

53 States  
Documents

Please submit  
into the record

Chris Parkes  
231 States St. #4

# REQUIRED CHECKLIST FOR Tree Planting and Protection

## 1. Applicant Information

CONTACT FOR PROJECT INFORMATION:

Jill Allen / John Lum Architecture

ADDRESS:

3246 17th St.  
San Francisco CA 94117

TELEPHONE:

(415) 558-9550 ext 20

EMAIL:

jill@johnlumarchitecture.com

## 2. Location and Classification of Property

STREET ADDRESS OF PROJECT:

53 States St.

CROSS STREETS:

Castro

ASSESSORS BLOCK/LOT:

2623 / 074 25'-0"

LENGTH OF ALL LOT FRONTAGE(S):

ZONING DISTRICT:

RH-2

RELATED BUILDING PERMIT APPLICATION AND/OR CASE NO.:

2014.0130.7472

## 3. Scope of Project

Requirements for new street trees and tree protection apply to the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

### DEVELOPMENT FEATURES

- construction of a new building
- relocation of a building
- paving or repaving more than 200 square feet of the front setback
- addition of gross floor area (GFA) equal to 20% or more of the GFA of the existing building
- addition of a new dwelling unit
- addition of one or more parking spaces
- addition of a garage

**Required Checklist for  
Tree Planting and Protection**

**4. Disclosure of Existing Protected Trees**

Only the following specific types of trees require protection under the Public Works Code: Street Trees, Significant Trees and Landmark Trees. These trees are collectively known as "Protected Trees." In the following table, please indicate the presence or lack thereof of such on, over, or adjacent to the parcel containing the proposed construction.

**SIGNIFICANT TREES**

A "Significant Tree" is a tree that is planted on the subject property (i.e. outside of the public right-of-way) with any portion of its trunk within 10 feet of the public right-of-way that has (a) a diameter at breast height (DBH) in excess of twelve inches **OR** (b) a height in excess of twenty feet **OR** (c) a canopy in excess of fifteen feet.

CHECK ALL BOXES THAT APPLY AND INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE.

If you are unsure of the boundary of the public right-of-way, contact DPW's Bureau of Street Use and Mapping. Please note that the public right-of-way may be wider than the sidewalk.

Significant Tree(s) exist on the subject property QTY

Significant Tree(s) exist on any adjacent property QTY

There are no Significant Trees on or adjacent to the subject property.

**LANDMARK TREES**

A "Landmark Tree" is a tree designated as such by the Board of Supervisors owing to particular age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character.

CHECK ALL BOXES THAT APPLY AND INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE.

If you have questions about the presence of Landmark Trees, please consult with DPW or visit [www.sdpw.org/trees](http://www.sdpw.org/trees).

Landmark Trees exist on the subject property QTY

Landmark Trees exist on the adjacent sidewalk QTY

Landmark Trees exist on any adjacent property QTY

There are no Landmark Trees on or adjacent to the subject property.

**COMPLETE LIST OF LANDMARK TREES AS OF SUMMER 2012**

Six Blue Gum eucalyptus at 1801 Bush Street.	Brazilian pepper at Third St. and Yosemite Street in the median
Flowering paperbark at 1701 Franklin Street	Street Bay at 355 Battery Street
New Zealand Christmas Tree at 1221 Sycamore Street	All Canary Island Date Palms in the center island on Dolores Street
19 Canary Island Date Palms at Quesada St median west of 2nd St	Two Palms in median across fr. 730 Dolores St & 1546 Dolores St
Guadalupe Palms in the median across from 1605-1650 Dolores St	Coast live oak in the backyard of 25-28 Rosemont Place
California buckeye in the backyard of 730 24th Avenue	Coast live oak in the backyard of 4124 23rd Street
Two Flowering Ash at the Bureau Library at 930 Cortland Street	Blue Elderberry near intersection of Folsom & Bernal Heights Blvd
Mission Bay Fig at 1545 Cesar Chavez St / 1980 Valencia St	Mintwey Cypress in the backyard of 2828 Valerojo Street
Howell's Manzanita in the backyard of 115 Parker Avenue	California Buckeye tree located behind 757 Pennsylvania Street
North Island Pine Tree in the courtyard of 2040-60 Sutter Street	Two Canary Island Palms in the courtyard of 2040-60 Sutter St.

**STREET TREES**

A "Street Tree" is any tree growing within the public right-of-way (e.g. sidewalk) that is not also a Landmark Tree.

CHECK THE BOX THAT APPLIES AND INDICATE QUANTITY IF APPROPRIATE.

Regardless of size, all trees in the public right-of-way are protected under Article 16 of the Public Works Code.

Street Trees exist adjacent to the subject property QTY (

There are no Street Trees adjacent to the property.

### 5. Impact of Project on Existing Protected Trees

If your responses above indicate that any Protected Tree(s) exist on, over or adjacent to the subject property, please check the applicable boxes, below:

- BOX 1  **The project will not remove or have any other impact on Protected Trees, as follows:** No construction-related activity whatsoever will occur within the dripline of any Significant Tree or Street Tree. This includes, but is not limited to, the following: (1) No grading or excavation will take place within the dripline of any Significant Tree or Street Tree. (2) No construction staging and/or storage of materials and/or equipment will occur within the dripline of any Significant Tree or Street Tree. (3) Any pruning of Significant Trees or Street Trees will be limited and consistent with applicable regulations. (4) No dumping of trash and/or liquids (such as project waste-water) will take place within the basin or dripline of any Significant Tree or Street Tree.

**If you have checked this box, a Tree Protection Plan is not required.**

- BOX 2  **The project involves the removal of one or more Protected Trees.** A permit from DPW is required in order to remove any Protected Tree. The Planning Department will not approve a building permit for a project which involves the removal of a Protected Tree unless DPW has first reviewed the proposal and found it to be consistent with applicable rules and regulations.

**If you have checked this box, a Tree Protection Plan is not required, however you must provide evidence to the Planning Department that DPW has reviewed the removal request and found it to be "approvable."**

- BOX 3  **The project may have an impact on one or more Protected Trees which are not proposed for removal, as follows:** Either (1) any construction-related activity, no matter how minor, is planned or is reasonably foreseeable to occur within the dripline of a Significant Tree or a Street Tree or (2) regardless of the location of construction activity, the property contains a Landmark Tree.

**If you have checked this box, a Tree Protection Plan must be submitted to the Department of Public Works Bureau of Urban Forestry prior to the commencement of any construction activity.**

Such plan must meet the following minimum standards:

- ✓ The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.
- ✓ The project sponsor must submit a written declaration that the protections specified in the Tree Protection Plan will be completely in place prior to the start of any construction, demolition, or grading.
- ✓ Full-size site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan. Additionally, the Tree Protection Plan itself along with the written declaration must be reproduced on full-size plans.

**Required Checklist for  
Tree Planting and Protection**

**6. Calculation of Number of New Required Street Trees**

One street tree is required for each 20 feet of street frontage of the subject property, with fractions of 0.5 rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

COMBINED LENGTH OF ALL STREET FRONTAGES	DIVIDED BY TREE SPACING REQUIREMENT	GROSS NUMBER OF TREES REQUIRED	MINUS NUMBER OF EXISTING TREES	NET STREET TREE REQUIREMENT
25	÷ 20'	= 1 (rounded)	- 1	= 0

Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver. Please contact the Planning Department for information regarding the waiver process.

**7. Applicable Requirements for New Street Trees**

The Planning Department has developed three distinct 'Tree Schedules' to aid in the implementation of the Planning Code's street tree requirements. The particular Tree Schedule applicable to your project will depend on the zoning district in which your property is located, the scope of your project, and the type of authorization that your project requires. In general terms, Tree Schedule A applies to small-scale projects in residential or industrial zoning districts, Tree Schedule B applies to moderate-scale projects or projects in commercial or mixed-use zoning districts, and Tree Schedule C applies to larger projects. In the following chart, please check the applicable box based on the characteristics of your project.

TREE SCHEDULE	PROJECT CHARACTERISTICS
<input checked="" type="checkbox"/> A	The project is located in a Residential (RH, RM, RTO, RED), Industrial (M) or Production/Distribution/Repair (PDR) Zoning District <b>and does not involve</b> a Planned Unit Development (PUD). A PUD is a special authorization granted by the Planning Commission that applies only to major projects involving large properties.  1. The project is located in a RH, RM, RTO, RED, M or PDR Zoning District <b>and involves a PUD</b>  OR it is located on a parcel that contains (1) more than 1/2-acre in total area or (2) more than 250 feet of total street frontage or (3) street frontage which spans the entire block face between the nearest two intersections.
<input type="checkbox"/> B	The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets neither OR one of the following criteria, <b>but not both</b> :  2. It involves (1) the construction of a new building or (2) the addition of more than 20% of the gross floor area of the existing building or (3) a change of use of more than 50% of the existing square footage of the building.
<input type="checkbox"/> C	The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets <b>both</b> criteria of Tree Schedule B(2), above.

**TREE SCHEDULE A**

REQUIREMENT	SPECIFICATION
<input checked="" type="checkbox"/> Location	either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property
<input checked="" type="checkbox"/> Size	minimum of 24-inch box size

**TREE SCHEDULE B**

REQUIREMENT	SPECIFICATION
✓ Location	either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property
✓ Size	minimum 2 inch caliper, measured at breast height branch a minimum of 80 inches above sidewalk grade be planted in a sidewalk opening of at least 18 square feet have a minimum soil depth of 3 feet 6 inches
✓ Opening	include a basin edged with decorative treatment, such as pavers or cobbles (edging will not count against the minimum 18 square foot opening if the edging material is permeable. A permeable material is one that allows stormwater to infiltrate the underlying soils. Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface discharges off the site.

**TREE SCHEDULE C**

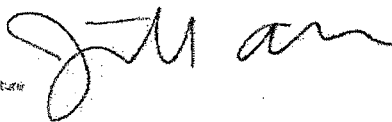
REQUIREMENT	SPECIFICATION
✓ Location	
✓ Size	As set forth in Schedule B, above.
✓ Opening	
✓ Trenching	Trees must be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected. The trench may be covered by permeable surfaces (as described above), except at required tree basins, where the soil must remain uncovered.

**Applicant's Affidavit**

I hereby attest under penalty of perjury that the information I have entered on this document is true and correct to the best of my knowledge, and that I have read and understood this form, and that I am the property owner or authorized agent of the property owner, familiar with the property, and able to provide accurate and complete information herein.

The undersigned agrees to the conditions of this form. I understand that knowingly or negligently providing false or misleading information in response to this disclosure requirement may lead to denial or rescission of my permit or other authorization and may constitute a violation of the San Francisco Municipal Code, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to the Department of Public Works prior to the commencement of any construction activities. Such submittal may in person, by mail or via email at urbanforestrypermits@sfdpw.org.

Signature 

Date 7/7/14

Print Name Jill Ann

Indicate whether owner, or authorized agent:  
Owner  Authorized Agent

Phone Number 415-558-9550 ext 20

Phone Number

File or Email jill@johnlunarchitecture.com

# Planning Department Determination

TO BE COMPLETED BY STAFF ONLY. DO NOT LEAVE ANY SECTION BLANK

BUILDING PERMIT CASE NO.	
PLANS DATED	

<b>New Street Trees</b>	<input type="checkbox"/> New street trees are not required as part of this project.
	<input type="checkbox"/> Street Trees are required as part of this project.
	Number of new street trees required: _____
	Applicable Tree Schedule: <input type="checkbox"/> A
	<input type="checkbox"/> B
	<input type="checkbox"/> C
	Compliance with as-of-right requirements shown on plans?
	<input type="checkbox"/> YES
	<input type="checkbox"/> NO - MODIFICATION OR WAIVER APPROVED. EXPLAIN IN COMMENTS, BELOW.

<b>Existing Tree Protection</b>	<input type="checkbox"/> A Tree Protection Plan is <b>not required</b> : Box 1 or Box 2 in Section 5 has been marked.
	<input type="checkbox"/> A Tree Protection Plan is <b>required</b> : Box 3 in Section 5 has been marked.

<b>Existing Tree Removal</b>	<input type="checkbox"/> No Protected Trees are proposed for removal.
	<input type="checkbox"/> One or more Protected Trees are proposed for removal.

STAFF TO SIGN UNLESS A WAIVER OR MODIFICATION HAS BEEN APPROVED. IN WHICH CASE ZA SIGNATURE IS REQUIRED.

Signature: _____	Print Name: _____	Date: _____
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Comment (if any): \_\_\_\_\_

## Staff Checklist

- ✓ The applicant has completed this entire checklist including the affidavit on the preceding page.
- ✓ If street trees are required, a building permit cannot be approved until the applicant provides evidence from DPW that the required planting permit can be issued.
- ✓ If Protected Trees are proposed for removal, a building permit cannot be approved until the applicant provides evidence from DPW that tree removal permits can be issued.
- ✓ If a Tree Protection Plan is required, the applicant has been informed verbally and/or in writing of his or her obligation to submit one directly to DPW prior to the commencement of construction.
- ✓ Once signed, a copy of this checklist has been returned to the applicant. The original has been included in the project file or, if processed over-the-counter, it has been routed upstairs for scanning by support staff.

53 States Appeal



Confirmation of adjacent  
property significant  
tree at 57 states

Chris Parkes  
231 States St #4  
San Francisco, CA 94114

Dear Chris,

At your request, I observed 3 Podocarpus (Afrocarpus gracilior) trees located in the front yard of 57 States St. The trees are growing in a brick planter, and each tree is 30 feet tall. Moving from the street towards the house, their DBH (diameter at breast height) measurements were 6 inches, 5 inches, and 9 inches. At their widest spread, they reach up to 30 feet in width.

The 6 inch diameter tree is 8.5 feet from the curb. This is noteworthy because of the City and County of San Francisco's tree ordinance:

*Significant trees are within 10 feet of the public right-of-way and also meet one of the following size requirements:*

- 20 feet or greater in height,*
- 15 feet or greater canopy width, or*
- 12 inches or greater diameter of trunk measured at 4.5 feet above grade.*

As defined, that tree is considered a significant tree and is given the same protections as a street tree, meaning it would require a permit for removal and can only be pruned within the City's pruning specifications.

Sincerely,

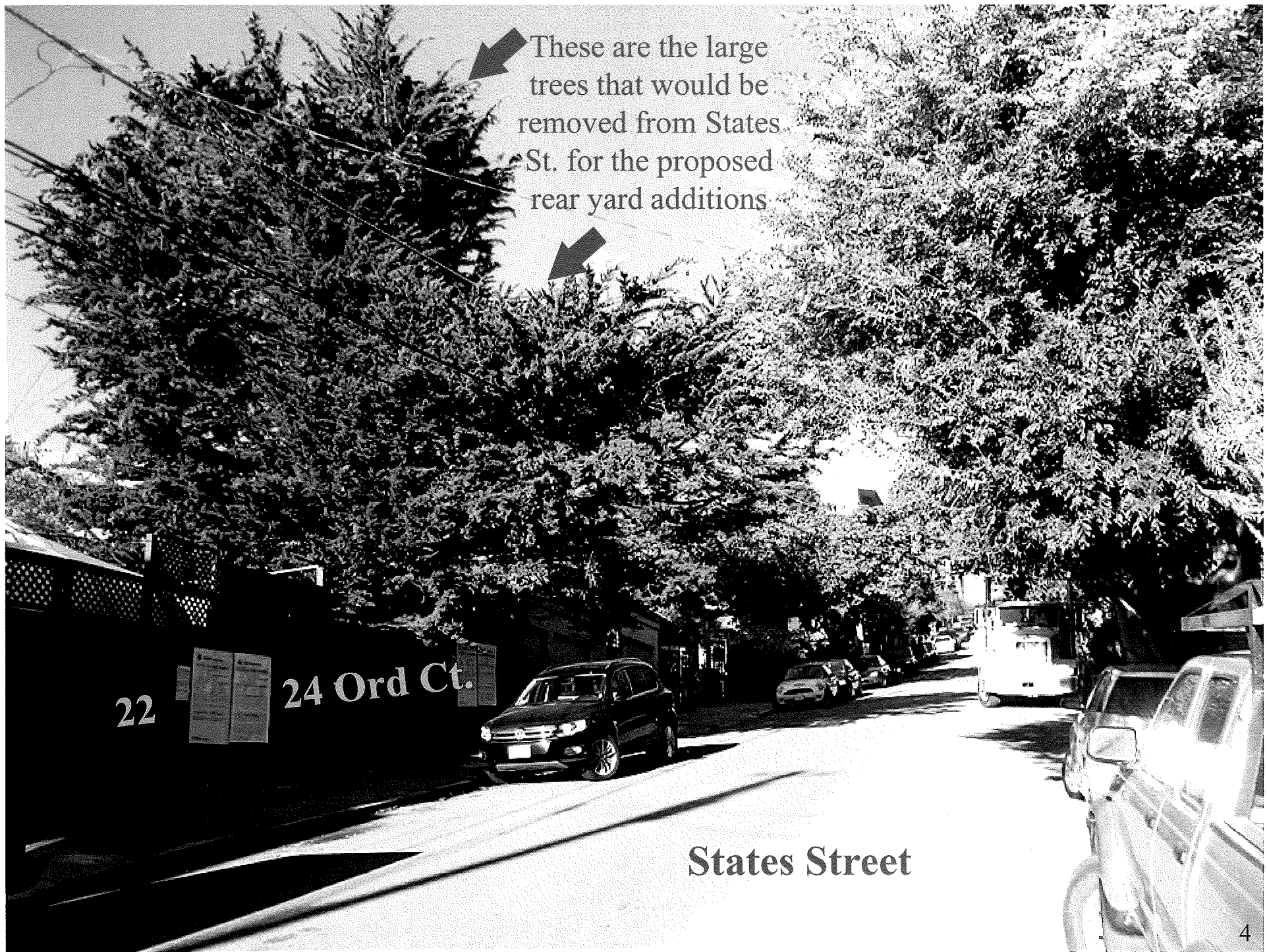
Nicholas Crawford  
Board Certified Master Arborist, WI-0562B  
The Davey Tree Expert Company



# States Street

Google map photos show that, with few exceptions, such as apartments, existing rear yards of the through lots on States streets have been preserved by RH-2 zoning requirements.





