

File No. 171053

Committee Item No. _____

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: November 14, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - September 27, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response - November 6, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Property Owner Letter - November 3, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Supplemental Letter - November 3, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u> |
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Prepared by: Lisa Lew
Prepared by: _____

Date: November 8, 2017
Date: _____

BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 27 AM 9:48

LETTER of APPEAL of CATEGORICAL EXEMPTION

To: Supervisor London Breed, President
San Francisco Board of Supervisors, Room 244
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<London.Breed@sfgov.org> (415) 554-7630

Attn: Brent Jalipa, B.O.S. Legislative Clerk
<brent.jalipa@sfgov.org> (415) 554-5184

Cc: Aaron Peskin, Supervisor, District 3
San Francisco Board of Supervisors
City Hall, Room 282
<Aaron.Peskin@sfgov.org> (415) 554-7450
<lee.hepner@sfgov.org> (415) 554-7419

Cc: Scott F. Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558.6350 <scott.sanchez@sfgov.org>

Cc: Eiliesh Tuffy (CPC) Planner/Preservation Specialist
SF Planning Department
(415) 575-9191 <eiliesh.tuffy@sfgov.org>

Re: Per San Francisco Administrative Code §31.16(e)(1) an Appeal of a CEQA
Categorical Exemption, # 2016-014104ENV, regarding 20 Nobles Alley (Block Lot
0104 / 025), consequent to D.B.I. Notice of Violation # 20160916, Permit Application
201608094528, a D.B.I. Directors Hearing (January 17, 2017), a Notice of Planning
Department Disapproval (May 8, 2017), and an appeal of that Disapproval before
the San Francisco Board of Appeals July 12 and September 13, 2017 (# 17-088)

September 27, 2107

Dear Board President Breed,

Thank you for accepting this appeal of the above referenced categorical exemption for
consideration, discussion and vote by the San Francisco Board of Supervisors.

I. Introduction

My name is Marc Bruno and my 600 square foot residence is 15 Nobles Alley, San
Francisco, across the street and 25 feet to the west of the subject property, 20 Nobles
Alley. My northward facing windows face the subject property. The entrance to my
apartment requires me to access a door fronting Nobles Alley, 38 feet southwest of the

proposed project: the new construction and/or modification and legalization of a garage and/or garages at 20 Nobles. These various proposals *all* have been proposed under the same permit, the permit on which the subject Categorical Exemption is based.

On or about June 1, 2017, I filed a complaint with the City and County of San Francisco concerning two illegal, un-permitted garages at 20 Nobles Alley. I am the Complainant in the matter. As a consequence of the Building Department determining on or about August 2, 2016 that the subject garages were in fact *illegal*-- no permit, plans, approvals nor job cards for such garages ever having been found-- the property owners received an N.O.V. prior to purchasing the building and as a result applied for a permit to "Seal unpermitted garage door, relocate legal garage door to center of ground floor."

As **neither** garage door was ever found to be legal, it is impossible to know from this permit description what is meant by "legal garage door."

II. Objection to and Appeal of Categorical Exemption 2016-014104ENV

Please know that by this email, delivered today by hard copy as well, I notify you that I object to and appeal the attached Categorical Exemption for 20 Nobles Alley, San Francisco, California, Block / Lot 0104/025; Case Number 2016-014104ENV. The review on which the Categorical Exemption is based is the review of Building Permit Application 201608094528, which was appealed by the permit-holders (subsequent to the N.O.V. and Planning Department Disapproval) to the San Francisco Board of Appeals, a matter heard by that Board on July 12, 2017 and September 13, 2017 (Appeal 17-088).

III. Planning Department Email rationalizing "Categorical Exemption" at 20 Nobles Alley

In an attempt to explain to Marc Bruno, the appellant herein, the rationale for awarding permit-holders a Categorical Exemption based on plans submitted by them that contradict their own permit (Permit Application 201608094528), City Planner Eiliesh Tuffy, in an email dated September 18, 2017, states the following:

"Fr Tuffy, Eiliesh (CPC) <eiliesh.tuffy@sfgov.org> To Marc Bruno
CC Silva, Christine (CPC) Sanchez, Scott (CPC) Tam, Tina (CPC) Sep 18 at 5:57 PM

Dear Mr. Bruno,

Standards for CEQA Review

Alterations to a building within the district, whether found to be contributing or non-contributing at the time of the survey, are evaluated for CEQA conformance using the Secretary of the Interior's Standards for Rehabilitation. The Standards apply to publicly visible exterior alterations on otherwise private property.

CEQA review is limited to the proposed scope of work, and what impact – if any - the work would have on the historic integrity of the historic resource.

The historic resource in the case of 20 Nobles is the entirety of the Upper Grant Avenue Historic District.

The proposal to remove unapproved door, window and vent openings from the publicly visible façade of 20 Nobles -- because it was restorative in nature and was based on documented pictorial evidence -- qualified for a Categorical Exemption from CEQA under Standard 6:

'6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.'

The scope of work for this project did not require new evaluative analysis of the property's historic status, as the work proposes to remove unpermitted alterations and bring the façade back to a more historic appearance.

Sincerely,

Eiliesh Tuffy, Planner/Preservation Specialist"

IV. A Categorical Exemption at 20 Nobles Alley based on the above-referenced Interior Department "Rehabilitation Standards" is a misapplication of Federal Law and Policy, and therefore should be Overturned

IV. (1.)

The department's Categorical Exemption is misapplied at 20 Nobles Alley because it is inconsistent with law, practice and policy. Nothing in the Secretary of Interior's Standards for Rehabilitation of Historic Structures encourages, permits, recognizes or condones the legalization of an illegally built addition that as of the day of the Categorical Exemption never had been made legal by any governmental agency, inspection process or review board.

That is particularly true here, where, as a consequence of the illegal addition-- illegal garages built in 1997 or 1998 up to and including the day Planner Tuffy issued the Exemption-- the historic integrity of the building, and the historic integrity of the immediate neighborhood and of the North Beach Historic District itself were all damaged by the very act of the garages being illegally installed in the first place.

Garages built without plans, without permits, without input from the neighborhood. Without even an inkling of a request for approval by any city agency or department. Garages that do not conform to the history and style of the building, the alley, the neighborhood or the historic district.

Planner Tuffy takes the liberty of taking permit-holders at face value when they label these garages (or, at least, one of them) "legal". There is no basis in the law or public policy for her doing so.

Both garages were *illegal* on the day of the Categorical Exemption, September 8, 2017. As illegal as the day they were built. Ms. Tuffy's fellow City Planner, Zoning Administrator Scott Sanchez, confirms this before the Board of Appeals on July 12, 2017. And in Ms. Tuffy's own "Notice of Disapproval" (May 8, 2017), she states unequivocally the garages never went through any form of permitting and were therefore illegal. (Attached, "Notice of Planning Department Disapproval," p. 2)

Scott Sanchez Testimony regarding legality of garages at 20 Nobles, Board of Appeals Meeting 07.12.17, Time Code 1:57:13, Appeal # 17-088:

Zoning Administrator Scott Sanchez:

"There was never a permit as a garage. There was a permit from the late '90s that showed an existing garage. But there was no permit adding that."

Board of Appeals President Darryl Honda:

"But there was an existing garage there at one time, right?"

Sanchez:

"Not legally. So, we have a member of the public, Mr. Bruno, who I believe can provide more information. We have a photo from the early '90s showing no garage, no garage in this building."

Honda:

"Okay."

Sanchez:

"Then there's a permit from the late '90s showing an existing garage. Existing condition. Magically appearing as an existing condition. There's no evidence of any permit from the date of that photo until the date of the permit that shows it as an existing condition. There is no evidence of any permit establishing that garage. And then, beyond that, they went ahead to install a second garage without any permits."

The categorical exemption is ill-considered and unjustified because it is based on a plan that falsely labels the existing condition on the property the exact opposite of what it is: illegal.

The permit holders at 20 Nobles Alley consistently write on their plans, their permit applications and on their appeal to the Board of Appeals, "legal garage," as if saying so enough times will make it true. This is no different than appearing with expensive movie cameras in another country and shouting at people in English to get out of the way, even though nobody there speaks English (nor should).

All the elaborate recording instruments and all the shouting in the world doesn't change the fact that on the day of the Categorical Exemption the garages at 20 Nobles were deemed illegal by every city agency and department that investigated them. And had been illegal since the day they were built almost 20 years before.

