A topic not found in the documents reviewed for this memorandum is whether the cliffs along the ocean and views of the district from Baker Beach and other public vantage points play any role in the significance of the district and would need to be considered in environmental review. Views captured online from Google Maps Street View show that the north slope of the subject property is identifiable from the parking lot at Baker Beach. The proposed design includes a swimming pool which would apparently cantilever over the cliff, easily visible from Baker Beach.



View of Sea Cliff from Baker Beach.  
Global Maps Street View.

#### Documents reviewed

The following documents (all PDF documents provided by Alicia Guerra of Buchalter) were reviewed in preparing this memorandum:

- Drawings for the proposed design by Butler Armsden Architects dated 1/21/19, 22 sheets
- Historic Resource Evaluation prepared by Page & Turnbull
- Historic Resource Evaluation Response Part 1 prepared by San Francisco Planning Department
- Historic Resource Evaluation Response Part 2 prepared by San Francisco Planning Department
- Certificate of Exemption and Historic Resource Valuation Response for 26 25<sup>th</sup> Avenue prepared by San Francisco Planning Department, 2007

## Historic Resource Evaluation Response (Part I)

### Content and Findings

Dated May 2, 2018, the Historic Resource Evaluation Response (HRER) Part I prepared by Preservation Planner Alexandra Kirby is six pages in length and includes a building and property description, a summary of previous historic ratings, and a neighborhood context and description as background information. The CEQA historical resources evaluation section discusses eligibility under the four California Register Criteria for the property both individually and as a contributor to a district. An assessment of historical integrity and a listing of character-defining features follows. The document includes one photograph of the existing house looking northwest from Sea Cliff Avenue. The HRER is based on information in the Historic Resource Evaluation (HRE) previously prepared by Page & Turnbull and found in Planning Department documents and references.

The HRER concludes that the existing house at 178 Sea Cliff Avenue is not individually eligible for listing in the California Register under any of the four criteria. The property is eligible, however, as a contributor to a previously identified potential historic district. (A “potential” historic district is one that meets the eligibility requirements, but that has not been nominated and formally designated.) The property is eligible as a contributor to the district under Criterion 1 (Events) because “Sea Cliff exemplifies early 20<sup>th</sup> century ‘residence park’ design, which reflected the ideals of the City Beautiful movement.”<sup>1</sup> The subject property contributes to the significance of the district because it was constructed as part of the first tract of houses and “reflects the general pattern of design and massing.” The period of significance is 1913 – 1935.

The HRER also finds that the subject property is eligible as a contributor to the district under Criterion 3 (Architecture), “as it was constructed as part of the first tract of development in the neighborhood and reflects that character of the district in massing, design, and materiality.”

The HRER finds that the subject property retains all seven aspects of historical integrity under the California. The HRER lists the following character-defining features for the potential district:

- Bluff-top location in Sea Cliff neighborhood;
- 2 to 3 story massing with side setbacks;
- Landscaped front setbacks;
- Mediterranean revival style features, including stucco cladding, gabled and hip roofs with Spanish clay tiles, exterior chimneys;
- Rich eclectic revival detailing such as faux quoins, wood shutters, cartouches, and balconettes;
- Multi light wood sash windows, often with arched openings.

### Notes on HRER

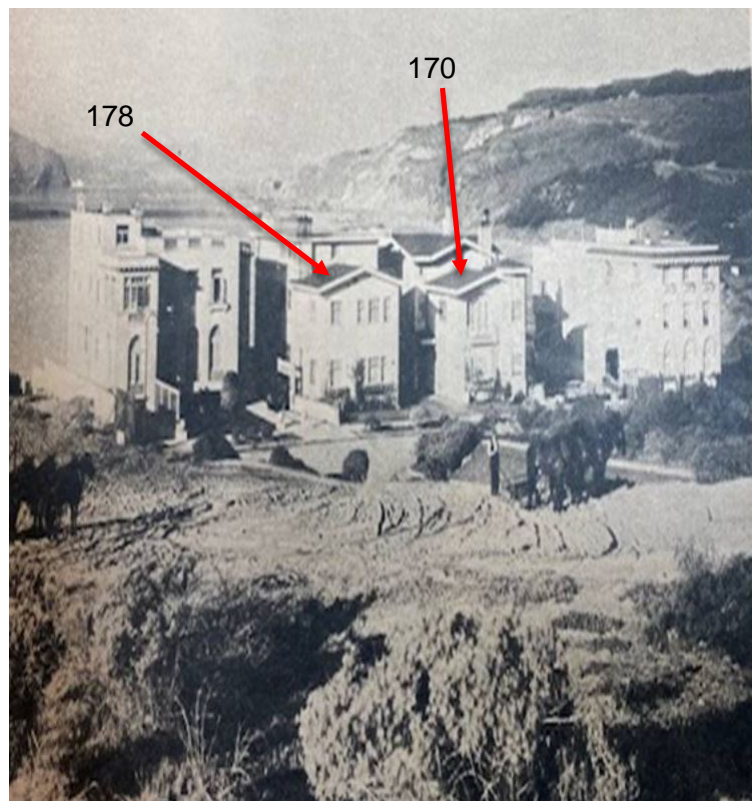
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<sup>1</sup> Kirby, Alexandra. HRER for 178 Sea Cliff Avenue. San Francisco Planning Department. San Francisco, 2018.