These are the large trees that would be removed from States St. for the proposed rear yard additions

22  
24 Ord Ct.

States Street

Properties Nearby with New Construction or Vertical & Horizontal Additions in the works:

<b>Address</b>	<b>Owner</b>	<b>Block/Lot</b>	<b>Permit #</b>	<b>Categorical Exemption</b>
53 States St.	53 States St. LLC	2623/074	201401307472	yes
176 & 178 States St.	190 & 192 Museum Way LLC	2620/119	201206293848	yes
190 & 192 Museum Way	190 & 192 Museum Way LLC	2620/120	201207164975	yes
22 Ord Ct.	Kenneth Tam	2619/067	201310219817	yes
24 Ord Ct.	Kenneth Tam	2619/066	201310219830	yes
214 States St.	214 States St. LLC	2620/017	* See Below	yes
74 & 76 Museum Way	** See Below	2620/133		
20 Vulcan Steps	Erin Clark & Guinchard Pascal	2626/045		yes
34 Levant St.	D Levant LLC	2618/005	201209058947	yes
24 Ord St.	AST Properties Investments	2626/003	201305177225	yes
32 Ord St.	162 Randall LLC	2626/005	201410179274	
4126 17 <sup>th</sup> St.	Golden Properties LLC	2623/028	201405307098	yes
17 Temple St.	52 Alpine LLC	2646/031	201404223783	yes
259 Roosevelt Way	NFP Acquisitions LLC	2614/048	201402259238	yes
23 & 25 Clifford Terrace	Kevin Wallace	2628/070	201207033978	yes
560 Roosevelt Way	Georg VonBraunschweig	2628/026	201108263406	yes

\* 214 States St. pulled several permits on 1/28/2015, all of which have been listed "Suspended".

\*\* 76 Museum Way was sold on Feb. 27, 2015 to 10 Individuals, Trusts, or Limited Partnerships, each of whom has their percentage of interest listed in the deed. The broker was Arthur Gilberg.

Other Properties Nearby which have recently been sold or granted to LLCs or Corporations:

<b>Address</b>	<b>Owner</b>
3759 16 <sup>th</sup> St.	Guinnane Construction Co., Inc
262 Roosevelt Way	Seven Lakes Alliance LLC

Arthur Gilberg, Broker  
 1200 Gough Street, Suite 900  
 San Francisco, CA 94109

ADDENDUM  
 LENDER IDENTIFICATION

20224034476-NS		Trustee Name	Beneficial Interest
Borrower: Cho Hong Tai and Nicole Cherie Tai			
1	Don Kahn, Trustee of the Kahn Family Trust dated May 25, 1990, as to an undivided 14.084% beneficial interest Address: 1200 Gough Street, Suite 900, San Francisco, CA 94109		\$366,890.00
2	Jonathan Kahn, Trustee of the Kahn Family Living Trust, as to an undivided 4.362% beneficial interest Address: 600 Montgomery Street, 11 <sup>th</sup> Floor, San Francisco, CA 94111		\$113,637.00
3	Arthur Gilberg, an unmarried man, as to an undivided 3.00% beneficial interest Address: 1200 Gough Street, Suite 900, San Francisco, CA 94109		\$78,150.00
4	Kenneth J. Schmier as Trustee for the Max Andrew Kalik and Anne Kalik 2008 Irrevocable Trust Executed November 28, 2008, as to an undivided 1.745% beneficial interest Address: 1010 Captains Court, Santa Cruz, CA 95062		\$43,459.00
5	Libitzky Holdings, L.P., a California limited partnership, as to an undivided 18.775% beneficial interest Address: 1475 Powell Street, Suite 201, Emeryville, CA 94608		\$489,000.00
6	Simon J. Guendelman, Trustee of the Simon J. Guendelman and Sylvia D. Guendelman Family Trust, dated April 19, 1995, as to an undivided 13.090% beneficial interest Address: 460 Spruce Street, Berkeley, CA 94708		\$341,000.00
7	Eva Libitzky, an unmarried woman, as to an undivided 6.983% beneficial interest Address: 101 Briny Avenue #1902, Pompano Beach, FL 33062		\$781,900.00
8	Kevin Parkins, a single man, as to an undivided 4.797% beneficial interest Address: 1475 Powell Street, Suite 201, Emeryville, CA 94608		\$125,000.00
9	Kenneth J. Schmier, Trustee of the Kenneth J. Schmier 2010 Separate Property Trust, as to an undivided 16.582% beneficial interest Address: 1475 Powell Street, Suite # 201, Emeryville, CA 94608		\$431,982.00
10	Eric S. Schmier, Trustee of the Eric S. Schmier 2010 Living Trust, as to an undivided 16.582% beneficial interest Address: 1475 Powell Street, Suite # 201, Emeryville, CA 94608		\$431,982.00

Total Funding Committed \$2,585,000.00

DO NOT DETACH THIS ADDENDUM; IT IS A PART OF THE DEED OF TRUST AND MUST RECORD HEREWITH.



53 States St. - Submitted by Chris Parkes State St 231 #4

States St  
San Francisco, California  
Street View - Mar 2014



53 States

see Heights Park Beaver

States St  
San Francisco, California  
Street View - Mar 2014

51 States

53 States

57/59 States

Maple St  
Beaver St

2 States St  
in Francisco, California  
Street View - Mar 2014

41 States

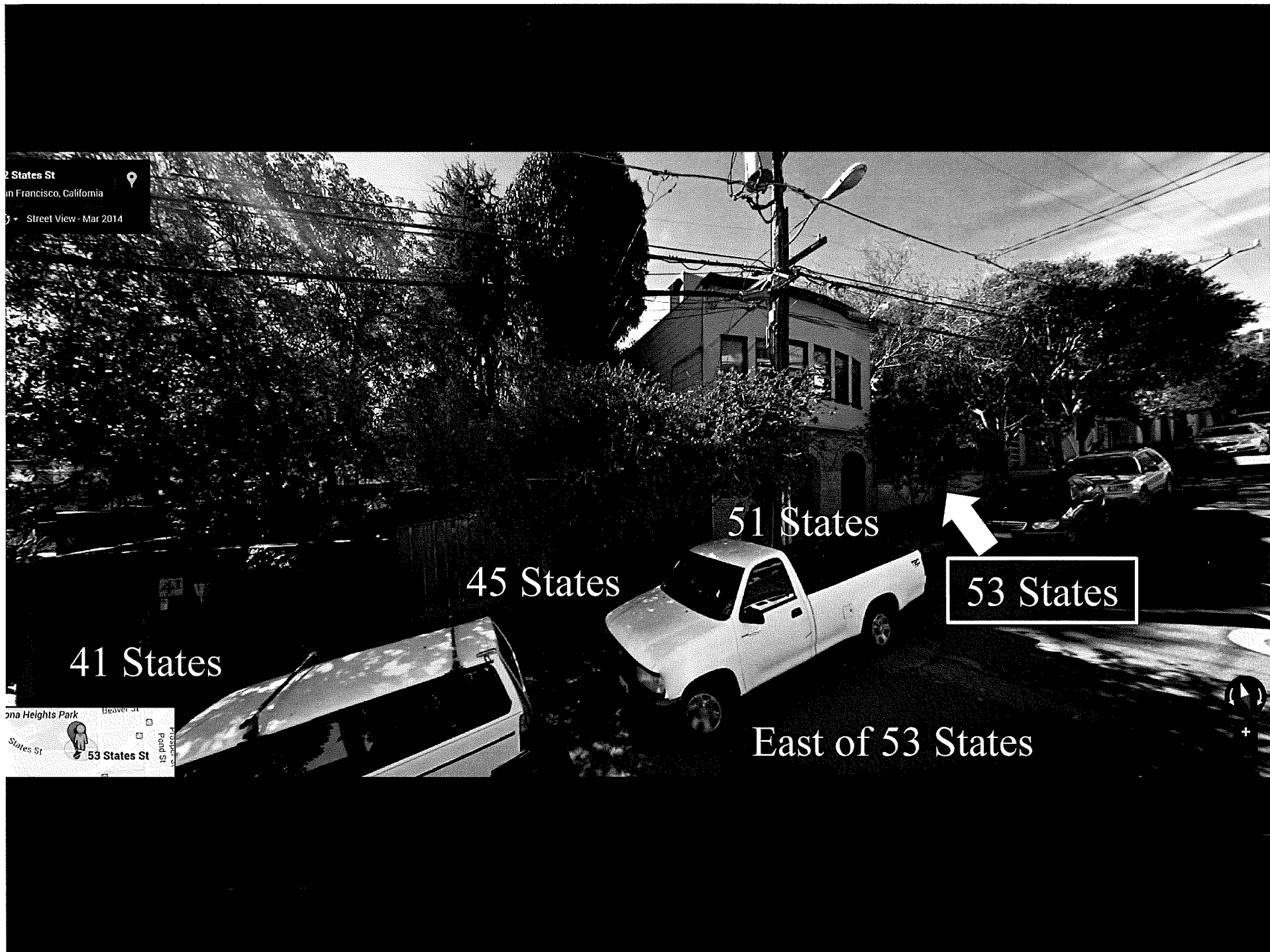
45 States

51 States

53 States

East of 53 States

ona Heights Park  
States St  
53 States St  
Pend St



States St  
San Francisco, California  
Street View - Mar 2014



57/59 States

61 States

65 States

53 States

West of 53 States





48 States St  
San Francisco, California  
Street View - Mar 2014



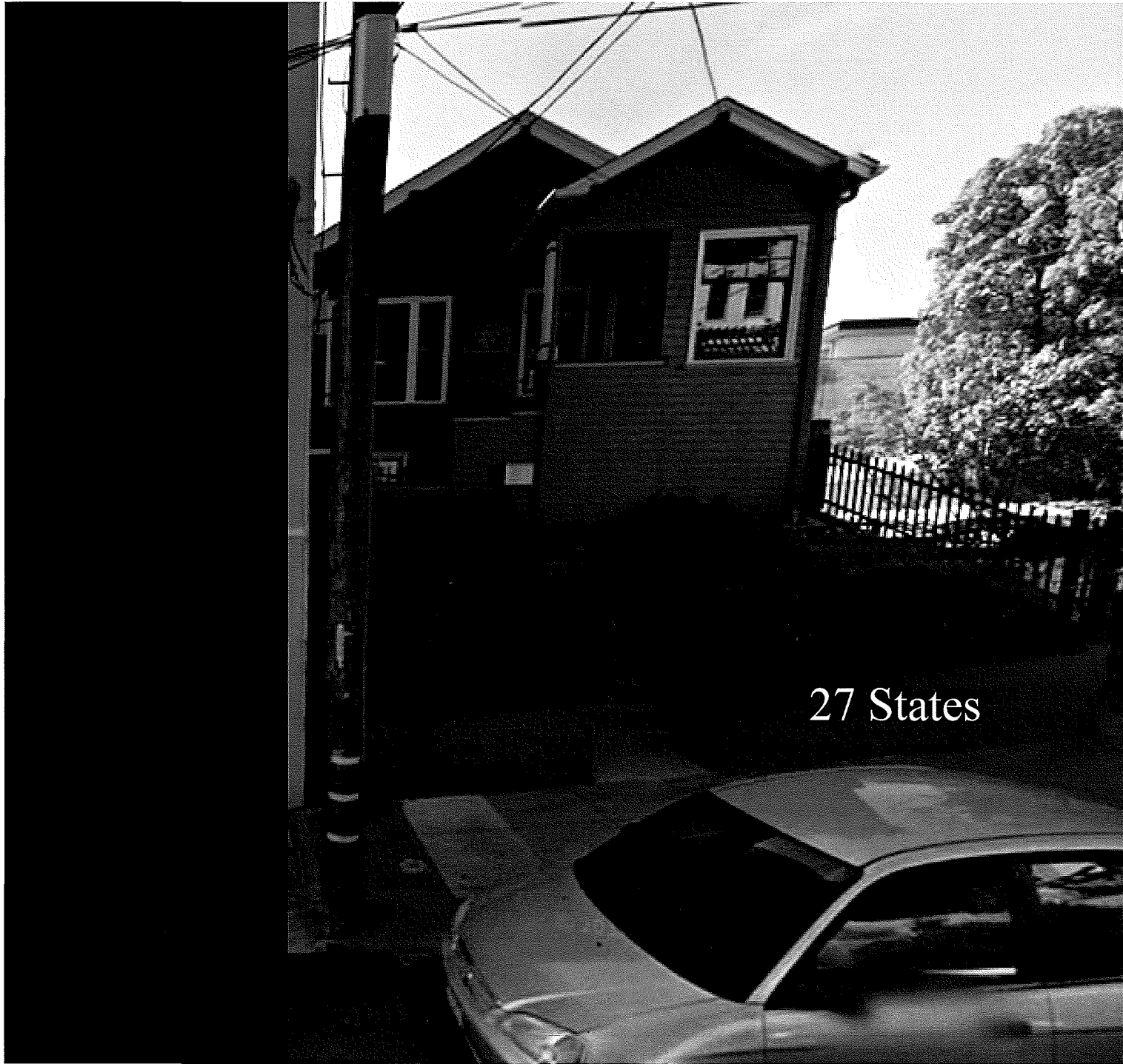
27 States

Corona Heights Park  
Beaver St




53 States





27 States

A black and white photograph of a building's exterior wall. On the left, there is a window with a white frame and a dark frame, divided into four panes. The wall is covered in dark, rectangular shingles. In the center, a dark, arched plaque with a white border is mounted. The plaque contains the text: "27 STATES ST. BUILT IN 1910". To the right of the plaque, a wooden structure, possibly a porch or balcony railing, is visible. The overall image has a grainy, high-contrast appearance.