They were deemed illegal by Building Department Inspector Maurizio Hernandez, after extensive research. They were deemed illegal by the Department of Public Works upon the request by the current owners for a curb cut in 2016. And they were deemed illegal by Ms. Tuffy herself in the Planning Department *Notice of Disapproval* of the project ("Notice of Planning Department Disapproval," May 8, 2017, addressed to Eustache and Dudley de St. Phalle).

It is obvious that permit-holders do not want to admit they bought 20 Nobles Alley completely aware-- and made aware in-person by the City-- of purchasing two illegal garages. In an Enforcement Division DBI Director's Hearing January 17, 2017 (a hearing I attended), inspectors had to repeat their question concerning this issue to the permit-holders five times: "Did you know about this problem before buying the building?" It was only after grilling them that the permit-holders admitted to having pre-sale knowledge of the illegal garages.

IV. (2.)

The assumption that a garage might remain at 20 Nobles as part of a plan to "rehabilitate" the building contradicts the Interior Secretary's *Guidelines* for implementation of the Interior Department's Rehabilitation Standards. Such garage or garages, even with the so-called rehabilitation of two apertures attempting to duplicate the facade shown in a 1958 photo of the building (the building was constructed 52 years earlier), contradict those sections of the *Guidelines* addressing "Wood," "Masonry," "Entrances" and "New Additions" to historic buildings. (Each is a separate section of the *Guidelines*.)

In the *Not Recommended* chapter of the "Entrances" section of the *Guidelines*, for instance, the Secretary warns,

- "A. Cutting new entrances on a primary elevation *is not recommended*.
- B. Altering utilitarian or service entrances so they appear to be formal entrances by adding paneled doors, fanlights, and sidelights *is not recommended*."

Yet this is exactly what City Planner Tuffy would be allowing the permit-holders to do at 20 Nobles Alley, were the Categorical Exemption not overturned. All as an excuse to build a garage where the City and its elected officials have long since legislated that no such garages should be. (City Planning Code, Section 249.49)

In the "New Additions," *Not Recommended* chapter of the *Guidelines*, the Secretary warns,

- "D. Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages *is not recommended*."

While it is obvious the Secretary is here referring to the preservation of *both* commercial *and* residential buildings, the *not recommended* label is no less relevant to 20 Nobles. Under the rubric of a "categorical exemption," an ersatz restoration would be permitted, only for the sake of a garage, which is itself an expressly "not recommended" addition to the facade.

The only way for the City to prevent this-- and to be consistent with the Secretary's Standards and *Guidelines*-- is for the Board of Supervisors to decisively overturn the categorical exemption and apply nothing less than a mitigated negative declaration to a review of the project at 20 Nobles Alley.

IV. 3.

The garage at 20 Nobles, under a Categorical Exemption, also would be non-conforming with the neighborhood. For this and the additional reasons here listed, such a structure, build out and curb cut would contradict the Planning Department's own *Guidelines for Adding Garages and Curb Cuts*, Zoning Administrator Bulletin Nos. 2006.1a and 2006.1b.

IV 4.

The remaining garage door also undermines express provisions of the Planning Code, specifically Section 249.49, passed by the elected officials of the City and County of San Francisco in 2010, which read, in part,

"Purposes. To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, nor impair pedestrian use on narrow public rights- of-way."

San Francisco Planning Code Section 249.49

Neither CEQA nor the Secretary of Interior's Rehabilitation Standards contemplate the use of state and federal law to overturn local legislation, especially when, as here, the express purpose of that local legislation is to embrace and adopt for local purposes the goals of national and state environmental policy. To educate. To conserve. To better know. To enhance. To honor and respect the physical and cultural environment in all its stunningly beautiful forms.

Were a "categorical exemption" to be used to install a garage at 20 Nobles Alley, where no legal garage had ever before existed, the 2010 legislation drafted and passed by the City's elected officials to deliberately block such structures would be undermined, and the Supervisors' intentions circumvented by administrative fiat.

Further, no plans were ever submitted for public review of the project until just before the second and final hearing on it-- September 13, 2017. This severe lack of transparency is evidence of a planning process that contradicts one of the primary purpose of environmental review: Public input in open forums noticed to the

community in a meaningful and timely manner. The City's failure to reveal the plans for this project in a timely manner is a violation of public records laws, including the City's Sunshine Ordinance. The records were available to the City and requested by me and others for over one year before they were ever made available. The plans finally given to us by the Department and permit-holders were not the original plans-- not the plans we asked for-- as they are dated more than one year later.

V. San Francisco Elected Officials, as well as representatives of the City's Planning Department, have expressed the views of the community at-large regarding the environmental fragility and cultural significance of 20 Nobles Alley. They have done this in notices of determination, reports, surveys, letters of advice, and amendments to the Planning Code, including the passage in 2010 of Planning Code §§ 249.49 et, seq.

Were the Department to allow one or more garages in the narrow space fronting 20 Nobles, or permit the building of a new garage there, it would effectively circumvent the express purposes of Planning Code §§ 249.49 et, seq. (2010). Planning Department rep Scott Sanchez labeled this ordinance "confusing" at the July 12, 2017 Board of Appeals hearing, but the Code is not at all confusing when it comes to the purposes of the law:

"San Francisco Planning Code Section 249.49. Purposes. To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights- of-way in the District; and to prevent the ability to add parking from providing an incentive to convert residential buildings from rental buildings to tenancies-in-common."

To regulate. To decrease pollution. To protect rental units. That is directly from the law as written. What "narrow public right of way" in the entire City of San Francisco is narrower than the sidewalks adjacent to and across from 20 Nobles Alley? You will not find them. Sidewalks traversed hourly by residents of the alley who enter and exit 45 units accessible only via Nobles Alley.

The City has cited the permit-holders of this property for illegally using 20 Nobles for Short Term Rentals in a manner prohibited by the Short Term Rental Control Ordinance (Administrative Code Chapter 41 (A)). As it is recognized that such short term rentals-- especially illegal ones, as here-- have an adverse effect on the availability of rental properties for San Francisco residents, to legalize a garage here *undoes* what the City's elected legislative body has chosen in this and other legislation to *do*, to support and encourage a housing stock of variably priced rental properties that are open and available to *all* residents, be they homeless, poor or middle-class.

Prior property owners and other interested parties (for instance, the City itself) had the means at their disposal to initiate action to legalize the un-permitted garages at 20 Nobles in a timely manner, for more than ten years up to and including December 31, 2010, the day prior to the City's implementing Planning Code Section 249.49.

The burden of the negligence in this respect-- of a continued lack of interest in legalizing what these prior owners must have known was *illegal*--- must fall on them rather than on the neighborhood as a whole. In this regard, Streets Use and Mapping has noted that there never has been a curb cut at this address, a clear indication that the garages were known to be illegal by everyone who took possession of the property.

The current property owners, while innocent of the installation of the illegal garages in 1998, were told in person by Building Inspector Mauricio Hernandez and other DBI reps prior to their purchase of the building that the garages were unpermitted and illegal. The current owners also received a formal "Notice of Violation" tacked to the building stating these facts, prior to their purchase of the property. For these same owners to come before the City's Appeal Board (just three months after being cited for illegal short term rentals) and ask that they be given a garage in an alleyway where garages are now *prohibited* (under Planning Code 249.49) is unwarranted and insulting.

If the elected members of the Board of Supervisors chose to add exceptions to the 2010 amendment to the Code, Section 249.49, exceptions, for instance, for "unused garages," "illegal garages," "un-permitted garages" "obstructive garages" "unsightly garages" or "historically anachronistic garages" (all of which accurately describe the illegal garages at 20 Nobles Alley), the Board of Supervisors in 2010 *would have included such language as part of the Ordinance*. They choose not to for good reason, and public policy now dictates that the Planning Department follow the lead of your predecessor Board and prohibit garages in this alley.

VI. Historic Significance of 20 Nobles Alley, Nobles Alley in its entirety and the North Beach Historic District

As noted in the City's own review, the two buildings located at 20 Nobles are "Class A" contributors to the Historic District. The City has, by its own words at the Board of Appeals, by its website and by the attached "Categorical Exemption" made it increasingly difficult if not impossible to understand whether 20 Nobles is or is not a "contributor," what the City means by "contributor" and what category of contribution this entails. This confusion is so extreme that at the hearing of July 12, 2017, on this very subject, the single architect on the Board of Appeals, Mr. Frank Fung, was left with the impression by the City that the building might be considered a "B" contributor, even though here, by writing, and just two months later, 2016-014104ENV labels the property an "A."