According to the HRE by Page & Turnbull, there have been numerous HREs or HRERs for properties in Sea Cliff, with multiple documents finding a potential historic district present, but none making the basic documentation for a historic district definitive. The boundaries, period of significance, areas of significance, historic context, theme, and list of contributing and non-contributing properties are all tentative (or unstated) because this is a potential district and not a designated one. CEQA requires lead agencies to treat properties that are eligible for listing the same way as designated historical resources, but conducting a survey and preparing a context statement for a historic district entails much more work and cost than planning departments will typically require an individual homeowner to perform. As a result, "potential" historic districts like Sea Cliff are approached on a case by case basis.

This limitation of background information and evaluation provides a restricted basis on which to make an evaluation. In this case, for example, the HRER provides nearly identical justification for listing the subject property (and, in effect, the district) under both Criteria 1 and 3. The National Register Criteria, on which the California Register Criteria are based, make a clear distinction between significance under Criterion 1 and significance under Criterion 3, but even the basic nuances of this cannot be explored with the minimal information available in the HRER. With more complete research and documentation about the district's eligibility under Criterion 1, one could have more confidence in saying whether 178 Sea Cliff Avenue and 170 Sea Cliff Avenue—which were owned by brothers who were business partners, were developed by the same company, were designed by the same architect, were built the same year, and employ the same massing device—have special significance as a pair of buildings rather than being simply two houses set next door to each other.



View in 1920, looking northeast. Note the similarity in form between 178 and 170 Sea Cliff Avenue.



## HRER Part 2

### Content and Findings

Four pages in length, and dated October 22, 2019, HRER Part 2 was prepared by Preservation Planner Michelle Taylor. The document begins with a summary of the contents of HRER Part 1, including its findings that the subject property is eligible for listing in the California Register as a contributor to the potential historic district for Sea Cliff which is significant under California Register Criteria 1 and 3. The HRER states that the likely boundaries of this district are very similar to what is shown on the San Francisco Property Information Map (see below), with the difference being that the HRER says 28<sup>th</sup> Avenue would be one of the main north-south legs of the boundary, while the online map moves this to 27<sup>th</sup> Avenue, making the district slightly larger. The HRER includes a project description and project evaluation, along with a discussion of project impact and cumulative impacts.

The document states that the proposed design will not cause a significant adverse impact on the district. It states that demolition of the existing house on the subject property "will not materially impact the California Register-eligible Sea Cliff historic District." It says the proposed design is not compatible with the district, but will not materially impair it. The proposed design is described as "modern style, using modern finishes and detailing....comprised of two-story boxed volume cantilevered above a recessed ground floor, allowing the building to appear as if it is floating. The modern style of the building is further emphasized through the use of a simple flat roof, stacked Indiana textured stone cladding offset by smooth stone fascia belt courses and coping. The geometric language of the building will be further expressed with large rectangular, floor to ceiling openings comprised of both clear anodized-aluminum frame windows and large recessed balconies with glass guardrails." While the height and footprint of the proposed design "are consistent with a pattern of development of the neighborhood, the overall design of the building is not compatible." The HRER enumerates the areas of incompatibility as follows:

