Clarification of Factual Inaccuracies in Planning Department Response | 524 Vallejo Street Appeal

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Dear Members of the Board of Supervisors,

We want to begin by acknowledging the significant time and effort the Planning Department has devoted to this matter. We recognize that this case has required more attention and resources than anyone would have anticipated, and we appreciate the work involved in reviewing a complicated and historical record.

That said, because the Planning Department's response is now part of the official record before you, we believe it is important to respectfully and clearly identify several factual inaccuracies and omissions contained in that response. Precision matters in this case. Inaccurate statements — even when unintended — materially affect how the record is understood and compound confusion in an already complex situation.

Below we highlight key discrepancies (non-exhaustive):

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1. Incorrect Purchase Date and Ownership Timeline

The Planning Department response repeatedly states that we purchased the property in **2017**. This is categorically false.

We purchased the property in **2021**, at the tail end of the COVID period. This error affects assumptions about reliance, duration of ownership, and enforcement timing. Unfortunately, this is not an isolated mistake; inaccurate ownership and timing information has appeared repeatedly throughout this process, contributing to delay and confusion.

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2. Misstatement of When and How the Unit Merger Occurred

The Planning Department response states that the unauthorized unit merger occurred "between 2016 and 2022."

This is inconsistent with City records and the architectural and structural evidence in the record. The Department of Building Inspection signed off on the remodel in **2016**, which means the merger necessarily occurred **prior to** that date — sometime between the developer's

acquisition of the property in **2010** and DBI's final sign-off. Based on physical constraints, it most likely occurred around **2013**, when plans were submitted.The Planning Department's stated timeline is therefore factually incorrect and materially misleading.

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3. Assertion That Four Legal Units Existed In Reality After 2013

The response asserts that the property was "legally a four-unit building" with four separate units as an existing condition at the time of purchase. This is unsupported by evidence.

While plans on paper reflect four units, the City has never produced evidence that those units were actually constructed. By contrast, we have provided extensive architectural and structural documentation demonstrating that:

- The four-unit configuration could not have been built as approved;
- It was not built prior to the sale to the prior owners; and
- It has never existed during our ownership.

This distinction is critical and not accurately reflected in the Planning Department's response.

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4. Incorrect Claims Regarding Tenant Displacement and Housing Loss

The response suggests that removal of the "merged" units would eliminate tenant-occupied or affordable housing. This is incorrect.

The units in question do not exist and have not existed during our ownership, the prior owners' ownership, or at any point following the developer's remodel. There have been no tenants in those purported units since **2010**, when the developer purchased the building and resolved tenant matters with the three individuals occupying the property at that time. All tenant matters were fully resolved by **2013**, including buyouts — eight years before our purchase of the property.

Because these units have not existed for nearly a decade, they are owner-occupied, and their "removal" does not displace tenants or eliminate affordable housing.

The Planning Department's continued reliance on paper approvals, without evidence of construction, contradicts the physical reality of the building. Accordingly, the continued assertion that approval would result in a net loss of housing units is factually incorrect. The additional units referenced in the response have not existed since at least **2013**. Treating their paper existence as real housing distorts the record and prioritizes spreadsheet counts over lived reality.

We raise these points not to relitigate arguments, but to ensure the Board's deliberations are grounded in an accurate and complete factual record. This is a legacy situation involving multiple actors over many years, and clarity is essential to reaching a fair and proportionate outcome.

Questions of feasibility and proportional hardship are addressed in detail in our submitted materials and testimony, but we felt it was important to first correct the factual foundation on which those discussions rest.

We remain committed to working constructively and in good faith with the City and appreciate your attention to these clarifications.

Respectfully,

Katelin Holloway & Ben Ramirez
524 Vallejo Street