This confusion has a profound effect on the ability of neighbors to participate in a review of the project and is once again evidence of a process out of synch with CEQA and other policies requiring environmental review.

As noted by Mr. Albert Yee, whose sworn testimony before the Board of Appeals is attached, no changes were ever made to the property during the ownership and tenancy of the property by his family (1958 - 1997), with the exception of the application of a stucco frontage to one of the two buildings there, this frontage being applied in a careful manner to preserve and not alter the existing redwood siding, beveled, that is still on the face of the building and has never been removed.

Mr. Yee also notes in his testimony that neither he nor any member of his family has ever been contacted by the Planning Department, or by other City agencies to ascertain the cultural value or architectural history of the buildings at 20 Nobles, an error in applying CEQA requirements to this review. His family was part of a significant vanguard of Chinese land-owners in North Beach who achieved a number of "firsts" that must be recognized by the City at-large and by any reasonable environmental review.

Even if Planning Department reviewer Eiliesh Tuffy, the City Planner who wrote the attached report labeling 20 Nobles Alley 'categorically exempt' has completed all 'paper trail review' requirements (City phone books, reverse address directories, Sanborn Maps, etc.) *even then*, the City is obligated to personally contact former owners of the property when those owners, as is the case here, have made themselves available to planners and have a significant narrative to add to the planner's understanding of the historical, architectural and cultural value of a property and district.

To legalize one or more of those garages in this narrow space, or to permit the building of a new garage, is to necessarily have a negative impact on the natural environment, the historic context of the property and the cumulative effect of this and the surrounding structures that make 20 Nobles part of a vivid and significant portrait of San Francisco, the adjacent block of Grant Avenue, North Beach, and, indeed, the nation at-large. A notable and uniquely preserved architectural gem in America.

VII. The Plain Meaning Interpretation of the California Environmental Quality Act (CEQA) requires environmental review at 20 Nobles Alley

I base my appeal of the above referenced Categorical Exemption on the language and plain meaning interpretation of the California Environmental Quality Act (CEQA), to wit, that CEQA provides that a project "may not be categorically exempt from further environmental review if substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment."

Among other causes, this project will have substantial effect on the natural environment because it would add a legal garage at the end of an 11' wide alleyway, circumscribed tightly by three adjacent apartment buildings and located in one of the most densely populated blocks of the City, used constantly by pedestrian traffic traversing a tightly knit matrix of historic buildings, with little or no available green space, public or private.

(The ratio of residents to green space in the four block area surrounding Nobles Alley is one of the highest ratios in the City and County of San Francisco. If, in addition to this four block area, the residents and visitors to Chinatown are included, a 16-block area, the ratio of people-to-open space parkland is the worst-- that is, least green space available-- in the entire state of California.)

Vehicular traffic is projected to rise, based on increased tourism, reverse-commute tech workers who live in this and adjacent blocks on Grant Avenue and travel by jitney, car share and other means to places of work in Silicon Valley. The area is frequented as well by users of AirBnB and other short-term rental programs adding to the density and frequency of intermittent travel made by tourists to and from the adjacent blocks.

Additionally, CEQA Guidelines Section 15300.2 provides that a project "shall not be exempt from environmental review if the project may cause a substantial adverse change in the significance of a historic resource or where the project may contribute to a cumulative impact on a historic district."

That would be the precise impact of allowing a garage at 20 Nobles Alley. As was pointed out by numerous witnesses and by in-person testimony offered by sworn witnesses at the aforementioned hearings, the current illegal garages have never been used. To make one or both of the garages "legal" at 20 Nobles is to make them usable. To effectively add a garage in a historic North Beach structure, namely, 20 Nobles, contrary to the Secretary of Interior's Standards for Rehabilitation, cited above, among other provisions of this and other state and national environmental laws.

VIII. CONCLUSION

The burden of a new or legalized garage or garages falls squarely on the shoulders of the property owners who purchased the building knowing full well it had no legal garages. Their desire for a garage at this late date should not supersede the neighborhood's needs-- nor the provisions of local, state and federal law guaranteeing something that all urban dwellers strive to create, cherish and protect: A clean environment, a vibrant and diverse culture, a respect for historic resources and a fostering of our streets and sidewalks to meet our ever-growing pedestrian needs.

Nobles Alley is an intimate and unusual urban space, a narrow and steep ascent marked by historic integrity, cultural diversity, physical serenity and grace. We ask that CEQA be applied with due process and environmental justice to this corner of the City. We demand as renters and residents, businesses and property owners, old and young that a robust and responsive review-- not a "categorical exemption" but, at the very least, a mitigated negative declaration--be applied as the standard of review at 20 Nobles.

Whether a garage is built from scratch or "legalized," refurbished into existence or, in the mysterious words of the permit-holders, "move legal garage to center"-fied, the effect on the existing neighborhood, and on limited transportation and cultural resources, is the same. An effect that cannot be comprehended nor integrated into the matrix of this Special Use and Historic District without a meaningful application of CEQA.

Thank you for your considered attention and discussion of this appeal.

Signed,



Marc Bruno
15 Nobles Alley
San Francisco CA 94133
415-434-1528 <marcabruno@yahoo.com>

Note : It is our intention to submit additional documents supporting this appeal prior to the 30 day expiration period. Thank you.



**SAN FRANCISCO
PLANNING DEPARTMENT**

BOARD OF SUPERVISORS
SUN 09/27/2017

2017 SEP 27 AM 9:48

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
20 Nobles Alley		0104/025	
Case No.	Permit No.	Plans Dated	
2016-014104ENV		Rec'd 9/1/2017	
<input checked="" type="checkbox"/> Addition/ Alteration	<input 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.			
Remove unpermitted, second garage door and restore facade with original pedestrian door and adjacent window. Remove window to the right of the (E) ground floor entry door.			

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

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

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

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

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

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

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

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

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

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

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

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

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

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p>
<input type="checkbox"/>	<p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p><input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>: _____</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional): Staff analysis of project proposal summarized in Preservation Team Review Form, dated 9/8/2017.</p>	
<p>Preservation Planner Signature: Eiliesh Tuffy</p>	

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>	
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name: E. Tuffy</p>	<p>Signature: _____</p>
	<p>Project Approval Action:</p> <p>Other (please specify) CEQA - Historical rev</p>	<div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;"> APPROVED By Eiliesh Tuffy at 3:22 pm, Sep 08, 2017 </div>
	<p><small>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	
<p><small>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</small></p> <p><small>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.</small></p>		

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

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:	Date of Form Completion: 9/8/2017
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PROJECT INFORMATION		
Planner:	Address:	
E. Tuffy	18, 18A & 20 Nobles Alley	
Block/Lot:	Cross Streets:	
0104/025	Grant Avenue	
CEQA Category:	Art. 10/11:	BRA/Case No.:
A		2016-014104ENV

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

DATE OF PLANS UNDER REVIEW:	Rec'd 9/1/2017
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PROJECT ISSUES	
<input type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Project proposes to reverse ground floor exterior work completed without benefit of a permit. Work to include the removal of 1 non-historic window, 2 wall vent openings, and 1 out of 2 existing garage doors. Based on the statement of a previous owner, historic property records and photographs of the building, the ground floor alterations were made after the building was sold in June of 1997. The current owners purchased the property in 2016 and seek to legalize 1 existing garage door.	