"The new building will not incorporate design elements identified as character defining to the Sea Cliff historic district, such as stucco cladding, gabled and hipped roof with Spanish Clay tiles, exterior chimneys, and multi-light wood-sash windows. Instead, the proposed modern massing, expressed with a two-story box form above a recessed glass base, contrasts with the traditional massing and sloped roofs common to Revival styles. Additionally, the proposed textured cladding materials of the stacked stone and smooth stone fascia, will be at odds with the smooth stucco finish featuring ornamental detailing common to this neighborhood. Furthermore, the expansive fenestration and abundant use of glass on the proposed building is inconsistent with the pattern of wood-frame, multi-light windows. The modern pattern of openings is further contrasted with the introduction of recessed balconies and glass railings. As proposed, the new building introduces new materials and modern forms that are not compatible with the historic character of the eligible historic district."<sup>2</sup>

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<sup>2</sup> Taylor, Michelle. HRER Part 2 for 178 Sea Cliff Avenue. San Francisco Planning Department. San Francisco, 2019. Page 3.

The HRER states that the proposed design would not result in a cumulative impact to the district. It says the proposed project “may alter the setting” of the district, but the “overall integrity” of the district will not be affected by the project. The HRER states that since the time the potential district was identified in 2006, all but one project in the area has conformed to the Secretary’s Standards and there have been no demolitions of contributing buildings. Taking this into consideration, there would not be a significant cumulative impact to the district.

#### Notes on HRER

The HRER states that the proposed project “will not materially impact” and “will not materially impair” the district, but the two paragraphs which follow these statements elaborate only on why the proposed design is not compatible with the district and do not explain why it would nevertheless fall below the threshold stated in CEQA Guidelines section 16054.5.

The discussion of impacts does not include discussion about the immediate setting within the district where the project is located, and why replacement of one of the oldest buildings in the district with a one which is not compatible would not impair the integrity of this segment of the district and vitiate its contribution to the significance of the district. It also includes no discussion of the similarities between 170 Sea Cliff Avenue and 178 Sea Cliff Avenue described elsewhere in this memorandum. Without this discussion, it is not possible to understand why the HRER concluded that elimination of two adjoining buildings in the oldest part of the district which share basic characteristics of ownership, development, architect, developer, contractor, and physical form would not cause a significant impact on the historical integrity of the district with respect to its eligibility for listing in the California Register under Criterion 1. The HRE by Page & Turnbull includes a somewhat detailed discussion of the buildings completed and altered since the end of the period of significance of the district. The HRER makes no reference to this discussion in its conclusion that replacing the existing building at 178 Sea Cliff Avenue with a new one (which is not compatible with the district) would not cause a cumulative impact.

#### Secretary of the Interior’s Standards for Rehabilitation

Since the 1960s, the Secretary of the Interior’s Standards for the Treatment of Historic Properties have been the foremost guide in the United States for the appropriate treatment of the buildings, landscapes, structures, and districts that are important historically. Promulgated by the National Park Service, the Standards lay out four different treatments: preservation, restoration, reconstruction, and rehabilitation. In assessing a proposal for new construction in a historic district, the Standards for Rehabilitation would apply. The 10 Standards themselves are quite short and intentionally broad, not detailed or prescriptive. Only Standards nine and 10 directly address new construction:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the

historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The National Park Service (and numerous other agencies and organizations) have prepared many documents over the past four decades to interpret the Standards and help apply them to specific types of historic properties, projects, and requirements. One of the best-known is the National Park Service publication *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.<sup>3</sup> Although the Secretary's Standards were originally applied to buildings more than any other type of historic property, recent revisions to this document have added guidance for the treatment of historic districts.

A simple imperative relevant to the subject project is included in the introduction to the *Illustrated Guidelines*. It states that "New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible..."<sup>4</sup>

Only Standard 9 is relevant to the proposed project. (Standard 10 is geared to alterations and new construction which would modify the physical fabric of a historic property. This falls outside the scope of the project under discussion currently.) In addition, as mentioned above, this memorandum addresses only the proposed design for the new building. Whether demolition of the existing contributing building conforms to the Secretary's Standards and whether it is an appropriate treatment for the potential Sea Cliff historic district is beyond the scope of this document.

The Guidelines are structured in a format that discusses various topics, offering a "Recommended" and a "Not Recommended" treatment for each. The most relevant content in the Guidelines pertaining to the new construction in a historic district is the following:

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such	Removing or substantially changing those building and landscape features in the setting which are important in defining

<sup>3</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

<sup>4</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>, page 26.