27 STATES ST.  
BUILT IN  
1910





**53 States  
Built in 1900**

*Original Proposed Approval & Planning*

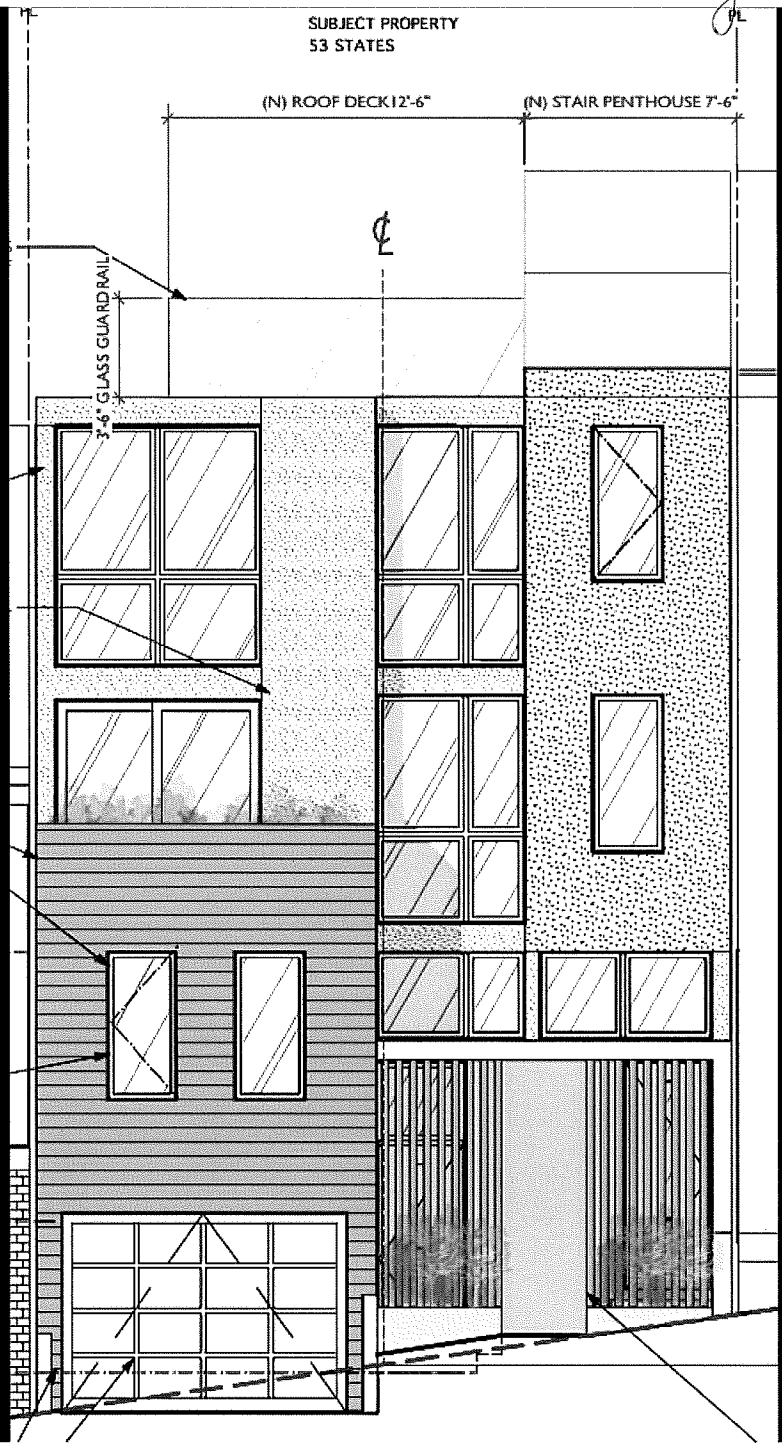
SUBJECT PROPERTY  
53 STATES

(N) ROOF DECK 12'-6"

(N) STAIR PENTHOUSE 7'-6"

3/8" GLASS GUARD RAIL

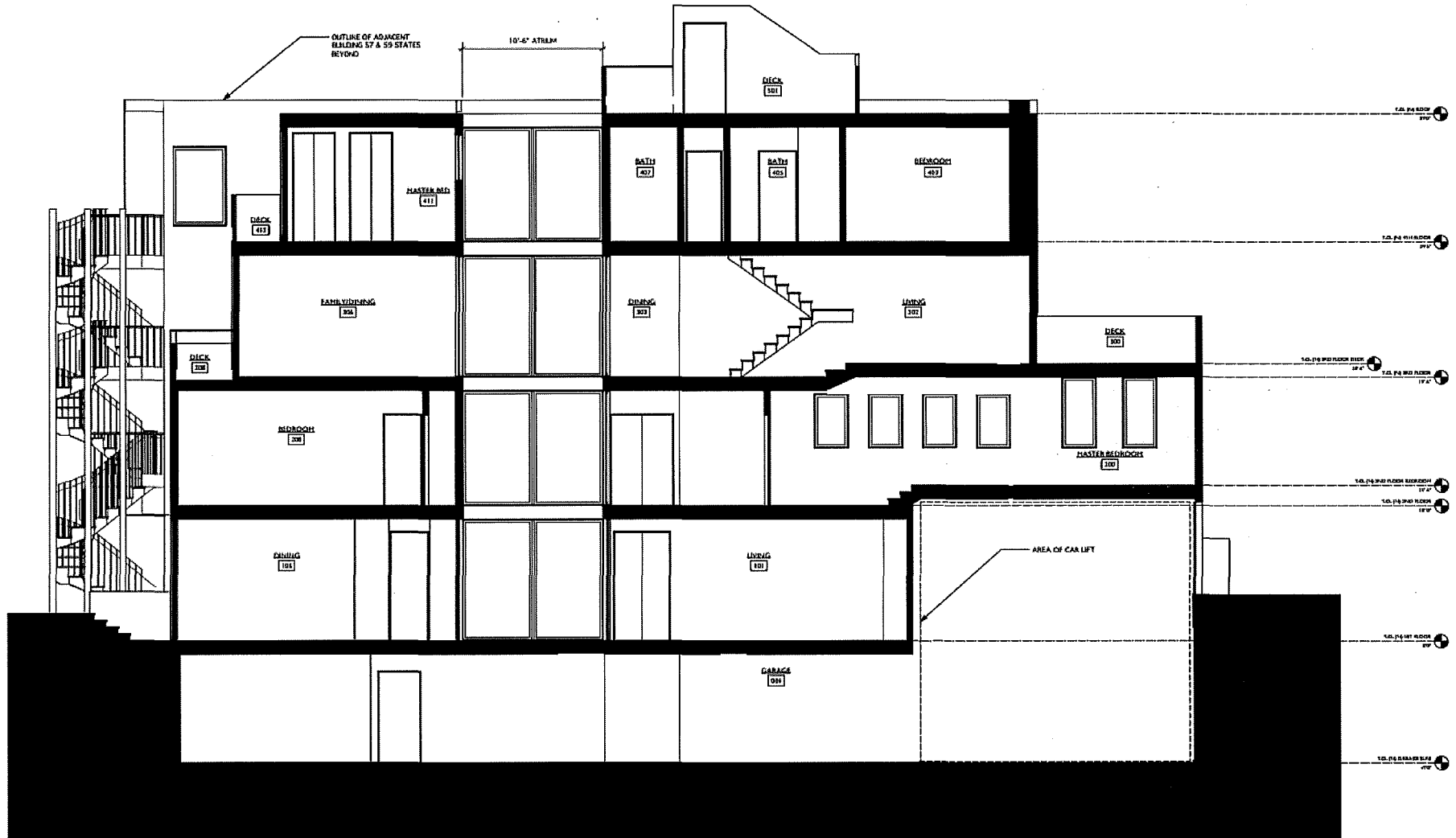
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53 States

Original proposal approved by Board



Excavation exceeds 8' - Requires Environmental Application

176/178 Stater Street

190/192 Museum Way





176/178 St-tes 190/192 Moscow Way





States St. August 25 2014



53 States St. November 20, 2014

States St  
San Francisco, California  
Street View - Mar 2014



San Francisco, California  
States St  
Street View - Mar 2014

Hector Martinez  
51 States Street, Unit A  
San Francisco, CA 94114

Via Electronic Mail and Personal Delivery

April 7, 2015

President London Breed  
c/o Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors of the City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689  
Email: Board.of.Supervisors@sfgov.org

Re: Appeal of Approval and Categorical Exemption Determination of  
53 States Street Demolition and Construction Project, San Francisco, CEQA Categorical  
Exemption Case No. 2014.0177E  
Planning Discretionary Review Case No. 2014.0177D/2014.0178D  
Building Permit Applications 2014.0130.7476 and 2014.0130.7472 as modified.

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

I, the Appellant, submit the following letter in reply to the Planning Department's letters dated March 16, 2015 and March 19, 2015 opposing my appeal of the categorical exemption determination for the project at 53 States Street ("Project"), as an affected neighborhood resident. These comments supplement my previous comments and comments of the general public.

**I. Substantial Evidence Shows A Cumulative Impact of the Pending and Ongoing Projects in Corona Heights**

Contrary to the arguments made by the Planning Department, the Board of Supervisors have recognized the cumulative impacts of many large developments in the area surrounding the Project. See the recent San Francisco Board of Supervisors' unanimously adoption of Resolution, File Number 150192 [Interim Zoning Controls – Large Residential Projects in RH-1, RH-2, and RH-3 Zoning Districts]. The Planning Department and the Planning Commission also have substantial evidence in their files related to the proposed projects at 53 States Street, the 176/178 States Street Project, the 190/192 Museum Way Project, 214 States Street Project, the 22/24 Ord Court Project, and the 76 Museum Way Project, that when considered as a whole, have an unusual and cumulative impact on the Corona Heights neighborhood. See also previously submitted newspaper articles regarding said projects.

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Resources Code §21083(b); CEQA Guidelines §15355(b)) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE v. California Resource Agency* (2002) 103 Cal.App.4<sup>th</sup> 98, 114; *Kings County Farm Bur. v. City of*

*Hanford* (1990) 221 Cal.App.3d 692, 721 (“*Kings Co.*”) It is vital that an agency assess “the environmental damage [that] often occurs incrementally from a variety of small sources . . .” (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214 (“*Bakersfield Citizens*”))

**II. The Overall Record Contains Substantial Evidence A Fair Argument Can Be Made that Current or Proposed Projects for 53 States Street, 176/178 States Street, 190/192 Museum Way, 214 States Street, 22/24 Ord Court, and 76 Museum Way Will Have Significant Environmental Effects**

The California Environmental Quality Act (CEQA)<sup>1</sup> requires a governmental agency to “prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project which they propose to carry out or approve that *may* have a significant effect on the environment.”<sup>2</sup>

CEQA guidelines define “significant effects” as “physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.”<sup>3</sup> Examples of direct physical changes in the environment include “dust, noise, and traffic of heavy equipment . . .”<sup>4</sup> Indirect environmental changes can include reasonably foreseeable population growth in a given service area.<sup>5</sup>

“If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal. App. 3d 988 [165 Cal. Rptr. 514]). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc v. City of Los Angeles* (1974) 13 Cal. 3d 68 [118 Cal. Rptr. 34, 529 P.2d 66]).”<sup>6</sup> *Arviv Enterprises, Inc. v. South Valley Area Planning Commission* (2002) 101 Cal.App.4<sup>th</sup> 1333, 1345-1346.

The Planning Department asserts that there is no substantial evidence or expert opinion in favor of an Environmental Impact Report (“EIR”). However, considering the Board of Supervisors recent legislative action and evidence on the record, the Planning Department’s position is not well taken. Clearly, the Board of Supervisors would not have passed interim legislation if it did not believe that there was some sort of cumulative impact by developer/speculator with regard to most, if not all, the following properties:

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<sup>1</sup> *Public Resources Code section 21000 et seq.*

<sup>2</sup> *Public Resources Code section 21100, subdivision (a)*, italics added. Similarly, CEQA guidelines specify “[i]f there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR.” (*Cal. Code Regs., tit. 14, § 15064, subd. (a)(1).*)

<sup>3</sup> *California Code of Regulations, title 14, section 15064, subdivision (d).*

<sup>4</sup> *California Code of Regulations, title 14, section 15064, subdivision (d)(1).*

<sup>5</sup> *California Code of Regulations, title 14, section 15064, subdivision (d)(2).*

<sup>6</sup>



<b>Address</b>	<b>Owner</b>	<b>Categorical Exemption</b>
53 States St.	53 States St. LLC	yes
176 & 178 States St.	190 & 192 Museum Way LLC	yes
190 & 192 Museum Way	190 & 192 Museum Way LLC	yes
22 & 24 Ord Ct.	Kenneth Tam	yes
214 States St.	214 States St. LLC	yes
74 & 76 Museum Way	*** See Below	
20 Vulcan Steps	Erin Clark & Guinchard Pascal	yes
34 Levant St.	D Levant LLC	yes
24 Ord St.	AST Properties Investments	yes
32 Ord St.	162 Randall LLC	
4126 17 <sup>th</sup> St.	Golden Properties LLC	yes
17 Temple St.	52 Alpine LLC	yes
259 Roosevelt Way	NFP Acquisitions LLC	yes
23 & 25 Clifford Terrace	Kevin Wallace	yes
560 Roosevelt Way	Georg VonBraunschweig	yes

\*\*\* 76 Museum Way was sold on Feb. 27, 2015 to 10 Individuals, Trusts, or Limited Partnerships, each of whom has their percentage of interest listed in the deed.

Other Properties Nearby which have recently been sold or granted to LLCs or Corporations:

<b>Address</b>	<b>Owner</b>
3759 16 <sup>th</sup> St.	Guinnane Construction Co., Inc
262 Roosevelt Way	Seven Lakes Alliance LLC

**III. The Planning Department Cannot Rely on a “Drop In The Bucket Analysis.”**

The Planning Department states with regard to the other projects in the Corona Heights neighborhood, “[a]s these projects were not found to have a significant effect on the environment, the Planning Departments determined there would be no significant cumulative impacts. In other words, these projects are “individual drops in a bucket.” However, when an agency is considering whether or not a project cannot be categorically expect, it cannot ignore the cumulative impact of two or more projects in an area by applying a “drop in the bucket” analysis. See *Friends of Oroville, et al. v. City of Oroville, et al.* (“*Friends of Oroville*”) (2013) 218 Cal. App. 4th 1352 (No drop in the bucket analysis). The Planning Department should not and cannot view each of the Coronal Heights projects on an individual basis. Instead, the Planning Department should take into account, as a whole, the cumulative impact of all the past, current, and potential future projects in the Corona Heights neighborhood in this very unusual circumstance.

**Conclusion**

Based on the arguments detailed above and previously submitted, I, as the Appellant, request the Board find the categorical exemption was inappropriately applied to the Project because the new structure involves significant expansion of existing use and will have significant environmental

cumulative impacts. The Project falls does not fall within an exception to the categorical exemption. Moreover, the rush of speculative developers to Corona Heights creates an unusual circumstance and cumulative environmental cumulative impacts that require an EIR for the Project. At a very minimum, there is a fair argument that an EIR is required for the Project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hector Martinez', with a long horizontal stroke extending to the right.

Hector Martinez

cc: Environmental Review Officer

John.Avalos@sfgov.org

Julie.Christensen@sfgov.org

London.Breed@sfgov.org

David.Campos@sfgov.org

Malia.Cohen@sfgov.org

Mark.Farrell@sfgov.org

Jane.Kim@sfgov.org

Eric.L.Mar@sfgov.org


Katy.Tang@sfgov.org

Scott.Wiener@sfgov.org

Norman.Yee@sfgov.org



April 7, 2015

To: Honorable President London Breed and Members of the Board of Supervisors  
via email: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)  
From: Appellant Hector Martinez   
Re: 53 States Street Categorical Exemption Appeal, Agenda Item 18

These are the key elements of my appeal:

- This Board made findings as to the special nature of the Corona Heights neighborhood that includes States Street when adopting emergency zoning controls just last month to protect community character and aesthetics compromised by increasing numbers of disparately large homes in a neighborhood of modest-sized homes and a unique abundance of greenery and wildlife, including parrot habitat.<sup>1</sup> That file is incorporated by reference.
- This Board did not include 53 States Street in the protective legislation solely due to its unique location within 500 feet of the residence of the sponsoring Supervisor Scott Wiener.
- This out-of-scale project will create pressure on nearby neighborhood vintage homes to further increase the destruction of our neighborhood character.
- The CEQA exemption is unlawful due to site-specific and cumulative effects of this project in combination with other projects in this unusual neighborhood.
- The cumulative impact of these projects on the neighborhood is referenced in a *San Francisco Chronicle* article: "Growing controversy: Developers with big plans descend on fanciful, quirky Corona Heights," attached.<sup>2</sup>
- Oversized developments like this one in our neighborhood are "walling off" States Street, to the significant detriment of front and rear yards, trees, greenery, vegetation, wildlife, neighborhood environment, and aesthetics.
- At 53 States Street, relatively affordable housing is being demolished and replaced with non-affordable housing.

I respectfully request that the Board grant this appeal to require environmental review..

---

<sup>1</sup> Resolution No. 76-15 <https://sfgov.legistar.com/View.ashx?M=F&ID=3675440&GUID=23A42F42-D530-46EB-8906-C7F65C60A4E4>

<sup>2</sup> <http://www.sfgate.com/bayarea/article/Developers-with-big-plans-descend-on-S-F-s-5995457.php>

April 7, 2015

To: Honorable President London Breed and Members of the Board of Supervisors  
via email: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)  
From: Appellant Hector Martinez *Hm*  
Re: 53 States Street Categorical Exemption Appeal, Agenda Item 18

These are the key elements of my appeal:

- This Board made findings as to the special nature of the Corona Heights neighborhood that includes States Street when adopting emergency zoning controls just last month to protect community character and aesthetics compromised by increasing numbers of disparately large homes in a neighborhood of modest-sized homes and a unique abundance of greenery and wildlife, including parrot habitat.<sup>1</sup> That file is incorporated by reference.
- This Board did not include 53 States Street in the protective legislation solely due to its unique location within 500 feet of the residence of the sponsoring Supervisor Scott Wiener.
- This out-of-scale project will create pressure on nearby neighborhood vintage homes to further increase the destruction of our neighborhood character.
- The CEQA exemption is unlawful due to site-specific and cumulative effects of this project in combination with other projects in this unusual neighborhood.
- The cumulative impact of these projects on the neighborhood is referenced in a *San Francisco Chronicle* article: "Growing controversy: Developers with big plans descend on fanciful, quirky Corona Heights," attached.<sup>2</sup>
- Oversized developments like this one in our neighborhood are "walling off" States Street, to the significant detriment of front and rear yards, trees, greenery, vegetation, wildlife, neighborhood environment, and aesthetics.
- At 53 States Street, relatively affordable housing is being demolished and replaced with non-affordable housing.

I respectfully request that the Board grant this appeal to require environmental review..

---

<sup>1</sup> Resolution No. 76-15 <https://sfgov.legistar.com/View.ashx?M=F&ID=3675440&GUID=23A42F42-D530-46FB-8906-C7F65C60A4E4>

<sup>2</sup> <http://www.sfgate.com/bayarea/article/Developers-with-big-plans-descend-on-S-F-s-5995457.php>

(BOS)

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**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, April 07, 2015 1:53 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: Comment on 53 States Street

For the official file.

---

**From:** Matthew Gerring [<mailto:gerring.matthew@gmail.com>]  
**Sent:** Tuesday, April 07, 2015 1:22 PM  
**To:** Calvillo, Angela (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Christensen, Julie (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Comment on 53 States Street

I'm writing to encourage you to approve the proposed development at 53 States Street. This is exactly the kind of development that should be encouraged and, if possible, incentivized in San Francisco. It is low-impact, does not adversely affect the character of the surrounding neighborhood, and increases housing density without displacing tenants in need of rent stabilization.