PRESERVATION TEAM REVIEW:			
Category:	<input checked="" type="radio"/> A	<input type="radio"/> B	<input type="radio"/> C
Individual	Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event: <input type="radio"/> Yes <input type="radio"/> No	Criterion 1 - Event: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Criterion 2 - Persons: <input type="radio"/> Yes <input type="radio"/> No	Criterion 2 - Persons: <input type="radio"/> Yes <input type="radio"/> No		
Criterion 3 - Architecture: <input type="radio"/> Yes <input type="radio"/> No	Criterion 3 - Architecture: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Criterion 4 - Info. Potential: <input type="radio"/> Yes <input type="radio"/> No	Criterion 4 - Info. Potential: <input type="radio"/> Yes <input type="radio"/> No		
Period of Significance: <input type="text"/>	Period of Significance: 1880s-1929		
	<input type="radio"/> Contributor <input checked="" type="radio"/> Non-Contributor		

Complies with the Secretary's Standards Art 10/Art 11	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A
CEQA Material Impairment to the individual historic resource	<input type="radio"/> Yes	<input type="radio"/> No	
CEQA Material Impairment to the historic district	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Refer to Residential Design Team	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

PRESERVATION TEAM COMMENTS:

The subject property under review at 20 Nobles Alley is a 2-story-over-basement, flat-front wood-frame vernacular building containing three dwelling units. Based on plans dated The south elevation has 26'-9" of building frontage along the north side of Nobles Alley. Sanborn maps of the area indicate that prior to the 1906 earthquake and fire, the subject lot had a 1-story dwelling facing Nobles Alley with a 1-story bakery immediately behind the residential dwelling. In 1905 the property held the address of 9 Noble Alley. By 1915, following the area's post-earthquake period of reconstruction, the existing building had been constructed on the subject lot, was identified as 20 Noble Alley, and housed 2 apartment flats in the front structure and 2 flats at the rear. The width of the street on the 1915 Sanborn map is shown to be 16 feet.

In 1982, an architectural survey was conducted of the North Beach neighborhood which included Nobles Alley and the subject property. As a result of that survey, the Upper Grant Historic District was identified as a National Register-eligible district under CEQA. The district runs along the Grant Avenue commercial corridor and includes residential parcels to the east and west, from Medau Place at the northern boundary to Fresno Street and Columbus Avenue at the southern boundary. The district was identified as significant for its land use pattern of densely-built streets that are indicative of the city's early urban development, for the close proximity of commercial and residential development, for its vernacular building types constructed immediately following the 1906 earthquake, and for its association with the following themes: Economic/Industrial and Social/Education primarily related to the history of various ethnic communities in the area. In total, nine properties line the north and south sides of Nobles Alley. At the end of the alley, partial rear elevations of two additional properties are also visible. The survey noted 6 properties with frontage on Nobles Alley as contributors to the historic district: #2, #15 and #21-25 Nobles Alley, #1508-1512 and #1522-1526 Grant Ave., and #478-482 Union St. While the subject property is a vernacular residential building constructed immediately following the earthquake, it was not identified at the time of the 1982 survey as a contributor to the historic district.

Currently, the ground floor includes 1 man-door, 1 window & 2 garage doors. The project proposes to remove 1 non-historic window, 2 wall vent openings & 1 garage door. (cont'd)

Signature of a Senior Preservation Planner / Preservation Coordinator	Date
	9-8-2017

The project would restore the ground floor façade in the proposed areas of work to a prior condition, based on historic photographic documentation that is included on Sheet A5.1 of the plan set.

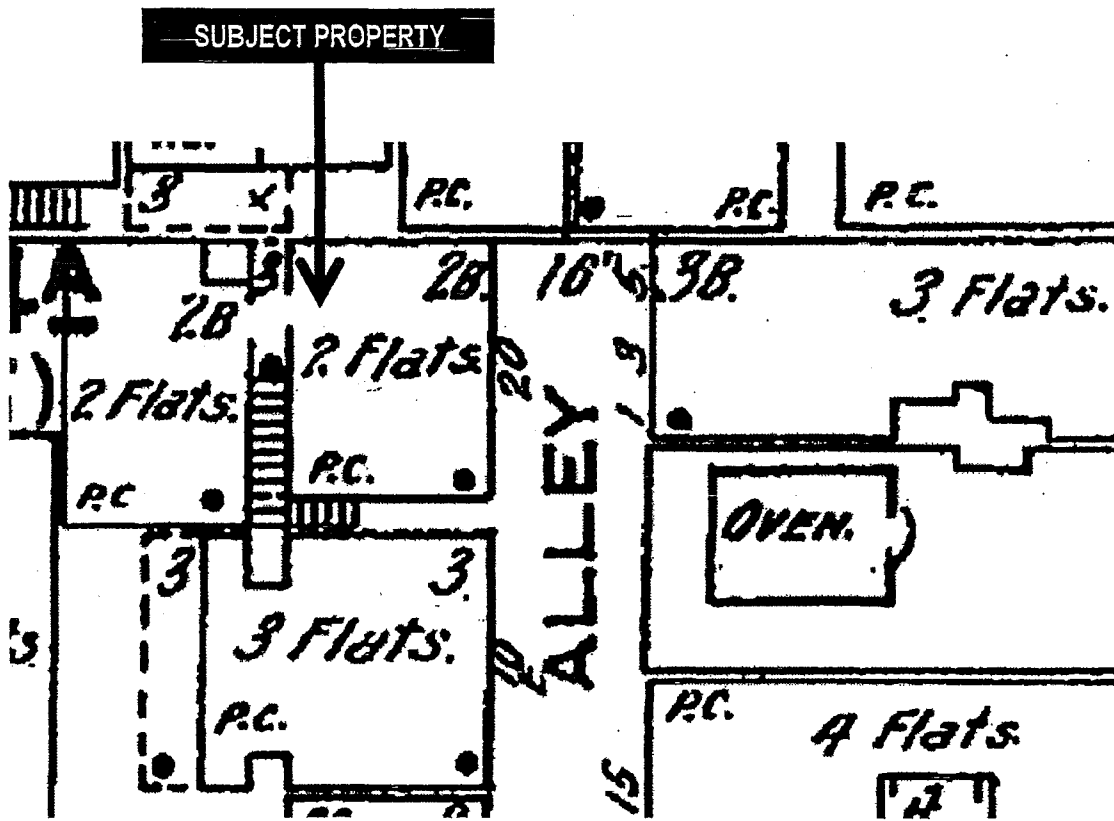
As proposed, the scope of work is in accordance with Standard #6 of the National Park Service's *Secretary of the Interior's Standards for Rehabilitation*, which states:

Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

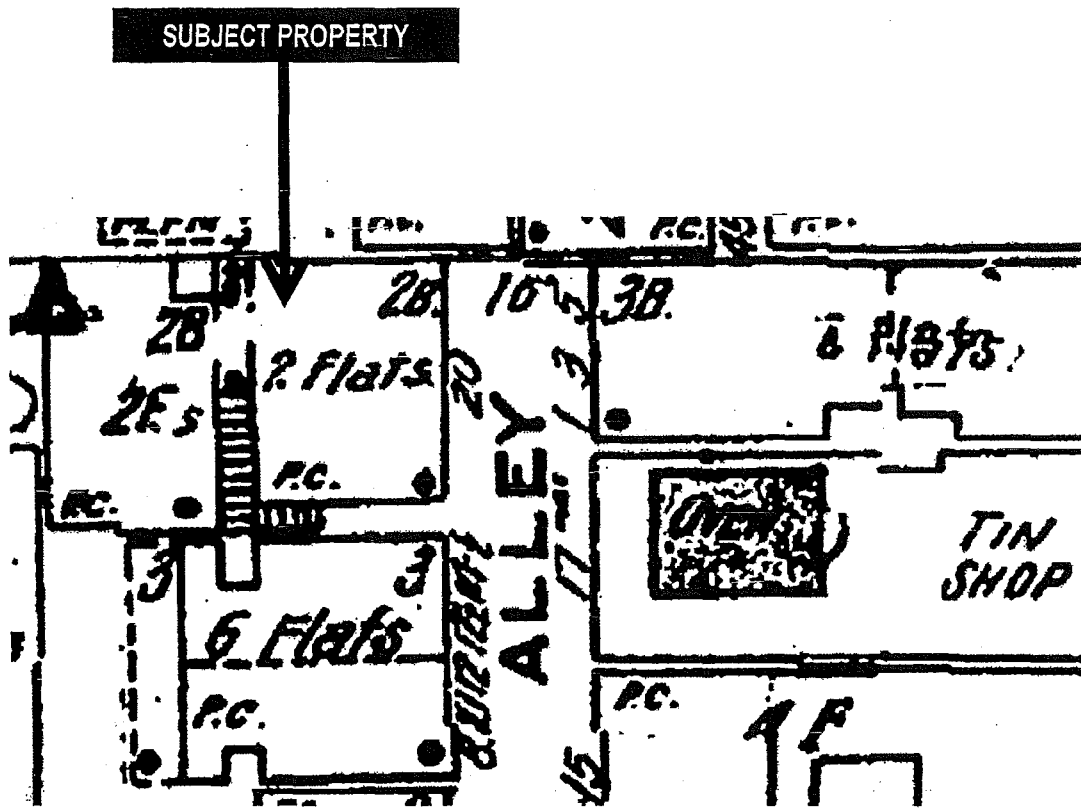
The ground floor wall areas proposed for rehabilitation, which includes the removal of two non-historic wall vent openings, would be clad in stucco to match the existing façade cladding in material and finish. The proposed wood man-door and wood double-hung window are compatible with the door and window that previously existed at that ground floor location, based on historic photos.