<p>features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.</p>	<p>the historic character so that, as a result, the character is diminished.</p>
<p>Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the setting that preserve the historic relationship between the buildings and the landscape.</p>	<p>Introducing new construction into historic districts which is visually incompatible or that destroys historic relationships within the setting, or which damages or destroys important landscape features.</p>
<p>Removing non-significant buildings, additions, or landscape features which detract from the historic character of the setting.</p>	<p>Removing a historic building, a building feature, or landscape feature which is important in defining the historic character of the setting.</p>

### Potential Historic District in Sea Cliff

As discussed in the HRER Parts 1 and 2 and in the HRE prepared by Page & Turnbull, the subject property is located in a potential historic district. The Planning Department has determined that a district which is eligible for listing in the California Register of historical resources exists in Sea Cliff. While The Department has determined there is a potential historic district, there has not been an inventory and no context statement has been prepared. According to the HRER, the boundaries of the district have not been finalized, although the San Francisco Property Information Map does show boundaries for the district when the layer California Register Historic Districts is turned on for Sea Cliff. Because a definitive context statement has not been approved by The Planning Department, there is no final list of the contributing properties, character-defining features, area of significance, or period of significance. While documents consulted in preparation of this memo generally were consistent in their discussion of the potential district, there was some variation in terms of character-defining features and period of significance.



For the purposes of this memo, the following physical conditions and design traits listed in the reference documents will be used in the evaluation of compatibility of the proposed design with the potential historic district:

- An eclectic mix revival architectural styles—French/Mediterranean, Spanish Revival, Edwardian, and a hybrid of Arts and Crafts and Tudor—buildings that “are all similar in

massing and style” so that “considerable harmony” it is created by the “high concentration of architecturally unified buildings.”<sup>5</sup>

- 2 to 3 story massing with side setbacks
- Landscaped front setbacks
- Mediterranean revival style features, including stucco cladding, gabled and hip roofs with Spanish clay tiles, exterior chimneys
- Rich eclectic revival detailing such as faux quoins, wood shutters, cartouches, and balconettes;
- Multi-light wood sash windows, often with arched openings

Character-defining features of the subject property are:

- Stepped three-story wood frame structure with rectangular footprint
- Stucco cladding
- Pitched gable roof at the front
- Fenestration: original double hung windows, various tripartite layouts at rear
- Massing, design, and materiality

### Analysis of proposed design

This section presents an analysis of proposed design, examining it through individual components and comparing the proposed design with the prevailing nature of the corresponding component in the potential district and/or the existing house at 178 Sea Cliff Avenue in each case.

#### SITING

##### Setback from Street

The proposed design appears to match the setback of the existing contributing house and the five adjacent houses to the east.

##### Setback from Side

The proposed design is similar to the existing siting of the house, except that the proposed building would run to the west property line, while there is a setback of about 3 feet 10 inches on that side now.

##### Access to House and Garage

The proposed design locates car access on the driveway on the east side of the site as the existing design does. Like the existing house, the proposed design locates pedestrian access on the east elevation.

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<sup>5</sup> Sullivan-Lenane, Tara. HRER for 26 25<sup>th</sup> Avenue. San Francisco Planning Department. San Francisco, 2007. Page 3.

### Landscaping in Front

Like the existing contributing house on the subject property, the proposed design includes a landscape area in front of house. In contrast, however, the proposed design includes a low retaining wall which runs along the edge of the property at the front and returns to the front of the house on its east and west walls. The front yard within this retaining wall appears to be roughly 4'-6" below the grade in front of the house. This low wall is bordered by shrubs along the sidewalk, and visually separates the front yard and landscaping from the rest of the streetscape—an effect which is amplified by the change in grade at the front yard. The proposed drawings reflect this change in character, calling the area a "courtyard" and not a front yard.

### Landscaping on sides

The existing house has a brick paved driveway on the east side extending from close to the east wall of the house to the property line and from Sea Cliff Avenue to the garage behind the house. It is nearly level. This treatment appears to be typical for the district. The proposed design would have a 9% slope from Close to the street down to the basement access hatch, which is not dimensioned but appears to be roughly 18 feet long and 7'-6" wide. The drawings do not indicate a retaining wall or guardrail, but the length of the 9% slope suggests that these may be necessary on the east side at the property line. The drawings do not call out the material of the driveway or of the basement access hatch. It is difficult to determine whether the side yard would have the same simple and somewhat utilitarian appearance that characterizes most side yards in the district.