Having been priced out of San Francisco, I now live in West Oakland, where this kind of modest expansion of housing density is under way everywhere. Whether it's raising homes up one story to add a unit, or building in-law units in back yards, homeowners in my neighborhood are responding to the demand for housing by creating more supply at a rapid clip.

Obvious financial incentives already exist for these kinds of projects in San Francisco. What's needed is assurance for homeowners and landlords that they can undertake these kinds of appropriate, low-impact projects, and be protected from predictable and often unreasonable attempts to delay any new construction.

Approving this project is a great way to send that message and I encourage you to do so.

Sincerely,  
Matthew Gerring  
Former editor of Street Sheet

(BOS)

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**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, April 07, 2015 1:53 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: 53 States Street Project

For the official file.

---

**From:** Brian Hanlon [mailto:hanlonbt@gmail.com]  
**Sent:** Tuesday, April 07, 2015 1:23 PM  
**To:** Calvillo, Angela (BOS)  
**Cc:** Mar, Eric (BOS); Farrell, Mark (BOS); Christensen, Julie (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** 53 States Street Project

Greetings,

I am writing this letter in support of the proposed housing project at 53 States St.

San Francisco is in the midst of a housing crisis, one caused by decades of under development coupled with the recent tech-fueled employment and asset boom. San Francisco needs more housing everywhere, including in Corona Heights. I understand that the current lot is zoned as RH-2, which is already an unacceptably low-density zoning designation. The Board should not compound San Francisco's housing crisis by siding with rich neighbors that are trying to prevent other rich people from moving next door. The fact that you need to spend time adjudicating this development dispute and I need to waste time writing you in support of a rich person's ability to have a nice house in a nice neighborhood is ridiculous.

I urge you to approve this project, but more importantly, I urge you to streamline the residential development process in San Francisco. The City's chief economist says that we need to build 100,000 new units to stabilize and lower the market-rate for housing prices. Let's start working on approving 100,000 new units today.

Thank you,

Brian Hanlon  
Mission District

(BOS)

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**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, April 07, 2015 12:29 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: Comment on 53 States Street

**Categories:** 150167

For the official file.

**From:** Anthony Albert [<mailto:anthony.f.albert@gmail.com>]  
**Sent:** Tuesday, April 07, 2015 12:08 PM  
**To:** Calvillo, Angela (BOS)  
**Cc:** Mar, Eric (BOS); Farrell, Mark (BOS); Christensen, Julie (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Comment on 53 States Street

Hello all,

My name is Tony Albert. I was born and raised in San Francisco, and my childhood home is three short blocks from 53 States Street, on 14th and Castro. I attended Rocky Mountain Preschool, at the base of Corona Heights, a baseball's throw from this house, and McKinley Elementary, on 14th and Castro, only a few dozen feet further.

I am now a resident of Oakland, CA. Unlike the year of my birth, when my parents purchased their Duboce Triangle home for under \$200,000, my neighborhood is no longer affordable to anyone but the highest income earners.

An informed assessment of this trend will coincide with the conclusions of the California Legislative Analyst's office. The increase in housing prices in Coastal California is a direct result of demand far outstripping supply.

As a native of this neighborhood, I understand as well as anyone that retaining neighborhood character is a venerable goal. However, the stark truth remains that we have not only a need, but a responsibility, to meet the demand for housing. The conversations surrounding these developments too often center around the phrasing "why should we build here?" I contend that this places the burden on the wrong party. The true question should be "what right do we have not to build here?"

Preserving buildings for historicity's sake has a place in urban planning. But this preservation must be made in a reserved fashion, only in situations where this decision is unassailable. Ultimately, this decision harms people and conflicts with livelihoods. However small, a decision not to increase housing supply anywhere, for any reason directly impacts affordability. These small decisions, taken in aggregate, are the very reason I am no longer a resident of this neighborhood. There is a place for historic preservation. There is a place for zoned view corridors. But these decisions must not be made arbitrarily, based on emotion or personal desire. They must be informed by empirical assessment. They must take into account the impact on all of us. The Duboce Triangle is a hidden gem - a true San Franciscan beauty. And to freeze it solidly in amber is to freeze people out of it.

Thank you for your time,

(BOS)

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**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, April 07, 2015 12:44 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: Today's Special Order Meeting - 53 States Street

**Categories:** 150167

For the official file.

---

**From:** Calvillo, Angela (BOS)  
**Sent:** Tuesday, April 07, 2015 12:43 PM  
**To:** Mike Ege  
**Cc:** Caldeira, Rick (BOS)  
**Subject:** RE: Today's Special Order Meeting - 53 States Street

Mr. Ege,  
We have received your submittal and it will be appropriately referred to the file.  
Thank you.

Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco



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**From:** [abledart@gmail.com](mailto:abledart@gmail.com) [<mailto:abledart@gmail.com>] **On Behalf Of** Mike Ege  
**Sent:** Tuesday, April 07, 2015 10:44 AM  
**To:** Calvillo, Angela (BOS)  
**Cc:** Mar, Eric (BOS); Farrell, Mark (BOS); Christensen, Julie (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Today's Special Order Meeting - 53 States Street

Greetings:

I am writing this to urge your vote in favor of Item 150168 on today's special order agenda.

As a co-author of last year's Civil Grand Jury report on Affordable Housing, I learned a lot about what's caused California's generational housing shortage. Much of my experience has been confirmed by a recent report by the State Legislative Analyst.

Our housing shortage is not a new crisis - it's the result of a generation's worth of institutional neglect, and we are now very far behind where we should have been in housing production over the last 30 years. This has exacerbated a number of issues the state is currently facing - ranging from increasing inequality among our citizens, to the ability of municipalities to attract revenue generating employers, to the state of our environmental resources. All of these issues stem at least partially from the institutional resistance in our coastal communities - San Francisco chief among them - to appropriate rates of residential development.

We haven't been building enough housing for a long time.

Among the recommendations in the Legislative Analyst's report:

- ***Aim to Build More Housing in Coastal Cities, Densely.*** The greatest need for additional housing is in California's coastal urban areas. We therefore recommend the Legislature focus on what changes are necessary to promote additional housing construction in these areas.
- ***Put All Policy Options on the Table.*** Given the magnitude of the problem, the Legislature would need to take a comprehensive approach that addresses the problem from multiple angles and reexamines major policies. Major changes to local government land use authority, local finance, CEQA, and other major policies would be necessary to address California's high housing costs.

The 53 States Street project may be small, but is a clear example of one of many of the solutions required: infill development of additional housing with virtually no cost or inconvenience to the surrounding community. The determination by the Planning Department that this project is exempt from environmental review was routine and appropriate. The appeal against it by Mr. Martinez, regardless of motivation, is typical of the kind of institutional abuse which we simply can no longer afford, and certainly should not tolerate in a case such as this one which has virtually no negative impact.

Submitted respectfully

Michael Ege  
North Beach

(BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, April 07, 2015 10:30 AM  
**To:** BOS-Supervisors; BOS Legislation, (BOS)  
**Subject:** FW: 53 State Street, San Francisco - File #150167

**Categories:** 150167

---

**From:** theo revlock [mailto:trevlock@que-arch.com]  
**Sent:** Monday, April 06, 2015 4:21 PM  
**To:** Board of Supervisors, (BOS)  
**Subject:** 53 State Street, San Francisco - File #150167

Dear Board of Supervisors,

In an open letter to Sonja Trauss of SFBARF I wrote :

Sonja,  
really nice talking you last week. We're behind you a 100%.

Doesn't look like I can make it tomorrow, Tuesday, unfortunately. The project is a good example of why we should have an expedited application process. Talk about 'beating a dead horse'. These applicants have been put through enough. One could argue that their constitutional rights are being impinged :

*That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.*

That their right to "pursue happiness" and property ownership is being greatly diminished by the neighbors voracious efforts to impede them.

The truth is that these older homes are a death trap. While they may be "quaint" to some they are not structurally sound (come no where close to current standards), are designed in a way that is not conducive to energy reduction (that we building professionals work so hard to uphold), fall dramatically short of fire safety ( 1900 fire laws - are you kidding? ), breed molds that the CDC has connected to a host of chronic illnesses, are not conducive to current social behaviors (we don't do 'tea' any more).

The planning department was correct in laying out the guidelines for larger more sustainable housing. Why are we challenging the existing law to such a high degree?

Yours Theo

**Theo Revlock, AA grad des dipl**  
principal

**Q-Architecture**

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m +1 415/810 9670



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**From:** Kathryn [murrellk@pacbell.net]  
**Sent:** Tuesday, April 07, 2015 8:03 AM  
**To:** BOS-Supervisors; Ionin, Jonas (CPC); Poling, Jeanie (CPC); Tam, Tina (CPC); BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BreedStaff, (BOS); Avalos, John (BOS); Campos, David (BOS); Cohen, Malia (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Christensen, Julie (BOS); Farrell, Mark (BOS); Mar, Eric (BOS); Tang, Katy (BOS)  
**Cc:** Chang, Tina (CPC); Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation, (BOS)  
**Subject:** CEQA Categorical Exemption Appeal for 53 States Street  
**Categories:** 150167

Dear Supervisors,

I am writing to ask you to overturn the categorical exemption of CEQA review for the development of 53 States Street by 53 States Street LLC. The property was purchased as an investment property by 53 States Street LLC. The investors plan to tear down a single family home (sound and lived in by a family of four at the time of purchase) and replace the home with a significantly larger 2 unit property intended for sale. (1)

53 States Street is currently exempt from the recent Interim Zoning Controls (Enactment #076-15) for Corona Heights developments due to its proximity to sponsoring Supervisor Weiner's home. Unfortunately this means that the approval of the demolition and development of 53 States Street without increased environmental scrutiny sets a concerning precedent for the 3 other single-family homes at 27, 41 and 45 States Street. These homes serve as the gateway to the leafy-green corridor of States Street.

As a resident of 51 States Street, I care about the community in which I choose to live and into which I have invested my life's savings. I am not anti-development. I am for responsible development that accounts for the environmental aesthetics and economic diversity of my neighborhood. The development at 53 States Street necessitates the removal of existing street trees, reduces front yard green space from 32 feet to 12 feet, and replaces one affordable-sized home with two un-affordable and large-for-the-neighborhood sized homes.

States Street is a unique situation. As the longest uninterrupted street in San Francisco, and as an adjacent street to Corona Heights Park open space and the Randall Museum, the aesthetics of States Street are characterized by an eclectic mixture of homes with street trees and open green spaces in front and/or rear. When asked to consider 53 States Street in conjunction with similar projects impacting green space occurring in the immediate neighborhood, the SF Planning Department responded that the majority of current projects are not in the vicinity of 53 States Street, so cumulative impact does not apply.

However, I am asking you to consider the unique nature of States Street, when making your determination. States Street, as a single uninterrupted block should be considered as a whole. In addition to the construction at 53 States Street, which, I believe, will remove street trees and reduce front yard green space from 32 feet to ~12 feet, there are several other known projects in the neighborhood including 176/178 States Street, 190/192 Museum Way, 214 States Street, 22/24 Ord Court, and 76 Museum Way, which have been approved or are being considered by the planning commission on a case-by-case basis. Each of these projects reduces

available green space and replaces it with homes that are uncharacteristically large relative to the neighborhood.

53 States Street is one of the homes that characterizes the gateway to Corona Heights park. Margot Patterson Doss in the 1963 Walkers Guide to the Geology of San Francisco, recognized States Street, as an "enchanted street, a haphazard, unlikely street"(2). Approval of this project without appropriate CEQA scrutiny signals to developers that it is open season for developers seeking to maximize profits without taking the environmental impacts into account.

Thank you,

- Kathryn Murrell

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Notes:

(1) <http://commissions.sfplanning.org/cpcpackets/2014.0177D.pdf> Page 25 bullet 2

(2) <http://www.sfgate.com/bayarea/article/Old-Doss-columns-provide-insight-today-3253576.php>

[https://archive.org/stream/walkersguidetoge24412oake/walkersguidetoge24412oake\\_djvu.txt](https://archive.org/stream/walkersguidetoge24412oake/walkersguidetoge24412oake_djvu.txt)

(BOS)

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**From:** Henry [heissler@gmx.com]  
**Sent:** Monday, April 06, 2015 10:39 PM  
**To:** BOS-Supervisors; Ionin, Jonas (CPC); Poling, Jeanie (CPC); Tam, Tina (CPC); BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlina (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BreedStaff, (BOS); Avalos, John (BOS); Campos, David (BOS); Cohen, Malia (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Christensen, Julie (BOS); Farrell, Mark (BOS); Mar, Eric (BOS); Tang, Katy (BOS)  
**Cc:** Chang, Tina (CPC); Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation, (BOS)  
**Subject:** California Environmental Quality Act - Categorical Exemption Appeal - 53 States Street  
**Categories:** 150167

Dear Supervisors:

I'm writing to hopefully help convince you to reverse the categorical exemption determination for the development at 53 States St.

States St. is a popular pedestrian corridor for commuters and tourists alike. The street is characterized by greenery. The lower half pleasantly borders the south slope of Corona Heights Park, and the upper half enjoys an uncommon amount of vegetation and (private) open space, thanks to the zoning wisdom of our forebears.

But now the opportunities presented by a real estate market gone haywire are threatening to spoil forever what has lasted for over a century.

The project in question is only one of many speculative projects which have already begun construction, or are poised to. And honestly, it's probably not the worst of them. But it is uncustomarily large for the neighborhood.

A similar project is nearing completion at 176-178 States St., and it was categorically exempted from environmental review, and all one has to do is stand across the street and look with the naked eye and it is undeniable that an impact has been made on the character and on the aesthetic of the street; and not for the better.

I would not want you to think that I am opposed to development at 53 States St. In fact, I believe I have been clear and consistent in my communications with the developer. 3 storey homes with units between 1300 and 1700 sqft are the norm here. And we could use another. But they have proven determined to wedge in as much as they can to maximize their return on investment. Which is why, regrettably, we need your governance now.

All I can ask of you – whose district we are not in – is to please recognize that our street is an asset to the whole city. It is rich in history and in character. And it will thrive on change. But not if that change chokes and sucks the life out of it.

Thank you,

Henry Eissler

---

**From:** Brett Gladstone [BGladstone@hansonbridgett.com]  
**Sent:** Friday, April 03, 2015 11:58 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: Tuesday's Hearing on 53 States Street Objection to Another Continuance

Please distribute to Members of the Board and their aides at your earliest convenience.

If you need to reach me, try 601 3178

---

**From:** Brett Gladstone  
**Sent:** Friday, April 03, 2015 11:38 AM  
**To:** 'david.campos@sfgov.org'; 'mark.farrell@sfgov.org'; 'Tang, Katy (BOS)'; 'norman.yee@sfgov.org'; 'scott.wiener@sfgov.org'; 'jane.kim@sfgov.org'; 'john.avalos@sfgov.org'; 'malia.cohen@sfgov.org'; 'julie.christensen@sfgov.org'; 'eric.mar@sfgov.org'; 'london.breed@sfgov.org.'  
**Cc:** 'hillary.rosen@sfgov.org'  
**Subject:** Tuesday's Hearing on 53 States Street Objection to Another Continuance

I just learned that the appellant, Hector Martinez, has requested another continuance. There has already been a two week continuance. As the representative of the property owner, we would oppose any more continuances, for several reasons:

1. We agreed to mediate and agreed to a continuance of two weeks for that. As indicated in the email below, we attended a mediation, but the Appellant walked out. Attempts to reschedule have been unsuccessful (see below).
2. Based on what we heard the Appellant wants to change in the project, we feel that that project would not be feasible to stay as a two units. The zoning encourages two units. As a result, we do not believe that another mediation would accomplish anything.
3. We were prepared to offer some compromises at the mediation, which Appellants attended but then walked out before we could explain them. Nonetheless, we are prepared to submit those compromises to Appellant anyway before the Tuesday hearing. We do not need to be in a mediation to offer those compromises. We are doing it through emails.

Brett Gladstone

Cell 601-3178

---

**From:** Brett Gladstone  
**Sent:** Friday, April 03, 2015 9:42 AM  
**To:** 'Hector Martinez'  
**Cc:** [mac\\_mcgilbray@communityboards.org](mailto:mac_mcgilbray@communityboards.org)  
**Subject:** RE: Mediation Times

You asked several weeks ago that my client mediate this dispute, so that it may be settled without going to the Board of Supervisors. I told you that we could, but that there was a limited number of days thereafter that we could have our client there, as he would be in Taiwan attending to his father who has had a heart attached.

We agreed on a date about ten days ago. As you may recall, and was witnessed by Cordell the mediation staff person at Community Boards, you and your wife and the other condominium owners in your building walked out when our team showed up. You told me you would not meet unless my client was there.

When I mentioned my client had to suddenly go to Asia, as his father was having heart surgery, you told me I was lying. I offered to give you an Affidavit signed under penalty of perjury in which my client would confirm where he was at the date we attended a mediation. You did not respond.

I and the mediation staff suggested we go forwards anyway, but you refused to and you and your group walked out.