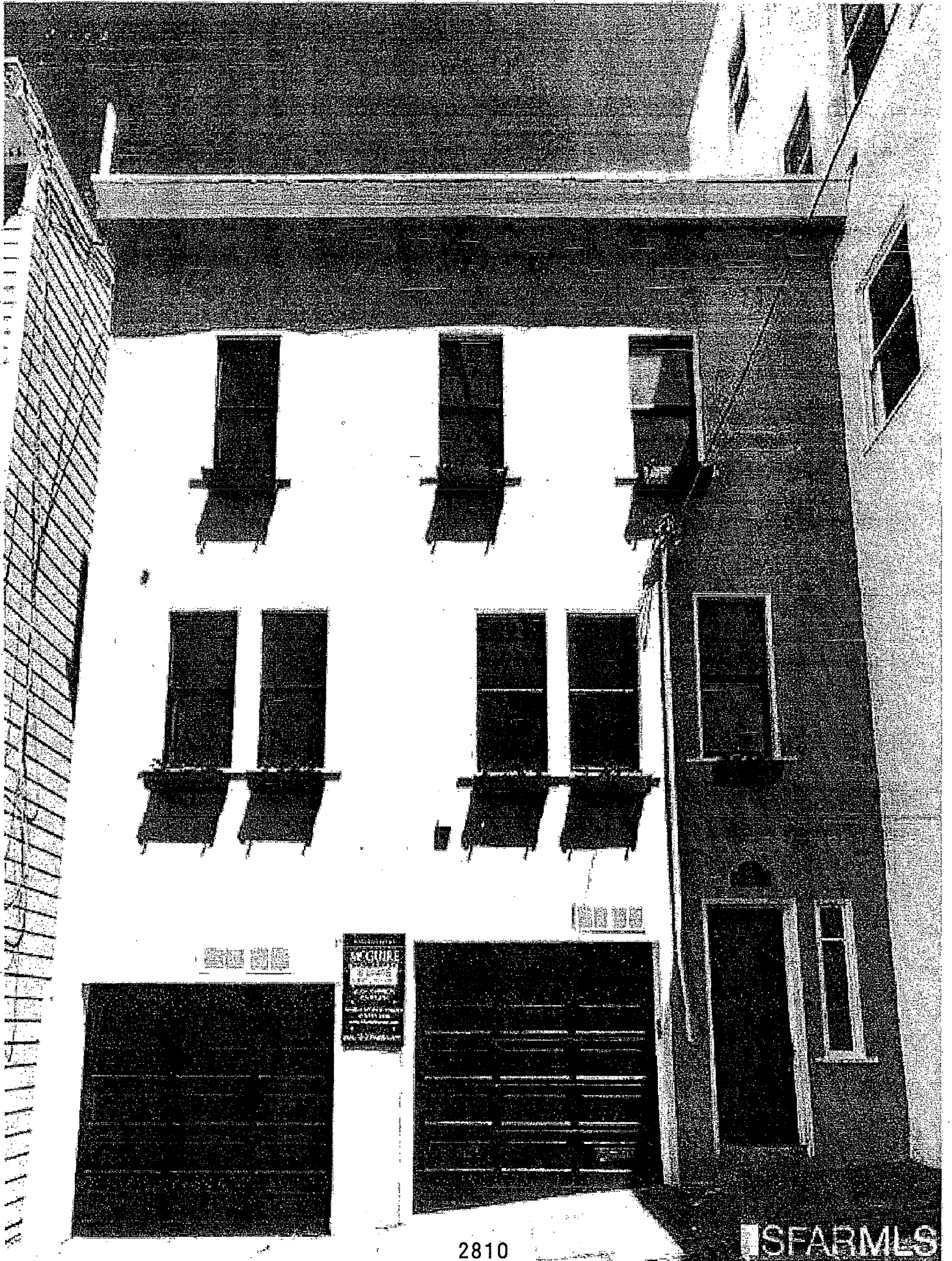
Based on the details provided in the plan set, the project returns the subject property to a documented prior condition using exterior cladding and fenestration that is compatible with the district's period of significance. Therefore, pursuant to the California Environmental Quality Act, the project would not cause a substantial material impact to the Upper Grant Historic District.

20 Nobles Alley
Sanborn Map -- 1915



20 Nobles Alley
Sanborn Map -- 1950





2810

SEARMLS

Vertical text on the right edge of the page, likely a page number or document identifier.

Statement of Albert Yee to the San Francisco Board of Appeals
San Francisco City Hall, Rm 416
"General Comment," August 23, 2017

My name is Albert Yee. I appeared here two weeks ago to address a proposed garage at 20 Nobles. I am here today to clarify my position and give you several documents you do not have.

The Yee family owned 20 Nobles for almost 40 years. My parents purchased it in 1958, and, following the death of my parents, my brothers and I sold the property in June, 1997.

During the entire time we owned the property, we never installed a garage. On the contrary, we made almost no additions to the property except to envelope the original wooden structure in stucco.

I lived at 20 Nobles until I left for college. I attended University of California at Berkeley, and I received a degree in engineering. From then until my retirement. I worked in the United States as Senior Principal Engineer for a consulting engineering company.

Based on my experience as an engineer, and based on my experience at 20 Nobles, I can tell you that no garage should have been placed there without proper permits. To do so without specs, without drawings, without any calculations for soft story framing is an indication that someone made a major structural change outside the parameters of the law.

I feel it is unfair to suggest the garages were ever there when my family sold the house, as if we placed them there illegally. We didn't.

Statement of Albert Yee to
San Francisco Board of Appeals
August 23, 2017 Page 2 of 2

Here is a photo of the house when we bought it. Here is a photo of the house 40 years later when we sold it. The earlier photo is from the Assessor-Recorder's Office. The one in 1997, when we sold, from the realty offering.

You can see that the apertures at the front of the house are identical. You also can see that except for the stucco envelope, the house is historically preserved. When my family added the stucco envelope, we did it properly. We got a permit.

I do not believe the new owners-- who, I'm told, were informed by the City about this problem before they bought the house -- should be allowed to place a new garage there, based on the two illegally built garages. This would only invite more people to circumvent the planning and building codes all of us are asked to obey as property owners.

Thank you for your time, and thank you for allowing me to clarify the permitting history at 20 Nobles Alley.

[Exactly **2:10 Minutes**, with the moving of the photos under the audiovisual aid.]



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Disapproval

May 8, 2017

Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

RE: 20 Nobles Alley (Address of Permit Work)
0104/025 (Assessor's Block/Lot)
2016.08.09.4528 (Building Permit Application Number)
Telegraph Hill-North Beach Residential SUD (Special Use District)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Building Permit Application #2016.08.09.4528 has been received by the Planning Department and assigned to planner Eiliesh Tuffy. Eiliesh has completed review of the application for corrective work to address Notice of Violation #201620916. The scope of work for the project as stated on the application is: "garage door correction per NOV 201620916- seal unpermitted garage door, relocate legal garage door to center of ground floor."

Please be advised that the Planning Department has disapproved Building Permit Application No. 2016.08.09.4528. This notice is to alert the project sponsor of the process of review for the submitted application and to convey the Department's findings that, due to restrictions enacted with the adoption of the Telegraph Hill-North Beach Residential Special Use District in 2010, the Planning Department cannot approve the proposed relocation of the existing garage door at the front façade of the existing residential structure.

CEQA – Historical Review

The North Beach neighborhood was surveyed in 1982 to identify cultural resources of significance in the area. The findings of the North Beach survey, which was adopted by the Board of Supervisors in 1999, included areas within the neighborhood that qualified for designation in the California Register of Historical Resources. The subject property at 20 Nobles Alley is located within the boundaries of the Upper Grant Avenue Historic District, but was not found to be a contributing building to the district at the time of the survey due to its extensive alterations. Visible alterations to "Non-Contributing" buildings are typically reviewed for their general compatibility with the surrounding district.