### Relationship to Grade

The existing house on the subject property is typical for the district in that its front façade springs directly from grade close to the ground floor level. The proposed design would have a more complex relationship with the grade as seen from the front. The ground floor would be the same grade as the courtyard enclosed by the retaining wall in front of the house—and thus a few feet below the relatively flat and uniform grade of the sidewalk, neighboring front yards, and street. The second floor—which cantilevers from the face of the ground floor—would be about 9'-6" above grade.

## BUILDING FORM AND MASSING

### Scale

As discussed above, the width of the proposed building is very close to the width of the existing building—which is typical for the district. As shown on the section for the proposed design, the new house would have four interior levels and a roof deck. The existing house is a two-story building at its street façade; the majority of historic houses in Sea Cliff are similar in height. The proposed design depresses the level of the ground floor below grade (with the basement entirely well below grade), which reduces the apparent height of the building as seen from the street. Although the street elevation drawing shows the screen wall at the roof deck, this is set so far back from the front of the house that it would be essentially impossible to see from the

street. (Note that as explained above, this document does not consider whether views of the district from the north would be affected by the project.) As shown on the front elevation drawing, the proposed house would match its two neighbors in height.

#### Footprint

Like the existing House on the subject property, the proposed design would have a rectangular footprint. This appears to be common, though not universal, in the district.

#### Form and Shape

There is some variation in overall building form and siting on the lot in Sea Cliff, primarily associated with the shape and size of the lots themselves. On small lots, the houses tend to be built close to the side property lines and along a uniform setback from the street. On rectangular lots, the buildings tend to be rectangular forms. (On larger lots the houses are sometime set back from the front or a side property line. On irregularly shaped lots, the houses, too, are often irregular in form.) On the largest scale, the proposed design would be a rectangular volume, matching the prevailing condition found in the district on similar lots, and its placement on the lot is fairly typical.

#### Articulation of Form

The articulation of form in the existing building reflects one nearly universal characteristic in the district and one found in several other houses but not most. Like virtually all the contributing properties in the district, the existing house has expressed termination at the top (in this case the gable roof forms at the front of the house), subtle modulation of form and massing (the projecting bay at the second and third floors over the entry arch on the east elevation), and articulation of major tectonic elements (such as the belt course at the window sill level on the third floor on the east elevation). Interestingly, 178 Sea Cliff Avenue, like its neighbor to the east, 170 Sea cliff Avenue, employs a massing device seen in some other houses in Sea Cliff (and elsewhere, even today) which makes the house appear smaller from the street than it really is. The front façade is two stories high, but at the north (rear) portion of the building, the building is three stories high. As seen from the street, the house is articulated as two adjoining masses, each with its own roof form. A variation of this device is also used in the massing of 120, 224, and 260 Sea Cliff Avenue, 18 25<sup>th</sup> Avenue, 620 El Camino del Mar, and 20 Sea View Terrace.

The proposed design would articulate the basic rectangular form of the building using very different devices. The primary one as seen from the street is the offset between the continuous walls of the upper two stories from the south and east walls of the ground floor. From the street, this creates the appearance of a larger mass which cantilevers beyond the walls of the slightly smaller one below it. Another device used in the proposed design to articulate the building's mass is recessed balconies, which modulate the plane of the building walls. (There would be projecting balconies on the north elevation, but these would not be visible from within the district and would not affect the compatibility of this design as reviewed within the scope of previous documents and this memorandum.) Notably, the proposed design would read very much as an orthogonal rectangular form, and would not have any articulation marking its top.



The four houses east of 170 Sea Cliff Avenue on the same side of the street as the subject property exhibit the use of typical architectural devices from the revival styles common to Sea Cliff for marking the top of the building which has a flat roof. This is very different from the approach taken by the proposed design.