In emails and calls over the next twelve days, I gave you at least five dates that were convenient for our team, including dates that my client could attend a mediation. You told me that neighbors opposing the project needed to be there with you, and you found that none of the dates we gave you were you able to get the neighbors to the mediation.

I mentioned that you are the Appellant, not the neighbors and not your fellow condo owner, and that a mediation can occur with just you there. You worried you could not make an agreement there without discussing with neighbors. I then mentioned that you did not need to agree to anything during the mediation. I mentioned that we could discuss the matter with you at a mediation, and that you could go back to the neighbors the following day and let us know after that if we had a deal.

For reasons none of us understand, you were not willing to do that.

For that reason alone, we are not convinced that you really wished to settle this in a mediation. My client wonder if the lack of willingness to mediation in a meeting between you and my client and me indicates that your request for mediation was about delay.

We planned to offer some compromises in a mediation. You did not give us the opportunity to do so. The compromises were to be contingent on your removing your appeal.

Nonetheless, I have asked my client to consider sending you a letter today offering those compromises, and not requiring your to remove your appeal.

I hope you will respond to those proposed changes when I send them to you.

Brett Gladstone

BRETT GLADSTONE  
PARTNER  
DIRECT DIAL (415) 995-5065  
DIRECT FAX (415) 995-3517  
E-MAIL BGLadstone@hansonbridgett.com

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2015 APR -3 PM 3:07  
BY ZHB



**HansonBridgett**

*Original: Leg Clerk  
Copy: COB, BOS-11 Leg Dep,  
Dep. City Atty, C-Page*

*File No. 150167*

April 2, 2015

BY EMAIL (bos.legislation@sfgov.org) AND HAND DELIVERY

President London Breed  
c/o Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors of the City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Re: Hearing This Tuesday: Appeal of Approval of Categorical Exemption  
Determination of 53 States Street San Francisco, CEQA Categorical  
Exemption Case No. 2014.0177E

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

On behalf of 53 States Street, LLC, the project sponsor for the project, enclosed please find some of the many letters from neighbors expressing their support for the project (including letter of support from the other adjacent neighbor).

We oppose a continuance.

I also enclose (1) a list of changes to the project our client is making and (2) summary of our failed attempt to mediate.

We appreciate your consideration of this matter.

Very truly yours,

M. Brett Gladstone

Enclosures

cc: Supervisor John Avalos  
Supervisor David Campos  
Supervisor Julie Christensen  
Supervisor Malia Cohen  
Supervisor Mark Farrell  
Supervisor Jane Kim  
Supervisor Eric Mar  
Supervisor Katy Tang  
Supervisor Scott Wiener

April 2, 2015  
Page 2



Supervisor Norman Yee  
Jeanie Poling, Planning Department  
Hector Martinez, Appellant  
Via E-mail only  
John Lum  
Marvin Tien



## **Transmittal to Board of Supervisors Objecting to Another Continuance**

**From:** Brett Gladstone

**Sent:** Friday, April 03, 2015 11:38 AM

**To:** 'david.campos@sfgov.org'; 'mark.farrell@sfgov.org'; 'Tang, Katy (BOS)'; 'norman.yee@sfgov.org'; 'scott.wiener@sfgov.org'; 'jane.kim@sfgov.org'; 'john.avalos@sfgov.org'; 'malia.cohen@sfgov.org'; 'julie.christensen@sfgov.org'; 'eric.mar@sfgov.org'; 'london.breed@sfgov.org.'

**Cc:** 'hillary.rosen@sfgov.org'

**Subject:** Tuesday's Hearing on 53 States Street Objection to Another Continuance

I just learned that the appellant, Hector Martinez, has requested another continuance. There has already been a two week continuance. As the representative of the property owner, we would oppose any more continuances, for several reasons:

1. We agreed to mediate and agreed to a continuance of two weeks for that. As indicated in the email below, we attended a mediation, but the Appellant walked out. Attempts to reschedule have been unsuccessful (see below).
2. Based on what we heard the Appellant wants to change in the project, we feel that that project would not be feasible to stay as a two units. The zoning encourages two units. As a result, we do not believe that another mediation would accomplish anything.
3. We were prepared to offer some compromises at the mediation, which Appellants attended but then walked out before we could explain them. Nonetheless, we are prepared to submit those compromises to Appellant anyway before the Tuesday hearing. We do not need to be in a mediation to offer those compromises. We are doing it through emails.

Brett Gladstone

Cell 601-3178

**From:** Brett Gladstone

**Sent:** Friday, April 03, 2015 9:42 AM

**To:** 'Hector Martinez'

**Cc:** [mac\\_mcgilbray@communityboards.org](mailto:mac_mcgilbray@communityboards.org)

**Subject:** RE: Mediation Times

You asked several weeks ago that my client mediate this dispute, so that it may be settled without going to the Board of Supervisors. I told you that we could, but that there was a limited number of days thereafter that we could have our client there, as he would be in Taiwan attending to his father who has had a heart attached.

We agreed on a date about ten days ago. As you may recall, and was witnessed by Cordell the mediation staff person at Community Boards, you and your wife and the other condominium owners in your building walked out when our team showed up. You told me you would not meet unless my client was there.

When I mentioned my client had to suddenly go to Asia, as his father was having heart surgery, you told me I was lying. I offered to give you an Affidavit signed under penalty of perjury in which my client would confirm where he was at the date we attended a mediation. You did not respond.

I and the mediation staff suggested we go forwards anyway, but you refused to and you and your group walked out.

In emails and calls over the next twelve days, I gave you at least five dates that were convenient for our team, including dates that my client could attend a mediation. You told me that neighbors opposing the project needed to be there with you, and you found that none of the dates we gave you were you able to get the neighbors to the mediation.

I mentioned that you are the Appellant, not the neighbors and not your fellow condo owner, and that a mediation can occur with just you there. You worried you could not make an agreement there without discussing with neighbors. I then mentioned that you did not need to agree to anything during the mediation. I mentioned that we could discuss the matter with you at a mediation, and that you could go back to the neighbors the following day and let us know after that if we had a deal.

For reasons none of us understand, you were not willing to do that.

For that reason alone, we are not convinced that you really wished to settle this in a mediation. My client wonder if the lack of willingness to mediation in a meeting between you and my client and me indicates that your request for mediation was about delay.

We planned to offer some compromises in a mediation. You did not give us the opportunity to do so. The compromises were to be contingent on your removing your appeal.

Nonetheless, I have asked my client to consider sending you a letter today offering those compromises, and not requiring your to remove your appeal.

I hope you will respond to those proposed changes when I send them to you.

Brett Gladstone

Additional Project Modifications To Be Made In Plans to be Attached to Building Permit for 53 States Street

[These do not need approval of the Planning Commission or additional environmental approval due to the limited scope].

1. Add a glass privacy screen alongside the east property line starting at the top of the solid railing of the deck facing Appellant, to increase privacy.
2. Paint side of building facing Appellant in a way that will reflect light the most, and in a color chosen by Appellant.
3. Pay for a new skylight to go into roof of Appellant's building to regain any small light loss to his adjacent windows.
4. Add planters to the deck closest to Appellant for more greenery.
5. And a 24 gallon tree instead of the smaller one required by Code.
6. Leaving the rear yard tree in place if that is what the owners of the rear condo wish.
7. A preconstruction meeting between Appellant and the second condominium owner in Appellant's building to coordinate hours of construction.



One Maritime Plaza, Suite 1600  
San Francisco, California 94111

RICHARD J. CURIALE  
T 415.684.9468  
E rcuriale@curialewilson.com

January 6, 2015

JOSEPH C. WILSON  
T 415.684.9469  
E jwilson@curialewilson.com

CHRISTOPHER J. KELLER  
T 415.684.9470  
E ckeller@curialewilson.com

MICHELLE T. DUVAL  
T 415.684.9471  
E mduval@curialewilson.com

Cindy Wu  
Commission President  
Planning Commissioners  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Wu and Planning Commissioners,

I live at 101 States Street, #7 and have owned my home there for 10 years.

I am writing to express my strong support for the proposed two-unit building at 53 States Street. I saw the notice that was posted on the street, and was curious about the project as I heard some of my neighbors were protesting the project due to what they are calling its "massive size and inappropriateness" to the neighborhood.

I have reviewed the plans, and I not only think the project fits in but also am puzzled at what my neighbors are contesting. They claim that the building is too large, and are demanding that the units be made smaller. Looking at the plans and also the perspective of the building, I cannot understand how they came to that conclusion. I think it fits in exceptionally well and believe it will be a big improvement to the street.

I urge you to approve the project.

Sincerely,

Christopher Keller  
101 States Street, Unit 7  
San Francisco, CA 94111

William E. Roberts

2370 Market Street, #145

San Francisco, CA 94114

<<<<.....>>>>

**Re: Development of 53 States Street, San Francisco, CA 94114**

To whom it may concern:

I lived at 53 States Street for almost a year with my former girlfriend and her two teenage children. She and her former husband had done almost \$500,000 worth of work over the 16 years they lived in the home, and was only about 90% completed. But, unfortunately, it was all done in the hopes to create a downstairs rental unit, with a full bath and kitchen. No work was done on the original home of over 100 years old (it doesn't even have a functioning bathroom). It would take somewhere from \$750K to \$1Million to complete the downstairs unit and repair the upstairs home.

I have seen the project, and have been to several of the meetings at City Hall. I completely support the 2 unit project that is being proposed. I also believe it is in character with the neighborhood, and feel that it is not over scaled, like some others feel. As opposed to what is there now, it will be a beautiful home for not just one family, but two.

Sincerely,



William E. Roberts

California Real Estate Broker

DRE #00991220 ..... NMLS #324996

Dear Ms. Chang:

I am writing in regard to the 53 States Street project adjacent to our property to the east.

Regrettably, we are unable to attend the planning commission meeting on 6 January 2015 in person due to work obligations. Nonetheless, we would like you to know that there does not seem to be a consensus in the Corona Heights neighborhood with respect to this development. In our view, that lot has been a blight on the neighborhood for many years. Therefore, although we do not look forward to many months of disruption from the construction, we welcome a sensibly planned and well thought out multi-family dwelling of moderate size in that space. States Street contains widely diverse properties along its length, as a quick drive through will confirm. The latest plans (30 Dec 2014) from Mr. Lum and his firm, as we understand them, would seem to be reasonably well in character with these criteria.

Please also note that the existing abandoned structure is basically uninhabitable. As it stands, it is both an eyesore and a potential problem area. The process has been on hold for over a year, awaiting approval, while several other projects on States Street have moved forward and are even nearing completion. During this time, the architect, John Lum and his colleagues have met with persons from the neighborhood numerous times to review the plans, and to gather input and feedback. This input has largely been incorporated (within reason) into the revisions, while also striving to satisfy their client's requirements as well as all building and zoning codes. I would like to go on record to say that in my view, John Lum and his firm have been very responsive to neighbors' concerns and requests regarding their properties. In our case, we appreciate that the property line windows in the rear will not be blocked and that the developers have committed to assisting with the adjacent landscaping in the front (tree and shrub removal from our property line planters) and in the rear (removal of the property line fence and installation of a more visually appealing fence on the 53 States side of the property line). The developer also responded to our issues with the unmanaged foliage in the rear that had spilled over onto our property (pruning and removal) and the homeless problem that had developed in front of 53 States installation of (timed and motion sensor activated lighting). We assume that during construction, appropriate care will be taken to minimize noise and disruption to the greatest extent possible.

We understand that the construction of a multistory building in the 53 States space will largely close our now open light-well to the east. However, we understood that as a risk when we purchased our property (*caveat emptor*). Fortunately, we believe that the development of the 53 States Street space will have an overall positive effect on property values in the neighborhood. Given this, we look forward to the completion of this project without further delay.

If you have any questions or require additional information or clarification, please do not hesitate to contact me.

Best regards,

Christopher J. Struck  
57 States Street  
San Francisco, CA 94114-1401  
Tel: +1 415 923-9535  
Email: [cjstruck@ix.netcom.com](mailto:cjstruck@ix.netcom.com)

**From:** Stuart Hills stuarthills@me.com  
**Subject:** 53 States Street  
**Date:** January 7, 2015 at 8:29 AM  
**To:** tina.chang@sfgov.org  
**Cc:** John Lum john@johnlumarchitecture.com

---

Dear Ms. Chang,

I live at 173 States Street and have reviewed the plans for the proposed structure at 53 States Street. Although I am out of the notification area I am familiar with the subject property. I support the project as shown in the plans dated 12.24.14

Sincerely,  
Stuart Hills

UC-9 - Leg Clerk, C-BOB-11, COB,  
Leg Dep, Dep City Atty, C-Page

BRETT GLADSTONE  
PARTNER  
DIRECT DIAL (415) 995-5065  
DIRECT FAX (415) 995-3517  
E-MAIL BGLadstone@hansonbridgett.com



2015 APR -3 AM 10: 51

*BS*

April 3, 2015

BY HAND DELIVERY

*File 150167*

Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors of the City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Re: Appeal of Approval and Categorical Exemption Determination of 53 States Street  
Demolition and Construction Project, San Francisco, CEQA Categorical  
Exemption Case No. 2014.0177E  
Planning Discretionary Review Case No. 2014.0177D/2014.0178D  
Building Permit Applications 2014.0130.7476 and 2014.0130.7472 as modified.

Dear Ms. Calvillo:

The original is for your file.

Please distribute today the 18 copies to members of the Board of Supervisors. We will  
email you the electronic copy later today.

Thank you.

Very truly yours,

*Brett Gladstone*  
M. Brett Gladstone

Enclosures



BRETT GLADSTONE  
PARTNER  
DIRECT DIAL (415) 995-5065  
DIRECT FAX (415) 995-3517  
E-MAIL B.Gladstone@hansonbridgett.com



2015 APR -3 AM 10:51

BY BJ

April 2, 2015

BY EMAIL AND HAND DELIVERY

President London Breed and Honorable Members of the Board of Supervisors  
c/o Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors of the City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Re: **Appeal of Approval and Categorical Exemption Determination of 53 States Street Demolition and Construction Project, San Francisco, CEQA Categorical Exemption Case No. 2014.0177E**

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

We represent 53 States Street, LLC (the "Project Sponsor"), the owner of 53 States Street. The Project Sponsor has planned a project that would create two, three-bedroom dwelling units on the property. The Appellant (attorney Hector Martinez, Esq.) resides next to the property and has expressed concerns that the size of the units and the building are too large, and that the current small home should be renovated or the new building should be a great amount smaller. Although our client has reduced the overall size of the two unit building by over a 1600 gross square feet and one floor has been removed, and even though there was a unanimous Planning Commission approval of a much smaller project the Appellant is unsatisfied and is now challenging the project's environmental review.

The Appellant has asked the City to do an EIR because the project lies near an area that has temporary zoning controls your Board created recently at the request of Supervisor Wiener. However, the proposed building is about 400 feet away from being in that area. Even if it was within its boundaries, the interim controls do not prohibit this building but merely give the building a longer approval process. Even if it were in that area, the level of environmental review does not change since the environmental effect on the building does not change if a longer approval process exists.

The new occupants of the two units will most likely resemble Appellant and his wife in that they will be hard working professionals, perhaps with advanced degrees. For example, Appellant and his wife are both attorneys and they both live in a condominium, and Appellant and the occupants of the new building will live in places

that are not affordable by the City's standards of affordability. Appellant's condominium next door is reported by the well known Zillow service as presently being worth \$1,347,925. Appellant's condominium building (it has two condo units) could never be built today, as it covers the great majority of its lot, leaving very limited yard, and on one side of the lot only (with the side facing the subject property extending the full length of the lot).

### **Description of the Parties Who Are Developing This Lot.**

Marvin and his business partner Vicky, who is the other member of the LLC that holds title, both live in the area. Marvin rents a unit in an apartment building with his wife Elizabeth and their two children on 16<sup>th</sup> Street, perhaps within a hundred yards of this site. They like the neighborhood and planned to live in one of these proposed new units at 53 States street as it is within the neighborhood they like. Vicky is about to, or has just moved into, a home on 19<sup>th</sup> Street. They are not out of town developers. Marvin and his family were proposing a building with a unit large enough for them and visiting relatives. The second unit was intended to be rented out for rental income, or to be used for visiting relatives, or to be sold to a family member.

However, two things occurred that caused them to want to stay in their rental units and look for a place to occupy elsewhere from this lot. At the very contentious hearing at the Planning Commission, certain neighbors made extremely personal remarks.<sup>1</sup> Marvin and wife Elizabeth realized that upon moving in they would feel uncomfortable with the neighbors given all the strong feelings; moreover, the Planning Commission cut out the fourth bedroom that would be used for both sets of visiting grandparents.

The Tiens wanted a second and third bedroom as the planned rooms were small and so they wanted each of their kids to have their own. The approved three bedroom units could not accommodate a bedroom for visiting relatives, a bedroom for each child, and enough storage space for an extended family.