The Historical Review of the design proposal determined that the existing two-garage door design could not be supported because it would not conform to Sec. 144 of the Planning Code, which limits garage openings to no more than one-third of the width of the ground story along the front lot line. However, because some historic buildings in the historic district have single garage door entrances of a modest scale, the removal of the second unpermitted garage door and restoration of a prior man-door and window opening was reviewed as a means of returning the ground floor design to a more historic appearance. This determination was predicated on the sponsor's ability to provide evidence of the single garage door's legal installation.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

Building Permit Review

Building permits and plans were reviewed to determine a record of work at the property. Plans associated with permit applications (nos. 9723784 and 9723786) filed in 1997 to remove kitchens, remove interior, non-load bearing wall and combine units 20 and 20A into one unit," show a single garage opening. However, the creation of a ground floor garage was not part of the approved project scope for that permit or any other permit on file with the Department of Building Inspection. Similarly, there are no permits on file that approved the creation of a second garage door opening at the subject property. Lacking any evidence of the legal construction of the ground floor garage doors, the proposal to "seal unpermitted garage door, relocate legal garage door to center of ground floor" was reviewed as a "new" garage installation in an existing residential structure.

Planning Code Review

The Planning Code Review determined that legalization of either a 2-door garage or a 1-door garage at the subject property would not meet the requirements of Section 144 and Section 249.49 of the Planning Code, with the latter code section preventing the installation of new garages in existing residential structures.

SEC. 144 - STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

Section 144(b)(1) Entrances to Off-Street Parking

Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.

Section 249.49(a) Purposes.

To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

Section 249.49(c)(2)(4) Installation of a Parking Garage

In approving installation of the garage, the Commission must find that(4) the garage would not front on a public right-of-way narrower than 41 feet.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

The project proposes to install a new garage door at the front façade of an existing residential building located on an alley narrower than 41 feet in the Telegraph Hill-North Beach Residential Special Use District. Therefore, the Planning Department cannot approve permit application #2016.08.09.4528 to seal unpermitted garage door, relocate legal garage door to center of ground floor. Permit application #2016.08.09.4528 will be returned to the Department of Building Inspection for cancellation.

Please note that, due to the Notice of Violation on the property, the Enforcement case for this property will remain active until the project sponsor submits an application to abate the violation. Please contact the assigned Enforcement staff planner, Chaska Berger, by phone at 415-575-9188 or by email at chaska.berger@sfgov.org regarding timeframes for submitting materials to address the Notice of Violation.

Planning Department & Planning Commission Denials.

Project sponsors seeking to appeal the denial of a permit application by the Planning Department or Commission may not file an appeal until the Department of Building Inspection (DBI) issues the Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of DBI's Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by DBI.

For further information regarding how to appeal the disapproval of this building permit application, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Eiliesh Tuffy
Current Planning Division

Cc: Scott Sanchez, Zoning Administrator
Chaska Berger, Zoning and Compliance
Tom C. Hui, Director of DBI

Jalipa, Brent (BOS)

From: Ko, Yvonne (CPC)
Sent: Tuesday, September 19, 2017 8:15 AM
To: Jalipa, Brent (BOS)
Cc: Marc Bruno (marcabruno@yahoo.com)
Subject: Cat. Ex. CEQA Appeal Fee Waiver Request to BOS

Hi Brent,

Just want to confirm with you that Mr. Marc Bruno is qualified and approved for the Appeal Fee waiver to our Case # 2016-014104 ENV for 20 Nobles Alley. Since his fee waiver request has already been approved by the Planning Department, he does not need to submit a check with his CEQA appeal package to the Board of Supervisors.

If you have any question, please don't hesitate to contact me.

Thank you very much for your continuous support.

Yvonne Ko, Revenue Team Supervisor
San Francisco Planning Department
Finance Division
1650 Mission Street, Suite 400
San Francisco, CA 94103
(W) 415-558-6386
(F) 415-558-6409

2017 SEP 27 AM 9:48
BOARD OF SUPERVISORS
SAN FRANCISCO
[Handwritten signature]

From: [BOS Legislation, \(BOS\)](#)
To: marcabruno@yahoo.com; dudley6@mac.com
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahalm, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sheyner, Tania \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Tuffy, Elliesh \(CPC\)](#); [Goldstein, Cynthia \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPEAL RESPONSE MEMO: Exemption Determination Appeal - Proposed Project at 20 Nobles Alley - Appeal Hearing on November 14, 2017
Date: Monday, November 06, 2017 3:07:04 PM

Good afternoon,

Please find linked below a memorandum received by the Office of the Clerk of the Board from the Planning Department regarding the Categorical Exemption Determination Appeal for the proposed project at 20 Nobles Alley.

[Planning Appeal Response Memo - November 6, 2017](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on November 14, 2017.

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

[Board of Supervisors File No. 171053](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

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

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

From: [Sheyner, Tania \(CPC\)](#)
To: [BOS Legislation, \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)
Cc: [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Tuffv, Elliesh \(CPC\)](#); [LaValley, Pilar \(CPC\)](#)
Subject: Planning Department Appeal Response: 20 Nobles Alley (File No. 171053)
Date: Monday, November 06, 2017 11:30:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[20 Nobles Alley Appeal Response.pdf](#)

Please find attached the Planning Department's response to the appeal of the CEQA determination for the proposed project at 20 Nobles Alley.

The hearing for this item is scheduled for **November 14, 2017**.

The file number is **171053**.

Tania Sheyner, AICP, LEED AP
Senior Environmental Planner

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Please note: I am out of the office on Fridays.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Categorical Exemption Appeal

20 Nobles Alley

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DATE: November 6, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Acting Environmental Review Officer – (415) 575-9032
 Devyani Jain, Senior Environmental Planner – (415) 575-9051
 Tania Sheyner, Senior Environmental Planner – (415) 575-9127
 Eiliesh Tuffy, Preservation Planner – (415) 575-9191

RE: Board File Number 171053, Planning Department Case No. 2016-014104APL
 Appeal of Categorical Exemption for 20 Nobles Alley

HEARING DATE: November 14, 2017

ATTACHMENTS: Attachment A – Notice of Planning Department Disapproval, dated May 8, 2017
 Attachment B – CEQA Categorical Exemption Determination, dated September 8, 2017
 Attachment C -- Preservation Team Review (PTR) form, dated September 8, 2017
 Attachment D – PTR form attachments: historic maps, subject property photo, Upper Grant Avenue Historic District survey report excerpts
 Attachment E – Project plan set, dated August 21, 2017

PROJECT SPONSOR: Ms. Dudley and Mr. Eustace de Saint Phalle, 415-342-5064

APPELLANT: Mr. Marc Bruno, 415-434-1528

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for the proposed 20 Nobles Alley project (the "proposed project" or "project").

The Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 1500 *et seq.*, and Chapter 31 of the San Francisco Administrative Code, determined on September 8, 2017 that the project is exempt from CEQA in accordance with CEQA Guidelines Section 15301, or Class 1.

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

Memo

SITE DESCRIPTION AND EXISTING USE

The project is located on the north side of Nobles Alley, east of Grant Avenue, on lot 25 in Assessor's Block 0104. The project site is located within the RH-3 (Residential – House, Three Family) Zoning District, and the 40-X Height and Bulk District. The lot is also within a zoning overlay area: Telegraph Hill – North Beach Residential Special Use District. Lot 25 is a rectangular lot measuring 30 feet along Nobles Alley and 50 feet at its deepest length, measuring approximately 1,500 square feet in lot area. The property is developed with a two-story over basement residential building housing two dwelling units at the rear of the building and one dwelling unit facing Nobles Alley. (See Attachment D for a photograph of the subject property.)

PROJECT DESCRIPTION

The Categorical Exemption for the proposed project, issued on September 8, 2017, was for the retention and legalization of one unpermitted garage door and the removal of a second unpermitted garage door, associated wall vents, and an entry hall window. The stucco wall finish and remaining rough openings on the ground floor would be restored to a prior appearance, based on pictorial evidence of the subject property.

As discussed below, under Background, this Categorical Exemption for the proposed project was prepared at the request of the Board of Appeals, which on July 12, 2017 reviewed a building permit that had been previously disapproved by the Planning Department (#201608094528). The scope of work for that original building permit, as hand-written on the application by the project sponsor at the time of filing, was for sealing one unpermitted garage door and relocating a legal garage door to the center of the ground floor. At the time of that building permit filing, the project sponsor believed that one of the two garage doors had been installed legally. However, as part of the Planning Department's review of the project and permit history for the property, it was discovered that neither of the two existing garage doors at the property were installed with the benefit of permits. For this and other reasons discussed below under Background, the Planning Department disapproved this building permit.