#### COMPOSITION OF BUILDING AND FAÇADES

##### Order and Hierarchies

Common to the revival architectural styles found in Sea Cliff is a basic approach to how the exterior of the building is designed, especially the relationship among its parts. There is a regularity of the divisions within large elements such as a given façade; important components are articulated clearly from one another; and there is a hierarchy of elements, portions of the building, and the pieces which make up any one major part of the house. Although 178 Sea Cliff Avenue is a relatively restrained example of period revival design, it exhibits use of these devices. As mentioned above, the massing of the existing building is articulated in two to parts by the limitation to two stories in height on the front portion of the building. The front façade exhibits the combination of balanced unity favored by revival styles visible in the simple front gable roof which terminates the monolithic front façade and the complementary tendency to introduce hierarchy which is seen in the subtle division of the front façade into two unequal bays, one on the west with a single window at each story and a wider one on the east with three windows. On the east elevation, the projecting bay at the second and third stories increases the hierarchy of the entry vestibule, which would otherwise simply be a recessed opening in the elevation. The other contributing houses in the potential district similarly employ architectural devices from the tool kit expounded by Christopher Alexander.

The modernist design of the proposed project exhibits the aesthetic introduced by the International Style in the 20<sup>th</sup> Century, which was influenced importantly by recent developments in construction technology and also by leading designers' fatigue with the procession of revival styles that characterize Sea Cliff. The proposed building can be expressed as very clear geometric forms that are not compromised visually because of the requirements of construction techniques or building materials. A sense of unity can be derived from the simple and clear geometric shapes, while hierarchy can be established by the offset of the massing of the second and third floors above the ground floor. Modulation of scale (though not at the same scale seen in the existing building) can be seen in but that all the tension between regularity and variety in the size and location of openings.

##### Fenestration and Openings

There is a clear contrast between the proposed design and the existing building (and the other historic buildings in Sea Cliff) with respect to fenestration and openings. Especially on street façades, the contributing buildings in the district align most openings from story to story, creating regular bays. The great majority of windows are expressed as punched openings. Many windows are divided into multiple lights. On the other hand, the proposed design does not arrange the windows in regular bays, emphasizes large openings which have equal weight visually with the solid wall surfaces on some elevations (especially the north elevation), and do

not subdivide openings into multiple lights. The proposed design features large aluminum windows and sliding glass doors. Wood windows—most of them double hung or casements—in significantly smaller sizes characterize the district.

#### Expression of Base, Stories, and Roof

Although neither the subject property nor many of the contributing buildings in Sea Cliff make literal use of the classical order of base–shaft–capital seen in the design of the entry portal of the nearby 130 Sea Cliff Avenue, the revival styles that characterize the contributing properties routinely employ tripartite composition in façades. The role of roofs in this design technique becomes clear when one notes how many of the contributing buildings include false roofs which appear from grade to be conventional sloped roofs, but actually terminate a short distance behind the face of the building to conceal a flat roof. Although it is a very simple design, the subject building has a water table which expresses the concept of a base or podium in the façade composition. The walls correspond to the "shaft" and the roof is the "capital." In contrast to this, the street façade of the proposed design is seen either as one large mass "floating" on top of the lesser one, or as a two-part composition—but certainly not as a tripartite composition and.

#### Scale and Level of Detail and Ornamentation

In general, one of the primary differences between styles drawn from traditional Western architecture and the International Style and its descendants is the use of the ornament and detail and the grain or scale of a building's exterior. Although it is one of the simpler and less adorned contributing buildings in the district, 178 Sea Cliff Avenue has balconettes at all the windows on the front façade, an arched window with a large window box on the east façade over to the main entry, and scrolled brackets supporting the cantilevered bay at the second and third floors on the east elevation. As one of the plainer contributing buildings in the district, 178 Sea Cliff Avenue presents relatively large, unbroken wall surfaces (especially on the front façade), but even it has a water table as well as the belt course below the 3<sup>rd</sup> third floor windows on the east elevation which break the exterior elevations down into smaller components, creating a sense of grain in the composition of the exterior. This effect is augmented by the regular composition of windows which subdivides the elevations into grids. Many other contributing properties exhibit far greater use of architectural detail and ornamentation which introduce a finer scale within the composition of exterior façades. Similarly, 178 Sea Cliff Avenue shows minimal use of ornamentation, but it does have decorative iron work at the balconettes on the south elevation and scrolled brackets on the east elevation. Some other contributing houses in the potential district far exceed the subject property in the use of ornament.

The proposed design would not have such scale-modulating details, or ornamentation; the street façade as drawn is made up of wall surfaces, windows, and a glass guard rail, all very cleanly detailed and carefully composed without the addition of further extraneous elements.