Because the two new units do not offer more than a couple hundred square feet more space than their current rental unit and because a move takes a good deal of time

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<sup>1</sup> This re-occurred at the recent mediation at Community Boards which the new project team attended on behalf of Marvin Tien, who had to go to Taiwan for the heart surgery of his father. When we arrived, we told Appellant why our client could not be there. In front of the mediation staff there, Appellant accused our team of lying to him about that, and walked out of the mediation. The mediation staff urged him to stay and discuss the matter, as we had authority from the client to make project changes. However, Appellant, his wife and the other condominium owner in the building refused to stay. We made ourselves available on five other days but Appellant could not arrange those, because he maintained that although he was the sole Appellant, many neighbors had to attend.

and is very disruptive, Mr. & Mrs. Tien are looking to move into a home elsewhere in the City.

### **I. Project Description.**

The property contains a dilapidated two-story single family home even though the zoning is for two dwellings. It is a substantial underutilization of its lot at a time where there is a housing crisis; the house is approximately 1,554 square feet and is in very substandard condition. Even so, current prices for Appellant's condominium (estimated at \$1,347,925) and the existing building on our client's lot (appraised at \$1,550,000) are expensive. See Exhibit 1. In fact, the Planning Commission accepted this \$1,550,000 value determination and found that the existing house is not affordable and that keeping it would not preserve affordable housing resources. Any renovation (an expensive one would be needed to make this habitable) would make it even less affordable.

The property does not contain rental housing. The house was last occupied by the former owner who sold it to the Project Sponsor in 2013 as it was extremely dilapidated. It has remained vacant since then. The City has determined that this is not a historic resource. (See historical report at Exhibit 2.)

The new 2-unit building would have four stories, with only three viewable from the street as one will be at the rear which is lower than the street frontage. One floor was removed by the Project Sponsor in response to the Planning Commission's comments. The new units will be only 2,220 square feet and 2,125 square feet and each will have three bedrooms. (See drawing of proposed street view approved by the Planning Commission at Exhibit 3 and relevant pages of approved plans at Exhibit 4.)

### **II. Supervisor Wiener's Resolution Imposing Temporary Zoning Controls for Certain Building Sites Does Not Apply to this Project.**

The Board of Supervisors passed Resolution No. 76-15 which imposes a longer approval process (a conditional use permit) on very large residential development in the area. The subject property is not within the boundaries of that area.

### **III. History of this Project.**

No variances are needed and the project fully complies with the Planning Code. The Appellant did not request Discretionary Review, but now has second thoughts about the project. This is a little hard to understand as the Project Sponsor and Planning Commission removed a full floor and a very large corner of the building where the building would most affect Appellant. The only reason there was a Discretionary Review hearing was because it is required by the Planning Department whenever there is a demolition of a residential unit in a RH-2 District, even if the unit is considered non-historic or unaffordable. Attached at Exhibit 5 is a copy of the Planning Commission's

decision known as the Discretionary Review Action, which approved the project by a unanimous vote.

The adjacent neighbor on the opposite side of the new project supports the project. Attached at Exhibit 6 is a list of those who appeared at a hearing, or sent emails or letters, in support of the project.

The fact that Appellant's appeal is not just about the creation of a significant negative environmental effect can be seen by looking at his letter to our client dated August 6, 2014. In that, he mentions among other things that he would have a loss of view out of his side window (although City law does not protect view); and he worries that the value of his property would go down (although City law does not protect property values). Most important, neither views nor property values have any significant negative effect on the environment. The Commission considered environmental issues, but also made its decision (in a unanimous vote) on issues that are not environmental issues (neighborhood character, potential removal of light to interior rooms, etc.) and found no negative effects on neighborhood character and light. If Appellant is still unhappy with his view or that his property value will decrease he may appeal to the Board of Appeals when the demolition permit or new building permit issues.

#### **IV. Modifications to Project Have Already Addressed Appellant's Concerns.**

The Project Sponsor made well over a dozen modifications *in three phases* to address the Planning Department and neighbors' concerns. First, before the Project Sponsor submitted final plans to the Planning Department, the Project Sponsor made neighbor oriented changes requested at meetings with the neighbors. That was after taking into account what the architect John Lum heard during four meetings with the neighbors before filing an application with the City. Second, after submitting plans to the Planning Department, the Project Sponsor made neighbor requested changes in response to Planning staff comments. Third, at the Planning Commission hearing, the Planning Commission requested a number of neighbor requested changes reducing the size, which the Project Sponsor made. Appellant is being misleading when he quotes the negative Planning Commissioners' comments --- those negative comments disappeared once the Project Sponsor reduced the overall massing, and the gross square footage of the building by 1,245 sq. ft. and required new setbacks facing Appellant. Exhibit 7 is a summary of the many changes made to reduce the size of the project (mostly for Appellants benefit), including the removal of an entire floor.

#### **V. The Categorical Exemption is Appropriate for the Project.**

The Planning Department gave the project a Class 1(d) and Class 3(b) exemption from further environmental review. This exemption was made part of the law to cover demolition of a non historic building such as this one, and to cover the new

construction of up to three new single-family residences or six dwelling units in one building. (See Exhibit 8.)

The Planning Department's historic preservation team agreed with the conclusions of a historic report prepared by Tim Kelley (a highly respected historic consultant and former Landmark Board Member). His report says the building does not have historic integrity because the building facade and inside has been significantly altered by both permitted and unpermitted work. It also is not associated with any historic events or important persons. (See portions of the historic report at Exhibit 2.)

1. **Appellant contends that the existence of the interim controls initiated by Supervisor Weiner (and which cover an area more than 400 feet away from this site) is proof that this new building will create a cumulative impact that is a significant negative effect on the environment.** However, State law says that a Categorical Exemption is only inappropriate if it can be demonstrated that the cumulative impact of successive projects of the "same type" in the "same place" over time would have a significant impact. (CEQA Guidelines Section 15300.2(b)). For that argument to prevail, the Appellant must not only identify projects *already proposed* in the area but also Appellant has to demonstrate those projects cumulatively may have a significant impact on the environment. (*Hines v California Coastal Commission (2010) 186 CA 4th 830, 857*). He provides no facts as to what the significant effects are.

Further, the City already contemplated a development of two units when it crafted two unit zoning for this lot. The law states that if a project is permitted under the zoning and consistent with the General Plan then it already has been determined through previous City environmental review (during passage of the General Plan) that the development would not have a significant effect on the environment. Furthermore, Appellant is wrong in stating that the project does not comply with the General Plan. The General Plan encourages the construction of two units where permitted by the zoning. (See Exhibit 9.) And the fact that the project did not trigger any variances and was Code complying (even in its originally larger form) is evidence that the project is in compliance with the General Plan.

2. **The new requirements of Supervisor Wiener's Resolution No. 76-15 do not address environmental issues, but rather neighborhood character issues.** Moreover, the project is outside the boundaries of this Resolution's district and therefore is not considered a property that contributes to the problem being addressed in the Resolution.

3. **Appellant states that the project will change the socioeconomic character of the neighborhood because the new units will attract only the most wealthy.** However, CEQA considers the *physical effect on the environment* and does not consider impacts to an individual. A court in the well known decision Topanga Beach Renters Assn. v. Department of General Services (1976) 58 Cal.App.3d 188 at 195 states "All government activity has some direct or indirect adverse effect on some

persons. The issue is not whether (the project) will adversely affect particular persons but whether [the project] will adversely affect the environment (Wolford v. Thomas (1987) 190 Cal.App.3d 347 at 358).” Appellant does not mention that the Planning Commission already considered the design impacts to the adjoining properties during its hearing and greatly reduced the project size (including removing the top floor), and thus made the project compatible with the neighborhood. And as mentioned above, it would not be surprising if the new residents of the building were similar to Appellant.

4. **The Appellant contends the demolition of the existing single family home will remove affordable housing that drives the value of properties and this is inconsistent with the City's policies.** First, no eviction occurred. The prior owner occupied the home and sold it partly because it is in such poor condition and too expensive to just renovate. Second, the Planning Commission accepted evidence that the existing home of 1554 square feet exceeds a value of \$1.5 million, which is considered unaffordable. Third, Appellant’s argument is that new supply of market rate housing increases the price of rental units nearby and of homes to purchase in the area and in the City. However, all recent research has proven that the construction of new housing does not increase the cost to rent or own elsewhere. The more the supply, the more prices go down.

Finally, the Appellant fails to consider the value the home would have if it is brought up to Code and today's living standards. In order to do so, a person would have to invest approximately \$650,000 (\$400/sq. ft.) in the property and would turn around and sell the property for over \$1.75 million.

5. **Appellant states that there are significant environmental effects that consist of the loss of open space, trees and wildlife.** The Appellant does not specify the wildlife that will be displaced or whether it includes an endangered species. The Appellant lives in a two-unit building that occupies all of the lot and provides no space for trees or wildlife. The proposed project leaves a large open rear yard, and a front yard, so that wildlife will return. (See Site Plan attached as Exhibit 4.) The Planning Code allows the proposed project to occupy a larger portion of the front yard than proposed, but it has been set back to allow the open space that exists to be preserved (although with less of it). The rear yard will be re-landscaped or the existing tree there will remain depending on the neighbors’ wishes. The street tree must be removed because it is dead. The Project Sponsor is required to plant a new street tree of 15 gallons, but the Project Sponsor intends to plant a tree that is at least 24 gallons. Appellant claims that the fact that each unit will have one parking space is a significant negative environmental effect; however City rules do not recognize parking conditions as having any environmental effect. Traffic circulation and delays are recognized by the law, but not alleged here.


6. **Appellant states unusual circumstances are present here that would make the Categorical Exemption inappropriate under CEQA.** No unusual circumstances exist here. The project fits into the scale and density of the

neighborhood. Appellants own adjacent property to the east (51 States Street) also contains a two-unit building. It occupies all of the length of its lot with a small width reduction at rear. The buildings located across the street contain two to four units and have facades ranging from three to six stories. Thus, the project is typical of the neighborhood. Further, the fact that there are several other nearby developments that are proposed is not an unusual circumstance.

What is most important is that your Board did not consider this lot to be one that needed the protection of your new interim legislation making project approvals within the zone boundaries more challenging. Also, the law of California recently changed when last month, our State Supreme Court (see Exhibit 10) ruled that parties such as Appellant (1) have the burden of proof to show that a Categorical Exemption should not be given; and (2) should not be able to challenge a Categorical Exemption without "substantial" evidence. No such substantial evidence was presented here by Appellant.

Based on the foregoing, we respectfully request that you uphold the Categorical Exemption and deny the Appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brett Gladstone", with a long horizontal line extending to the right.

M. Brett Gladstone

Enclosures

cc: 53 States Street, LLC (Mr. Tien)  
John Lum, Architect (By Hand Delivery)  
Tim Kelley, Historic Consultant (By Hand Delivery)  
Scott Sanchez, Planning Department (By Hand Delivery)  
Sarah B. Jones, Planning Department (By Hand Delivery)  
Jeanie Poling, Planning Department (By Hand Delivery)  
Joy Navarette, Planning Department (By Hand Delivery)  
Hector Martinez, Appellant (By Hand Delivery to Residence)



# LAND APPRAISAL REPORT

File No.: 53States09-2014

*(This area is intentionally left blank for the appraisal report content.)*

**RECONCILIATION**

Indicated Value by: Sales Comparison Approach \$ 1,550,000

Final Reconciliation In developing this appraisal, the appraiser has incorporated only the Sales Comparison approach. The appraiser has excluded the Cost and Income approaches. The appraiser has determined that this appraisal process is not so limited that the results of the assignment are no longer credible. Emphasis is on #1 which is a recent sale of a similar type property. The listings provide support.

This appraisal is made  "as is", or  subject to the following conditions:

This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 1,550,000, as of: 01/06/2015, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

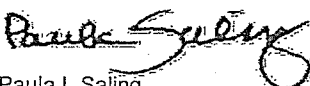
**ATTACH.**

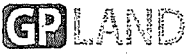
A true and complete copy of this report contains 12 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits:

Limiting cond./Certifications     Narrative Addendum     Location Map(s)     Flood Addendum     Additional Sales

Photo Addenda     Parcel Map     Hypothetical Conditions     Extraordinary Assumptions     Income/Expense Analysis

**SIGNATURES**

Client Contact: _____	Client Name: <u>Marvin Tien</u>
E-Mail: <u>marvin.tien@nantaicapital.com</u>	Address: <u>3796 16th St, Suite 3585, San Francisco, CA 94114</u>
APPRaiser	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
	
Appraiser Name: <u>Paula L Sailing</u>	Supervisory or Co-Appraiser Name: _____
Company: <u>Bridge to Bridge Appraisers</u>	Company: _____
Phone: <u>(415) 640-0916</u> Fax: <u>(800) 499-1489</u>	Phone: _____ Fax: _____
E-Mail: <u>info@arc4value.com</u>	E-Mail: _____
Date of Report (Signature): <u>01/09/2015</u>	Date of Report (Signature): _____
License or Certification #: <u>AG016454</u> State: <u>CA</u>	License or Certification #: _____ State: _____
Designation: <u>Certified General Appraiser</u>	Designation: _____
Expiration Date of License or Certification: <u>02/23/2016</u>	Expiration Date of License or Certification: _____
Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect (Desktop)	Inspection of Subject: <input type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect
Date of Inspection: <u>01/06/2015</u>	Date of Inspection: _____



## PART I HISTORICAL RESOURCE

53 STATES STREET

SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

2912 DIAMOND STREET #330

SAN FRANCISCO, CA 94131

415.337-5824

TIM@TIMKELLEYCONSULTING.COM

## VI. EVALUATION OF HISTORIC STATUS

The subject property was evaluated to determine if it was eligible for listing in the California Register of Historical Resources, either individually or as a contributor to an historic district.

The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed.

Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

*Criterion 1 (Event):* Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

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

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

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

The following section examines the eligibility of the subject property for listing in the California Register under those criteria.

#### *A. Individual Eligibility*

- Criterion 1 (Events)

The property is not eligible for listing in the California Register under Criterion 1. This building was constructed circa 1910, however, that date is an estimate. The building is not associated with any significant development pattern in the neighborhood. There is no evidence that the building was in any way associated with the quarry that created the streets surrounding it. The building did not make a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. Thus, it is not eligible for listing in the California Register under Criterion 1.

- Criterion 2 (Persons)

This building does not appear to be eligible for listing in the California Register under Criterion 2. The building is associated with artist Henry Dietrich. Henry Dietrich was primarily an illustrator for the San Francisco Chronicle for 30 years. Additionally, he sold and exhibited original artwork from the 1950s through the 1970s.<sup>1</sup> He did not continue selling or showing his work after that, but maintained a private collection of approximately 400 pieces. After his death

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<sup>1</sup> Thomas J. Lonner, "The World of Henry J. Dietrich 1918-2000," Unpublished, Internet: <http://henryjdietchcollection.com>.

in 2000, his collection was donated and has recently been exhibited in a small gallery in Washington State.

While well known due to his many years work at the San Francisco Chronicle, Dietrich does not appear to be important to local, California, or national history. He exhibited paintings at various galleries over the years, but "his original artwork did not provide him with reliable income".<sup>2</sup> His finest work was produced from 1973 to his death in 2000<sup>3</sup> after his 1953 to 1969 residence in the subject building.

None of the other owners or occupants of the property were listed in the San Francisco Biography Collection, San Francisco Public Library or otherwise indicated to be important to the history of San Francisco or the State of California. Thus the property is not eligible for listing in the California Register under Criterion 2.

- Criterion 3 (Architecture)

This property is not eligible for listing in the California Register under Criterion 3. The building's construction date could not be determined and a builder or architect could not be identified. This building does not embody distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic value. Thus the property is not eligible for listing in the California Register under Criterion 3.

- Criterion 4 (Information Potential)

This criterion ordinarily refers to potential archeological value. A full analysis of archeological value is beyond the scope of this report. The property does not appear eligible for listing on the California Register under Criterion 4.

### *B. District*

A property may also become eligible for listing on the California Register as a contributor to an historic district. Guidelines define a district as an area that "possesses a significant

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<sup>2</sup> ibid

<sup>3</sup> ibid

concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”<sup>4</sup> To be listed on the California Register, the district itself must be eligible under the criteria already discussed. The documentation of the district must enumerate all properties within it, identifying each as a contributor or non-contributor. The district itself, as well as each of its contributors, then become historical resources.

The area in which the subject property is located is not currently formally identified as an historic district. The potential for a district existing that has not yet been identified was investigated by a visual examination of the area defined in the scoping discussion of October 30, 2013. The area examined was States Street west of Castro Street to the edge of the playground.