Subsequently, the project sponsor requested a hearing at the Board of Appeals. The Board of Appeals instructed the project sponsor to provide a set of drawings to the Planning Department to conduct CEQA review. The plans, as submitted by the project sponsor in September 2017, revised the proposal and sought to seal the eastern garage door, retain the western garage door in its existing location, and restore the remainder of the ground floor façade. No permit application accompanied the September 2017 plan set submittal, because the permit linked to the work (#201608094528) was still under review by the Board of Appeals.

Thus, some discrepancy is noted between the scope of work included in the original building permit (#201608094528) and the scope of work that was ultimately reviewed under CEQA. However, the Categorical Exemption that was prepared for the proposed project reflects the project that was ultimately approved by the Board of Appeals on September 13, 2017, which proposes to seal the eastern garage door, retain the western garage door in its existing location, and restore the remainder of the ground floor façade. This scope of work is also consistently reflected in the Preservation Team Review Form completed for the project on September 8, 2017.

It is also noted that, pursuant to CEQA Guidelines Section 15125, environmental baseline for purposes of environmental review is considered to be the "description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced." CEQA does not require that consideration be given to whether any component of the existing physical environmental condition was established without a permit; thus, the legal status of either garage is not considered or analyzed under CEQA, which focuses specifically on the physical changes of the proposed project as compared to existing conditions at the time of commencement of the environmental review process.

BACKGROUND

On May 8, 2017, the Planning Department issued a Notice of Planning Department Disapproval for building permit #201608094528. The permit proposed to remove one of two existing garage doors on the building's visible front elevation. The building permit application was disapproved because:

- Despite the building's existing conditions, there are no permits on file with the city for the creation of a garage at the subject property.
- Absent a legal permit, the project was reviewed as creating a new garage in an existing building.
- A Special Use District (Telegraph Hill-North Beach Residential SUD) adopted in 2010 prevents new garages in existing buildings on streets measuring less than 41 feet in width.
- Nobles Alley measures less than 41 feet in width.

Neither environmental analysis pursuant to CEQA nor neighborhood notification pursuant to Planning Code Section 311 were conducted because the permit application for the proposed project was disapproved.

On July 12, 2017, at the request of the project sponsor, the Board of Appeals reviewed the Planning Department disapproval of building permit #201608094528. As part of their review, the Board of Appeals continued the hearing to September 13, 2017 and requested that the project sponsor produce a set of plans for delivery to the Board of Appeals and the Planning Department, since the Planning Department did not have any plans on file for this project, after disapproving the project and routing the plans it had to DBI. The Board also requested that Planning Department staff conduct CEQA review of the proposed project in advance of the September 13, 2017 hearing.

On September 7, 2017, Dudley and Eustace de Saint Phalle (project sponsor), filed an environmental evaluation application for the proposed project. On September 8, 2017, the Department determined that the project was categorically exempt under CEQA Guidelines Section 15301, Class 1 (Existing Facilities), and that no further environmental review was required.

On September 13, 2017, at the continuation of the building permit appeal hearing, the Board of Appeals overturned the Planning Department's prior decision and approved the project as proposed on the plan set dated August 21, 2017 (received by the Planning Dept. on September 1, 2017).

On September 27, 2017 Marc Bruno wrote a letter of opposition to the project, requesting an appeal hearing before the Board of Supervisors to review the CEQA Categorical Exemption Determination.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

The CEQA State Guidelines Section 15301(e)(2), or Class 1, provides an exemption from environmental review for interior and exterior alterations of individual small structures including up to three single-family residences. The proposed project includes the alteration of one structure. Therefore, the proposed work would be exempt under Class 1.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the September 27, 2017 Appeal Letter are cited below and are followed by the Department's responses:

HISTORIC RESOURCES IMPACTS AND APPLICATION OF SECRETARY OF THE INTERIOR'S STANDARDS

Issue 1: The Appellant asserts that issuing a Categorical Exemption for the project conflicts with *Secretary of the Interior's Standards* because the Standards do not encourage, permit, recognize or condone the legalization of an illegally built addition.

Response 1: The Appellant appears to misunderstand the purpose and objectives of the *Secretary of the Interior's Standards for Rehabilitation*, which are not intended to address a structure's legal status. The Planning Department correctly applied the *Secretary of the Interior's Standards for Rehabilitation* in reviewing the proposed project pursuant to CEQA.

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* contain different sets of standards for preserving, rehabilitating, restoring, and reconstructing historic buildings. Specifically,

Preservation standards focus on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time; *Rehabilitation* standards acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character; *Restoration* standards depict a property at a particular period of time in its history, while removing evidence of other periods; and *Reconstruction* standards re-create vanished or non-surviving portions of a property for interpretive purposes.

In reviewing the proposed project for historical impacts, the Planning Department applied the *Secretary of the Interior's Standards for Rehabilitation* because the proposal would modify an existing structure and thus, this set of standards was considered to be most appropriate to address the scope of this project. It is also noted that Rehabilitation standards are the standards applied most often by the Department to projects that involve changes to existing structures.

The *Secretary of the Interior's Standards for Rehabilitation* do not address the issue of a building's illegal addition as part of its existing or proposed condition. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations.¹ In the Standards, rehabilitation is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."² Therefore, the Department appropriately used the *Secretary of the Interior's Standards for Rehabilitation* to analyze historical impacts associated with the proposed project and, finding that the project would not result in significant impacts on historical resources, appropriately prepared a Categorical Exemption as the CEQA document.

See response for Issue 2, below, for discussion of the Department's evaluation of the project per the Standards. Also see responses to Issues 7 and 8, below, which further address the eligibility of the proposed project for a Categorical Exemption.

Issue 2: The Appellant asserts that the assumption that a garage may remain at 20 Nobles as part of a plan to "rehabilitate" the building contradicts the Secretary of the Interior's Standards' section concerning rehabilitation of buildings. Specifically, the appellant contends that the project would be in conflict with those sections of the Guidelines addressing "Wood," "Masonry," "Entrances" and "New Additions" to historic buildings.

Response 2: The Department correctly applied and interpreted the Secretary of the Interior's Standards for Rehabilitation for the proposed project. Legalizing one of the garages does not, in and of itself, render the project inconsistent with the Standards since, as noted above, the Standards do not analyze the legal status of project components. Moreover, the existing building on the project site is not a historic resource. Rather, the relevant historic resource here is the non-contributor to the surrounding Upper Grant Avenue Historic District ("District"). The project site is not a contributor to the District, and the project would make the site more compatible with this district.

¹ National Park Service, Technical Preservation Services website: <https://www.nps.gov/tps/standards.htm>

² Ibid.

The project plans dated August 21, 2017 and received by the Planning Department on September 1, 2017 were reviewed by Planning Department staff using the *Secretary of the Interior's Standards for Rehabilitation*. The project proposed to restore elements of the publicly visible building façade using historic photographic documentation (provided with the plans) for guidance in conformance with Standard No. 6, which states:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.³

As discussed in the Preservation Team Review Form dated September 8, 2017, included herein as Attachment C, ground floor wall areas proposed for rehabilitation, which includes the removal of two non-historic wall vent openings, would be clad in stucco to match the existing facade cladding in material and finish. The proposed wood basement door and wood double-hung window are compatible with the door and window that previously existed at that ground floor location, based on historic photos.

The district that the subject property falls within, the Upper Grant Avenue Historic District, was identified as part of a larger architectural survey of the North Beach area in 1982. The survey looked at all 1100 buildings within the identified North Beach boundaries, including the subject property. The Upper Grant Avenue Historic District was determined to be an historic resource due to its connection with historic events in early San Francisco history (Criterion 1) and for its significant period architecture (Criterion 3). A separate district determination report was prepared in 1982 for the Upper Grant Avenue Historic District, which identified all of the buildings in that district which were considered contributory to the significance of the district. Six buildings with frontage along Nobles Alley were included in the inventory of contributory buildings. The subject property at 20 Nobles Alley was not included as an identified contributing building to the Upper Grant Avenue Historic District.