## IMAGERY, MATERIALS, AND DETAILING

### Presence of Form, Detailing, and Ornament which Refer to a Revival Style

The word revival in the names of many of the styles that characterize Sea Cliff indicates that the antecedent style (typically taken from Europe or the British Isles) was not simply being reemployed in the United States unchanged at the end of the 19<sup>th</sup>-century and in the beginning of the 20<sup>th</sup> Century, but rather that in the United States, architects were clothing contemporary construction techniques and building types in the designs that employed the materials, imagery, detailing, and forms of historical styles with associations that appealed to Americans at that time. Essential and integral to period revival styles are the materials, forms, and images which conveyed the reference to the historical styles Americans held in esteem. The existing building at 178 Sea Cliff Avenue is a very restrained example, but even it includes enough of these references to older styles so that it can fit in among the more ornate houses in the potential district. Relevant features include the second floor windows on the main façade with the smaller upper light and lug sash, the balconettes, the brackets on the east elevation, and the arched window at the second floor over the main entry, and the arched of the entry opening as well as the building's deep eaves and relatively large roof fascia. Another characteristic of the existing building which is important to its fitting into the potential district is its stucco exterior. This material is far and away the most common exterior finish found in the potential district.

The proposed design does not share any of the characteristics of the existing building with respect to imagery, materials, or detailing. Obviously, it is not a period revival design, and the use of stone as the exterior material will further differentiate it from the contributing properties in the District.

## Evaluation of Proposed Design for Conformance with Secretary's Standards

This section of the memorandum discusses whether the elements of the proposed design enumerated above conform with the Secretary of the Interior's Standards for Rehabilitation with respect to the guidelines for new construction in the potential Sea Cliff historic district. Where the analysis of the proposed design, addressing its individual components, shows that the proposed design matches the character of the district or the existing house on the subject property, this evaluation simply states that the component in question conforms. Where the proposed design differs, this evaluation explains whether the component in question conforms to the Standards.

### Siting

#### Setback from Street

The design conforms to the Secretary's Standards.

#### Setback from Side

Standard 9 requires that new construction "Will not destroy...spatial relationships that characterize the property." The HRER States that sides setbacks are a character-defining feature of the district. The proposed design does not conform to the Secretary's Standards.

#### Access to House and Garage

The design conforms to the Secretary's Standards in terms of access to the house and garage.

#### Landscaping in Front

The statement in the HRER that "landscape front setbacks" are a character-defining feature of the potential Historic District means that front setbacks which share the nature of those found in the district are compatible—it does not mean that any setback of any description that could be characterized as somehow being a "landscape" feature is compatible, no matter how it is designed. The retaining wall which will run from the front of the house to the sidewalk and along the full sidewalk frontage and the significant change in grade in front of the house will make the basic form of the front yard too different from the very consistent front setbacks of other properties to be compatible with the district. The architect's designation of the front zone as a "courtyard" makes clear the transformation that is proposed. This feature does not conform to the Secretary's Standards.

#### Landscaping on Sides

The existing side yard is a driveway, and even with the proposed alteration in grade and the construction of sizable hatch for a car elevator connecting to the basement, this part of the property would not change enough in character to raise an issue for conformance with the Standards.

#### Relationship to Grade

The architect's characterization of the second and third floors as "floating" is not a condition that is included in the way buildings are conceived and constructed within the architectural styles referred to in the HRER as a character-defining feature of the district. This feature does not conform to the Secretary's Standards.

#### BUILDING FORM AND MASSING

##### Scale

The scale of the design conforms to the Secretary's Standards.

##### Footprint

The design footprint conforms to the Secretary's Standards.

##### Form and shape

The design in terms of form and shape conforms to the Secretary's Standards.

#### Articulation of Form

The proposed design uses devices introduced by the International Style and its architectural successors to develop the basic form of the building into a detailed, complete design. These devices are very different from the ones used by the revival styles that characterize the potential historic district. Standard 9 says that new buildings need to be "Compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." The way the proposed design articulates the form of the building diverges fundamentally from the way the styles that characterize the district do this. This component of the design does not conform to the Standards.

#### COMPOSITION OF BUILDING AND FAÇADES

##### Order and Hierarchies

With respect to this aspect of building design, the proposed design is possibly a better archetype of the way the International Style (and the Modernist architecture it inspired) treated order and hierarchy than the existing building is as an example of how the Arts and Crafts or Tudor Revival style did. The two are intrinsically different in nature. This aspect of the proposed design does not conform to the Standards.