The area examined contains 28 residential buildings constructed between 1900 and 2002 and ranging in height from one to six stories (Appendix). The architectural styles range from Victorian Era to Modern Era with no consistent or dominating style. The following table lists the property address/parcel number, age (directional order east to west), and use of the buildings examined:

340-344 Castro Street	2623/001	1908	Multiple-family
15-17 States Street	2623/082	1957	Multiple-family
25 States Street	2623/081	1929	Multiple-family
27 States Street	2623/080	1910	Single-family
37 States Street	2623/086	1961	Multiple-family
41 States Street	2623/077	1906	Single-family
45 States Street	2623/076	1904	Single-family
51A States Street	2623/215	1928	Multiple-family
53 States Street	2623/074	1900	Single-family
57-59 States Street	2623/205	1966	Multiple-family
61 States Street	2623/072	1910	Single-family

<sup>4</sup> Office of Historic Preservation. "Instructions for Recording Historical Resources," Sacramento. 1995

65 States Street	2623/071	1909	Single-family
69-71 States Street	2623/070	1923	Multiple-family
83 States Street	2623/069	1925	Multiple-family
85-87 States Street	2623/107	1986	Multiple-family
336 Castro Street	2622/107	1916	Multiple-family
	2622/083		Vacant
32 States Street	2622/084	1990	Multiple-family
36-38 States Street	2622/068	2001	Multiple-family
40-42 States Street	2622/070	2001	Multiple-family
44-46 States Street	2622/072	2002	Multiple-family
3759 16 <sup>th</sup> Street	2622/015	1963	Multiple-family
54 States Street	2622/016	1963	Multiple-family
60-62 States Street	2622/046	1965	Multiple-family
66-68 States Street	2622/057	1976	Multiple-family
74-76 States Street	2622/058	1976	Multiple-family
3785-87 16 <sup>th</sup> Street	2622/085	1966	Multiple-family
3809 16 <sup>th</sup> Street	2622/022	1922	Single-family

In summary, this area has no overall consistent pattern of style, type or period of construction. There does not appear to be a district of architecturally or historically cohesive buildings.

## VII. INTEGRITY

In addition to being determined eligible under at least one of the four California Register criteria, a property deemed to be significant must also retain sufficient historical integrity. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, evaluating adverse change. For the purposes of the California Register, integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance" (California Code of Regulations Title 14, Chapter 11.5). A property is examined for seven variables or aspects that together comprise integrity. These aspects, which are based closely on the National Register, are location, design, setting, materials, workmanship, feeling and



association. *National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation* defines these seven characteristics:

- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- *Materials* refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history.
- *Feeling* is the property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

Since this building is not eligible for listing in the California Register, no period of significance is established and integrity cannot be determined.

## VIII. CONCLUSION

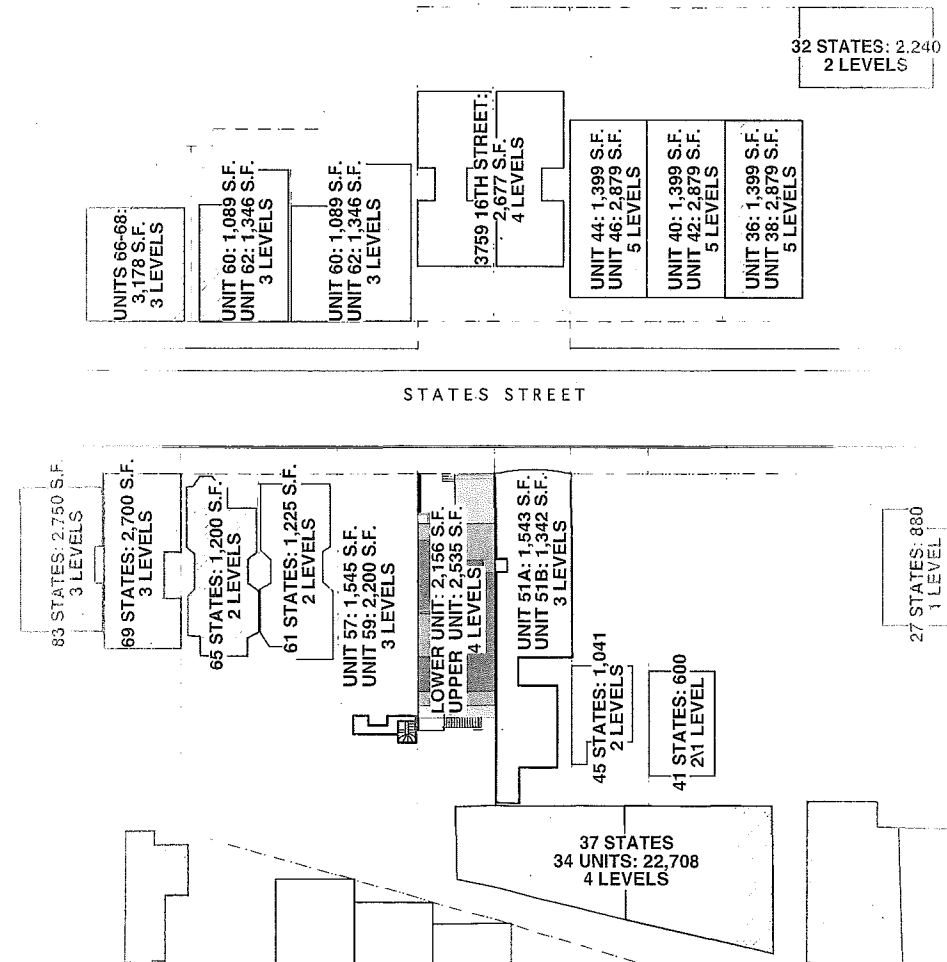
53 States Street is not individually eligible for listing in the California Register. The building is not located in a potential historic district.



5 PROPOSED REDESIGN - BIRD'S EYE PERSPECTIVE  
Scale: 1/4" = 1'-0"



3 PROPOSED REDESIGN - STREET PERSPECTIVE  
Scale: 1/8" = 1'-0"



2 COMPARATIVE STUDY  
Scale: 1" = 30 ft

**LUMI**

JOHN LUM ARCHITECTURE INC.  
3248 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL 415 558 9550 FAX 415 558 0554



TIEN-STATES RESIDENCE  
53 STATES ST  
SAN FRANCISCO, CA 94114

415  
53 STATES ST  
SAN FRANCISCO, CA 94114

REDUCED SET SCALE = 50%

date:	issues/revisions:	by:
11.19.13	Project Review	ja
11.26.13	Pre-App Meeting	ja
12.11.13	Pre-App Meeting	ja
01.06.14	Pre-App Meeting	ja
01.31.14	Demo/311 Submittal	ja
06.24.14	Revision 1	ja
07.22.14	Revision 2	ja
11.10.14	Discretionary Review	hm
12.09.14	Discretionary Review	aa
12.22.14	Redesign	aa
12.24.14	Redesign Revisions	aa

project name: TIEN-STATES  
project number: 00000  
scale: AS NOTED

COMPARATIVE STUDY

# TIEN RESIDENCE

53 STATES STREET  
SAN FRANCISCO, CA 94114



JOHN LUM ARCHITECTURE INC.  
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL. 415 558 9550 FAX 415 558 0554

## PROJECT DATA:

### CODES:

2013 CALIFORNIA BUILDING CODE  
2013 CALIFORNIA MECHANICAL CODE  
2013 CALIFORNIA ELECTRICAL CODE  
2013 CALIFORNIA PLUMBING CODE  
2013 CALIFORNIA FIRE CODE  
2013 CALIFORNIA RESIDENTIAL CODE  
2013 CALIFORNIA ENERGY CODE  
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE  
APPLICABLE SAN FRANCISCO MUNICIPAL CODES

### PROJECT ADDRESS:

53 STATES STREET  
SAN FRANCISCO, CA 94114

### PROJECT DESCRIPTION:

- DEMOLITION OF A SINGLE-FAMILY RESIDENCE
- NEW CONSTRUCTION OF 3-STORY (PLUS GARAGE LEVEL) TWO-UNIT BUILDING; ONE UNIT TO HAVE 3 BEDROOMS & 3.5 BATHS; THE SECOND UNIT TO HAVE 3 BEDROOMS & 2.5 BATHS
- BOTTOM LEVEL IS GARAGE WITH TWO PARKING SPACES
- ENTIRE BUILDING TO BE SPRINKLERED PER CRC 15.06.040 SECTION R313.2

### PLANNING INFORMATION:

**BLOCK / LOT:** 2623/074  
**ZONING DISTRICT:** RH-2  
**LOT SIZE:** 2,642 SQ. FT.  
**BUILDING HEIGHT:** 40 FEET MAX. / 30 FEET AT FRONT OF PROPERTY

**SETBACKS:** FRONT: BASED ON AVERAGE OF ADJ. BUILDINGS; UP TO 15 FT OR 15% OF LOT DEPTH

SIDE: NONE

REAR: 45% OF LOT DEPTH OR AVERAGE OF ADJ. BLDGS. IS AVERAGED. LAST 10 FT IS LIMITED TO HEIGHT OF 30 FT AND MIN. OR 25% OF LOT DEPTH, BUT NO LESS THAN 15 FT

**GROSS FLOOR AREA:** EXISTING:  
1ST FLOOR: 848 G.S.F.  
2ND FLOOR: 568 G.S.F.  
TOTAL: 1,554 G.S.F.

PROPOSED:  
GARAGE: 760 G.S.F.  
LOWER UNIT: 2,125 G.S.F.  
UPPER UNIT: 2,220 G.S.F.  
CIRCULATION: 375 G.S.F.

TOTAL: 5,480 G.S.F.  
NET CHANGE: + 3,926 G.S.F.  
(PREVIOUS TOTAL: 6,725 G.S.F.)

### BUILDING INFORMATION:

**OCCUPANCY:** GROUP R, DIVISION 3  
**CONSTRUCTION TYPE:** TYPE 5B (PER C.B.C. TABLE 601)  
**MINIMUM ROOF CLASS:** CLASS B ROOF

## PROJECT PARTICIPANTS:

**OWNER:**  
MARVIN & ELISABETH TIEN  
3796 16TH ST.  
SAN FRANCISCO, CA 94114

T. 310 . 963 . 8087

**ARCHITECT:**  
JOHN LUM ARCHITECTURE  
3246 17TH STREET  
SAN FRANCISCO, CA 94110  
t. 415 . 558 . 9550 x.21  
f. 415 . 558 . 0554

**GENERAL CONTRACTOR**  
T.B.D.

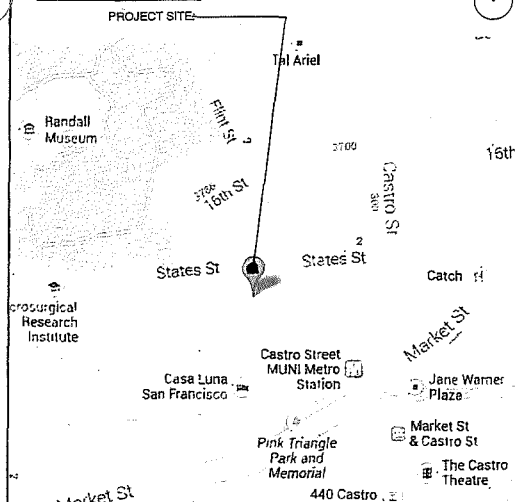
**STRUCTURAL ENGINEER:**  
T.B.D.

## DRAWING INDEX:

### ARCHITECTURAL

1. A0.0 TITLE SHEET
2. A0.2 PROPOSED SITE/ROOF PLAN
3. A2.0 PROPOSED FIRST FLOOR/GARAGE PLAN
4. A2.1 PROPOSED SECOND FLOOR PLAN
5. A2.2 PROPOSED THIRD FLOOR PLAN
6. A2.3 PROPOSED FOURTH FLOOR PLAN
7. A3.1 PROPOSED NORTH ELEVATION
8. A3.2 PROPOSED WEST ELEVATION
9. A3.3 PROPOSED SOUTH ELEVATION
10. A3.4 PROPOSED EAST ELEVATION
11. A3.5 SECTION
12. A3.9 PROPOSED BUILDING PERSPECTIVES - REDESIGN

## VICINITY MAP:



TIEN-STATES RESIDENCE

53 STATES ST  
SAN FRANCISCO, CA 94114

drawn  
5/1 scales at  
san francisco, ca 94114

REDUCED SET SCALE = 50%

date:	issues/ revisions:	by:
11.19.13	Project Review	ja
11.26.13	Pre-App Meeting	ja
12.11.13	Pre-App Meeting	ja
01.06.14	Pre-App Meeting	ja
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07.22.14	Revision 2	ja
11.10.14	Discretionary Review	hm
12.09.14	Discretionary Review	aa
12.22.14	Redesign	aa
12.24.14	Redesign Revisions	aa

project name: TIEN-STATES  
project number: 00000  
scale: AS NOTED

TITLE SHEET

A0.0





TIEN-STATES RESIDENCE

53 STATES ST  
SAN FRANCISCO, CA 94114

den  
53 states st  
san francisco ca 94114

REDUCED SET SCALE = 50%

date :	issues/ revisions :	by :
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12.24.14	Redesign Revisions	aa

project name : TIEN-STATES  
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scale : AS NOTED

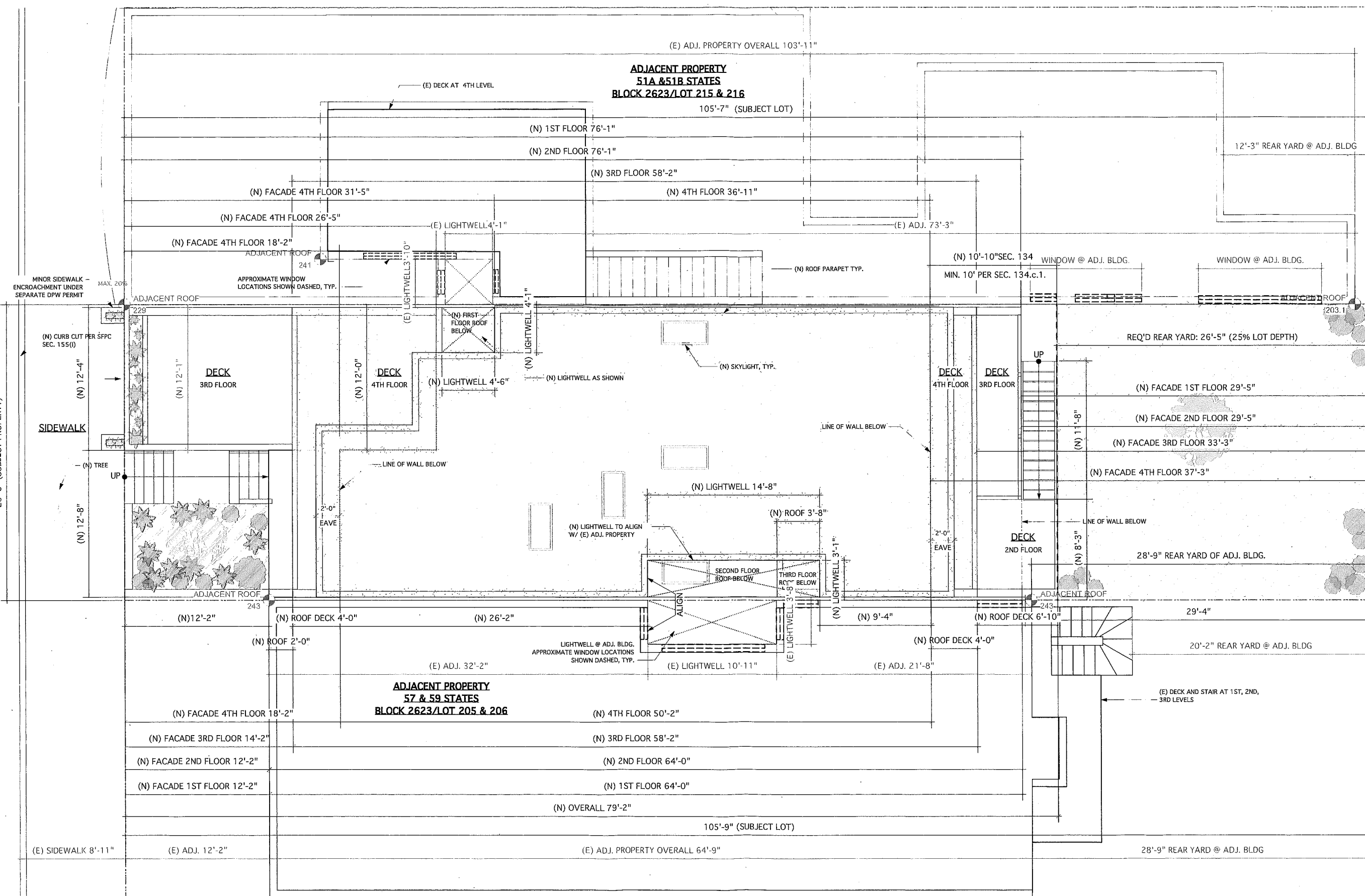
PROPOSED ELEVATIONS

A3.1



1 PROPOSED NORTH ELEVATION  
A3.1 1/8" = 1'-0"

STATES STREET  
25'-0" (SUBJECT PROPERTY)



1  
A0.2 PROPOSED SITE PLAN  
1/8" = 1'-0"



**LUM**

JOHN LUM ARCHITECTURE INC.  
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL 415 558 9550 FAX 415 558 0554



TIEN-STATES RESIDENCE

53 STATES ST  
SAN FRANCISCO CA 94114

DATE: 03/20/14  
BY: JLM  
SAN FRANCISCO, CA 94114

REDUCED SET SCALE = 50%

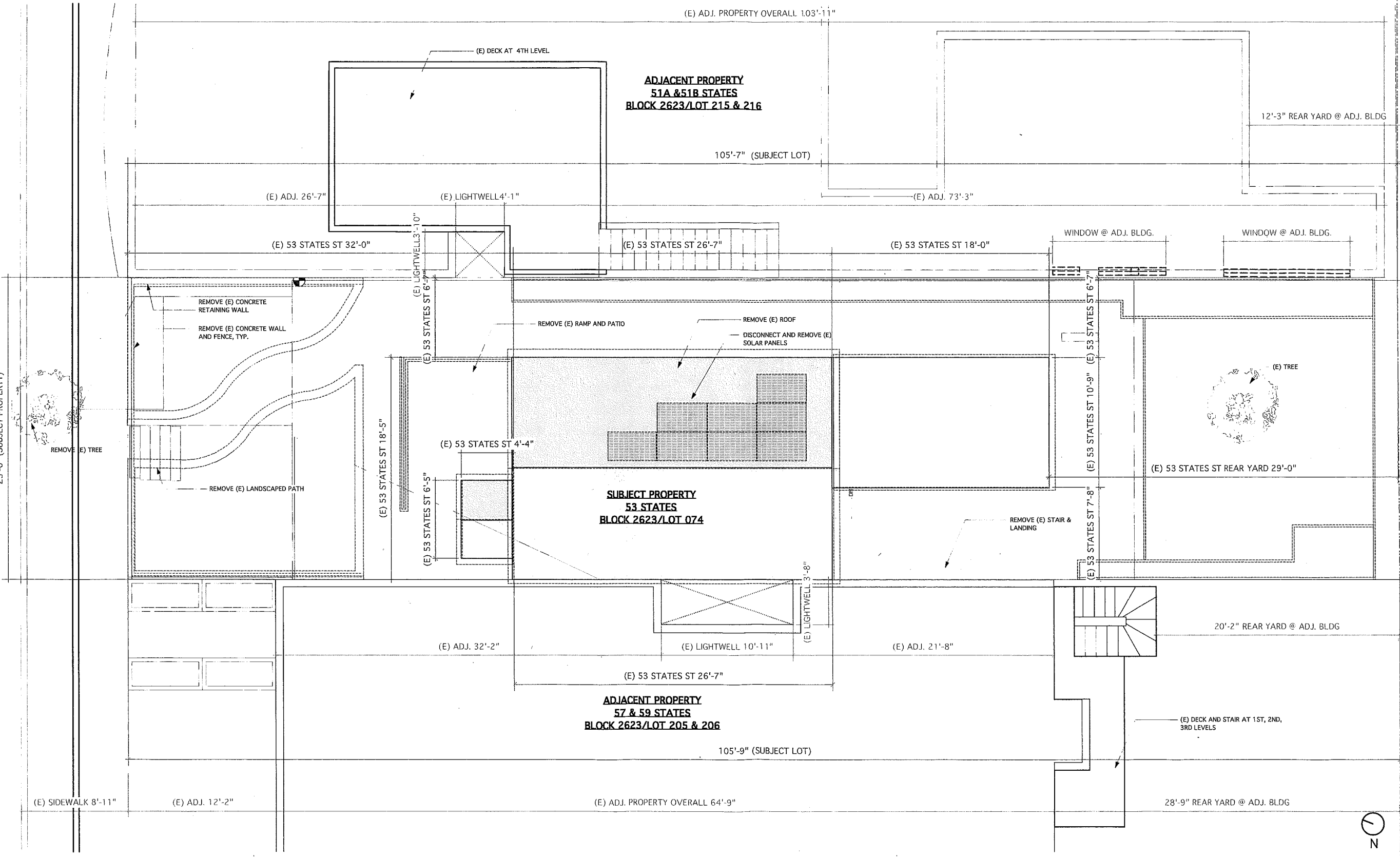
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project name : TIEN-STATES  
project number : 00000  
scale : AS NOTED

PROPOSED  
SITE PLAN

A0.2

STATES STREET  
25'-0" (SUBJECT PROPERTY)



ADJACENT PROPERTY  
51A & 51B STATES  
BLOCK 2623/LOT 215 & 216

SUBJECT PROPERTY  
53 STATES  
BLOCK 2623/LOT 074

ADJACENT PROPERTY  
57 & 59 STATES  
BLOCK 2623/LOT 205 & 206

**LUM**

JOHN LUM ARCHITECTURE INC.  
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL. 415.568.9550 FAX. 415.568.0554



TIEN-STATES RESIDENCE

53 STATES ST  
SAN FRANCISCO, CA 94114

John Lum  
53 States St  
San Francisco, CA 94114

REDUCED SET SCALE = 50%

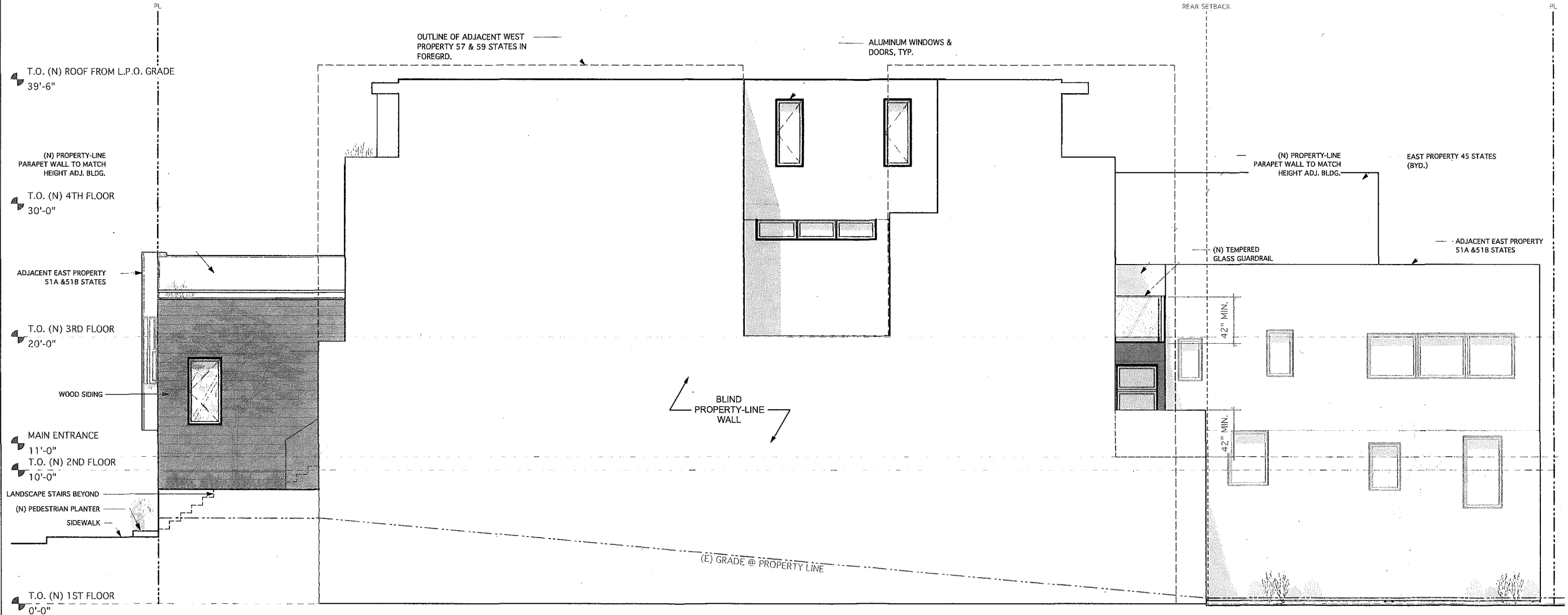
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12.22.14	Redesign	aa
12.24.14	Redesign Revisions	aa

project name : TIEN-STATES  
project number : 00000  
scale : AS NOTED

EXISTING / DEMO  
SITE PLAN

A0.1

1  
A0.1 EXISTING/DEMOLITION SITE PLAN  
Scale: 1/4" = 1'-0"



1 PROPOSED WEST ELEVATION  
A3.2 1/8" = 1'-0"

TIEN-STATES RESIDENCE

53 STATES ST  
SAN FRANCISCO, CA 94114

John Lum  
53 STATES ST  
SAN FRANCISCO, CA 94114

REDUCED SET SCALE = 50%

date :	issues/ revisions :	by :
11.18.13	Project Review	ja
11.26.13	Pre-App Meeting	ja
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01.05.14	Pre-App Meeting	ja
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12.22.14	Redesign	aa
12.24.14	Redesign Revisions	aa

project name : TIEN-STATES  
project number : 00000  
scale : AS NOTED

PROPOSED EXTERIOR ELEVATIONS





# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Action DRA-0399

HEARING DATE: JANUARY 8, 2015

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* January 12, 2015  
*Case No.:* 2014.0177D / 2014.0178D  
*Project Address:* 53 STATES STREET  
*Permit Application:* 2014.0130.7476  
2014.0130.7472  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 2623/074  
*Project Sponsor:* John Lum, John Lum Architecture  
3246 17<sup>th</sup> Street  
San Francisco, CA 94110  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)

**ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2014.0177D / 2014.0178D, AND THE APPROVAL OF BUILDING PERMIT APPLICATIONS 2014.0130.7476 AND 2014.0130.7472 PROPOSING THE DEMOLITION OF AN EXISTING, VACANT, 1,554 SQUARE FOOT SINGLE-FAMILY DWELLING UNIT AND THE NEW CONSTRUCTION OF A THREE-STORY, TWO-UNIT STRUCTURE WITHIN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) AND 40-X HEIGHT AND BULK ZONING DISTRICT.**

### PREAMBLE

On January 30, 2014, James Barker on behalf of Marvin and Elizabeth Tien (hereinafter "project sponsor") filed Building Permit Application Numbers 2014.0130.7476 and 2014.0130.7472, and associated Mandatory Discretionary Review Cases 2014.0177D and 2014.0178D on January 31, 2014, proposing the demolition of an existing, single-family dwelling and the new construction of a three-story (four level), two-unit building.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption).

On November 20, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Mandatory Discretionary Review Applications 2014.0177D and 2014.0178D on Building Permit Applications 2014.0130.7476 and 2014.0130.7472. After public testimony opposing the project, the Commissioners voted to continue the item to January 8, 2015, allowing time to the Project Sponsor to make several changes to increase the

project's compatibility with the neighborhood, including the removal of the proposed stair penthouse and roof deck, and the reduction in scale and massing of the overall structure.

The following changes were made to the project:

- Removal of car lift for a subterranean garage reducing the gross square footage of the structure by approximately 1,000 square feet, the number of parking spaces from four to two, and the scale of the proposed building from five levels to four
- Removal of the proposed roof deck and stair penthouse
- Additional setback of the fourth level from 13'-9" to approximately 18'-2" from the front building wall on the west side of the building and 26'-11" on the east side of the building
- Reduction in size of the lower unit from 2,357 square feet to 2,125 square feet
- Reduction in size of the upper unit from 2,620 square feet to 2,220 square feet
- Reduction of building's gross square feet from approximately 7,103 to 5,480 square feet

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

## **ACTION**

The Commission hereby took Discretionary Review requested in Application No. 2014.0177D/2014.0178D and approved Building Permit Applications 2014.0130.7476 and 2014.0130.7472 as modified.

## **BASIS FOR RECOMMENDATION:**

The reason(s) the Commission took the action described above include:

1. The Commission determined that the proposed units were consistent and compatible with the neighborhood character.
2. The demolition of the existing single family structure was not found to be affordable.

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal the decision for this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is approved. For further information, please contact the Board of Appeals at (415) 575-6881, 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 took Discretionary Review and approved the project as referenced in this action memo on January 8, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Moore, and Richards

NAYS:

ABSENT: Commissioner Wu

ADOPTED: January 8, 2015.

53 States Street

Neighbor Letters of Support

1. Christopher Struck – 57 States Street (adjacent property to the east)
2. William Roberts – 2370 Market Street, #145 (previous resident at subject property)
3. Christopher Keller – 101 States Street (neighbor)
4. Stuart Hills – 173 States Street (neighbor)

### **List of Modifications to Project**

1. Removal of garage level resulting in a 4-story building; previous proposal was 5 stories. The full basement floor has been removed, resulting in a substantial reduction in excavation.
2. Removal of proposed roof deck and fifth-floor staircase penthouse.
3. Rear of building brought forward (lot coverage reduced) to prevent blocking windows on adjacent properties at 51 States Street (Appellant) and 57-59 States Street.
4. Building height reduced from 39'-6" to 33'-7" to match averaging line properties between 57-59 States Street and 51 States Street (Appellant).
5. Building Gross floor Area (GFA) reduced by 1,623 sq. ft.
6. 4<sup>th</sup> Floor plan altered to prevent blocking window at adjacent property 57-59 States Street.
7. Windows removed along east property-line, facing adjacent property 51 States Street (Appellant).
8. Light-well added to plan to match light-well at adjacent property 57-59 States Street.
9. Entryway modified to read as single entrance, rather than 2 separate entrances to apartments.
10. Setback from front property line next to Appellant's building is about 31'-5" (Original setback was only 14'-2"). 4th Floor stepped back further at front from main façade to be less visible from the street level.



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
53 States St		2623/074	
Case No.	Permit No.	Plans Dated	
2014.0177E		1/31/14	
<input checked="" type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Demolition of a single-family dwelling and new construction of a two-residential-unit building with parking.			

### STEP 1: EXEMPTION CLASS

#### TO BE COMPLETED BY PROJECT PLANNER

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

### STEP 2: CEQA IMPACTS

#### TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<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 > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<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? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i> Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input checked="" type="checkbox"/>	<b>Soil Disturbance/Modification:</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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<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 > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Serpentine)</i>
<b>*If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.</b>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling <small>Signature of Jean Poling</small> Archeo clearance 3/6/14	

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

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

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

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

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

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



<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input checked="" type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): per PTR Form dated 5/16/2014 <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____
<input checked="" type="checkbox"/>	10. Reclassification of property status to Category C. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> a. Per HRER dated: _____ <i>(attach HRER)</i> b. Other <i>(specify)</i> : Per PTR form dated 5/16/14.
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
Comments <i>(optional)</i> :	
Preservation Planner Signature: Gretchen Hilyard <small>Digitally signed by Gretchen Hilyard DN: cn=Gretchen Hilyard, o=City and County of San Francisco, ou=Planning Department, email=Gretchen.Hilyard@sfplanning.org</small>	

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

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i> : <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>				
<input type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.				
	<table border="1"> <tr> <td>Planner Name:</td> <td>Signature:</td> </tr> <tr> <td>Project Approval Action: Select One *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</td> <td></td> </tr> </table>	Planner Name:	Signature:	Project Approval Action: Select One *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Planner Name:	Signature:				
Project Approval Action: Select One *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.					
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.					



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion	5/16/2014
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<b>PROJECT INFORMATION:</b>		
Planner:	Address:	
Gretchen Hilyard	53 States Street	
Block/Lot:	Cross Streets:	
2623/074	Castro Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	n/a	2014.0177E

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

<b>DATE OF PLANS UNDER REVIEW:</b>	1/31/2014
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<b>PROJECT ISSUES:</b>
<input checked="" type="checkbox"/> Is the subject Property an eligible historic resource?
<input type="checkbox"/> If so, are the proposed changes a significant impact?
Additional Notes:
Submitted: Supplemental Information Form prepared by Tim Kelley Consulting (dated November 2013).
Proposed project: demolition of existing single-family residence and construction of a two-unit residential building with parking.

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

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

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

PRESERVATION TEAM COMMENTS	
<p>According to the Supplemental Information Form for Historic Resource Determination prepared by Tim Kelley Consulting (dated November 2013) and information found in the Planning Department files, the subject property at 53 States Street contains a 1-story-over basement; wood frame single-family residence constructed in 1911 in a Vernacular architectural style. The original architect is unknown. Known alterations to the property include: recladding the front with wood shingles (1956), foundation work (2008, 2009), retaining wall work (2009), and convert existing storage space on lower level to living space, new windows (2009). Unpermitted alterations include: enclosure of the entry porch (unknown date), construction of a rear addition (between 1913 and 1938).</p> <p>No known historic events occurred at the property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject building has been altered from its original appearance and represents a vernacular single-family residence. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.</p> <p>The subject property is not located within the boundaries of any identified historic districts. The subject property is located within the Castro/Upper Market and Corona Heights neighborhood on a block that exhibits a great variety of architectural styles, construction dates, and subsequent alterations that compromise historic integrity. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings.</p> <p>Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p>	

Signature of a Senior Preservation Planner / Preservation Coordinator (Date)	
<i>Jmada</i>	5-23-14

## San Francisco General Plan Residential Element

POLICY 11.4 Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan. ***The parameters contained in the Planning Code under each zoning district can help ensure that new housing does not overcrowd or adversely affect the prevailing character of existing neighborhoods.***

POLICY 4.1 Develop new housing, and encourage the remodeling of existing housing, for families with children.

POLICY 11.1 Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Recent California Supreme Court Case: Berkeley Hillside Preservation v. City of Berkeley**

**March 2, 2015.**

**Conclusions:** [emphasis added]

1. "CEQA specifies that environmental review through a preparation of an EIR is required only if there is *substantial evidence*....that the project may have a significant effect on the environment."
2. "As to projects that meet the requirements of a Categorical Exemption, a party challenging the exemption has the *burden of producing evidence* supporting an exception [to issuance of a categorical exemption]."
3. "Under these provisions, where there is no *substantial evidence* that a proposed project may have a significant environmental effect, further CEQA review is unnecessary....]"