##### Fenestration and Openings

"Multi – light wood sash windows" are a character-defining feature of the district. The proposed design has windows that are different in material, light pattern, and configuration—and they are composed on the elevations in a way that runs counter to the pattern found on contributing buildings. This aspect of the proposed design does not conform to the Standards.

##### Expression of Base, Stories, and Roof

The proposed design differs fundamentally in the way the building meets both the ground and the sky from the way this is done by the Arts and Crafts, Tudor Revival, or period revival styles that characterize the district. This feature does not conform to the secretary's Standards.

##### Scale and Level of Detail and Ornamentation

The proposed design draws on basic principles that run counter to with the ones found in the Arts and Crafts, Tudor Revival, and period revival styles. This aspect of the design does not conform to the Secretary's Standards.

#### IMAGERY, MATERIALS, AND DETAILING

##### Presence of Form, Detailing, and Ornament which Refer to a Revival Style

Unlike the existing house at 178 Sea Cliff Avenue, the proposed design does not exhibit the vocabulary of form, detailing, and ornament which characterize the styles cited in the HRER for the potential district; the continuity of architectural language these styles have in common is what gives the district the architectural unity and harmony cited in the HRER for 25 26<sup>th</sup> Avenue. This aspect of the design does not conform to the Secretary's Standards.

## Differentiation

Standard 9 requires that new construction be differentiated from original buildings so that the historical development of a district can be understood in the future. As detailed in the analysis above, the proposed design would conform to the Standards in this respect.

## Holistic Evaluation

In principle, when a design or building is evaluated for conformance with the Secretary's Standards, each aspect that is examined should conform to the Standards. However, the purpose of the Standards is not to produce a prescriptive list of checkboxes, each of which must be satisfied. Designs are evaluated holistically and each aspect or factor is weighed based on its overall role. A design which doesn't include a very small number of serious issues under the Standards is often approved if it clearly conforms to the Standards in many, many other respects. On the other hand, a design might not conform to the Standards if it incorporates a single element which is so incompatible with the historic district that it sets the entire building at odds with it—even though countless other aspects of the design are compatible.

The HRER and other documents which address the potential district all emphasize in different ways the architectural consistency of the houses built within a period of roughly two decades, developed by a small number of firms, and designed by a group of architects who played a major role during their era—largely because they shared a common vision of design. The existing house at 178 Sea cliff Avenue fits readily into this context. While the proposed design does conform to the Standards with respect to six of the 15 design factors is the analysis above, it is very far from being a member of the family of buildings that characterize Sea Cliff. The nine aspects of the design which run counter to the common language of the district form a telltale indicating that the proposed design is not compatible under the Secretary's Standards.

The proposed design would fit physically within the module set up by the district for the subject address. However, even though its size and location would not detract from the consistency and order which characterize the district, most everything else about the design would detract from the unity, continuity, architectural identity, and materiality that characterize the district.

## Conclusion

The HRERs found that the existing house at 178 Sea Cliff Avenue is eligible for listing in the California Register as a contributor to the potential Sea Cliff District, which is significant under California Register Criteria 1 and 3. The HRER Part 2 found that the proposed design is not compatible with the district, but that demolition of a contributing building and construction on a

new building which is not compatible would not cause a significant impact on the district and would not cause a cumulative impact, either.

While all the environmental review of the proposed design is occurring without the benefit of a complete and official designation of the historic district, some questions arise from the scope and conclusions of the HRERs. It is not clear why the associations between 170 and 178 Sea Cliff Avenue do not bear evaluation. How and why the proposed design falls below the threshold of impact defined in CEQA Guidelines section 15064.5 is not stated. The role of the early buildings on the north side of Sea Cliff Avenue of which 178 is a core property is not discussed. In addition, the scope of review to date does not explain whether the north slope of the subject property and its neighbors is a character-defining feature of the potential district or whether views of the district from Baker Beach and other public points should be considered.

Although it is a simple and relatively restrained example, the existing building at 178 Sea Cliff Avenue “speaks the same language” as the other, more ornate, contributing properties in the district—mainly through its hybrid of the Arts and Crafts and Tudor Revival styles. The proposed design would speak a markedly different language, and thus would not conform to the Secretary of the Interior’s Standards for Rehabilitation. The impact the proposed design would have on the district bears further consideration.