As the existing building on the project site is a non-contributor to a District, the building is not an individual historic resource as asserted by the Appellant. Therefore, the district and the building's existing ground floor conditions are not historic. The Standards allow greater flexibility in the treatment of a non-contributor within a historic district so long as the proposed alterations are compatible with the character-defining features of that district. In this case, the project proposes to restore elements of the façade based on pictorial evidence and in a manner that is consistent with the character of the district.

Issue 3: The Appellant asserts that the Department provided a confusing assessment of the historic significance of 20 Nobles Alley, Nobles Alley in its entirety, and the Upper Grant Avenue Historic District, which has made it difficult for neighbors to participate in the review of the project. The Appellant further asserts that the historical assessment process is out of synch with CEQA and other policies requiring environmental review.

³ National Park Service, Technical Preservation Services, *Secretary of the Interior's Standards for Rehabilitation*.

Response 3: The Department conducted a complete and thorough historic preservation review of the proposed project, consistent with its general approach for analyzing impacts on historical resources, and provided opportunity for public participation consistent with Planning Code requirements and the Department's standard procedures. The environmental review for the proposed project applied Department's standard methodology for analyzing historical resources, relying on the adopted North Beach context statement and architectural survey, which did not identify the existing building as a contributor to the Upper Grant Avenue Historic District.

Please see Responses 1 and 2 regarding the Department's accurate application of the *Secretary of the Interior's Standards for Rehabilitation* to the proposed project. All information provided to the Planning Department by the Appellant regarding the property and owner history for 20 Nobles Alley was accepted and included in the proposed project's case file for the Department's review of the proposed project.

Historical review was conducted for the proposed project, in accordance with direction provided in the Department's current CEQA checklist. In this case, the historic resource in question is the Upper Grant Avenue Historic District, not the building itself or the North Beach Historic District, as mistakenly stated by the Appellant.

The district that the subject property falls within, the Upper Grant Avenue Historic District, was identified as part of a larger architectural survey of the North Beach area in 1982. The survey looked at all 1100 buildings within the identified North Beach boundaries, including the subject property. The Upper Grant Avenue Historic District was determined to be an historic resource due to its connection with historic events in early San Francisco history (Criterion 1) and for its significant period architecture (Criterion 3). A separate district determination report was prepared in 1982 for the Upper Grant Avenue Historic District, which identified all of the buildings in that district which were considered contributory to the significance of the district. Six buildings with frontage along Nobles Alley were included in the inventory of contributory buildings. The subject property at 20 Nobles Alley was not included as an identified contributing building to the Upper Grant Avenue Historic District.

The project was limited to façade restoration on a single building within the larger Upper Grant Avenue Historic district. The proposed restoration work, as shown on the August 21, 2017 plan set, was based on documented evidence in the form of pictorial evidence of the building's historic condition and met *Secretary of the Interior's Standard No. 6*. Pursuant to CEQA Guidelines Section 15064.5(b)(3), "[g]enerally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." Therefore, because this project was determined to comply with the Secretary of the Interior's Standards for Rehabilitation, any impacts on historical resources were presumed to be less than significant and the project was determined to be eligible for a categorical exemption, with no further CEQA review required.

CONSISTENCY WITH THE PLANNING CODE AND PLANNING DEPARTMENT GUIDELINES

Issue 4: The Appellant asserts that project approval would conflict with purposes of Planning Code Section 249.49, which is intended to “regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert residential buildings from rental buildings to tenancies-in-common.”

Response 4: Installing new garage doors in existing buildings would conflict with Planning Code Section 249.49; however, both garage doors were installed prior to this code section becoming effective. Furthermore, for CEQA review purposes, they are part of the existing conditions and are not considered to be impacts of the project.

Planning Code Section 249.49, Telegraph Hill – North Beach Residential SUD, is intended to “regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.” However, as noted throughout this Appeal Response, environmental review of the proposed project pursuant to CEQA is separate and independent from the review of the proposed for Planning Code conformity.

In response to the Appellant’s specific concern, a Special Use District was adopted in 2010 to place restrictions on garages in the neighborhood where the subject property is located. Under current Planning Code Section 249.49, the controls of the Telegraph Hill-North Beach Residential SUD would not allow for a garage at the subject property. Because the existing garage and roll-up doors (installed ca. 1997) were not previously approved through a building permit, the project was reviewed by the Planning Department as a new garage in an existing building. Planning Code Section 249.49 restricts new garages in existing buildings that front onto streets less than 40 feet in width. Therefore, the permit application could not be approved by the Planning Department and was consequently disapproved.

Issue 5: The Appellant asserts that the proposed legalization of the garage would be nonconforming with the neighborhood and that the proposed legalization of the garage and a proposed curb cut would contradict the Planning Department’s *Guidelines for Adding Garages and Curb Cuts* (formerly known as Zoning Administrator Bulletin Nos. 2006.Ia and 2006.Ib).

Response 5: The Department’s review of the proposed project’s consistency with applicable sections of the Planning Code and/or the Department’s various guidelines is separate from its environmental review pursuant to CEQA.

CEQA review is not required to address a project’s inconsistencies with the Department’s guidelines, including inconsistencies with the *Guidelines for Adding Garages and Curb Cuts* (formerly known as Zoning Administrator Bulletin Nos. 2006.Ia and 2006.Ib), unless such inconsistencies result in physical environmental effects. These guidelines outline Planning Department procedures for the review of

building permit applications proposing to add off-street parking to existing residential structures. As discussed under Background, above, the project's original building permit application was disapproved because it did not meet requirements of the Telegraph Hill-North Beach Residential Special Use District (SUD). The Department does not dispute that there may be inconsistencies with other guidelines, such as the *Guidelines for Adding Garages and Curb Cuts* (formerly known as Administrator Bulletin Nos. 2006.la and 2006.lb); however, these are not required to be analyzed as part of the Department's environmental review of the project because they do not have any bearing on the project's physical environmental impacts pursuant to CEQA.

For the purposes of CEQA, and specifically, historical review, the scope of the project is limited to the reconstruction of a basement door and a window where they previously existed and patching of rough openings with new stucco to match the remainder of the façade in-kind. As noted in the Project Description above, CEQA Guidelines Section 15125 establishes an environmental baseline for purposes of environmental review, which is considered to be the "description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced." Therefore, CEQA does not require that consideration be given to whether any component of the existing physical environmental condition was established without a permit.

Moreover, altering the ground floor garage openings from two doors to one door would reduce an existing, non-conforming condition to bring the property into greater conformance with the building's previous appearance and with existing garage conditions found elsewhere in the district. Nobles Alley has one other existing garage door opening on the north side of the alley, located two parcels to the west of the subject property, which is of comparable dimensions and design to the 20 Nobles garage door proposed for retention. The curb is intact in front of the garage door proposed for removal, so a new curb cut was not part of the scope of work reviewed for CEQA conformance.

Were the subject property not located in the Telegraph Hill-North Beach Residential SUD, Department Preservation staff could approve a modest 8-foot wide garage door as a compatible building alteration. Minimally-sized garage doors that adhere to dimensional restrictions outlined in Planning Code Sec. 144 can be approved in an historic district if the design of the garage does not adversely affect the overall character-defining features of the district as a whole. Thus, while the proposed project is not consistent with the Planning Code (as reflected in its disapproval by the Planning Department), this, in and of itself, does not result in a CEQA impact, which is the subject of this appeal.

DEPARTMENT'S COMPLIANCE WITH PUBLIC REQUESTS FOR INFORMATION

Issue 6: The Appellant asserts that the Planning Department did not provide sufficient opportunities for public input in the planning process and that the City failed to reveal plans for the project in a timely manner in violation of public records laws, including the City's Sunshine Ordinance. The Appellant further contends that project plans were available to the City for over one year before they were made available to requestors.

Response 6: The Planning Department has followed all established rules and procedures related to information disclosure, has been consistently responsive to the Appellant's requests for information, and has not violated any public records laws, including the City's Sunshine Ordinance.

A summary of communication between Planning Department staff and the Appellant is provided below as a way of demonstrating that the Planning Department did not violate any public records law, as asserted by the Appellant.

Staff email and phone log notes indicate the Appellant was in regular communication with Planning Department Enforcement staff after filing the initial garage complaint in August of 2016. On September 14, 2016 the Appellant visited the Planning Department to provide Enforcement staff with historic photos of 20 Nobles showing no garage doors and also sent an email requesting to receive or view in person a copy of permit set drawings from a 1997 building permit. On September 21, 2016 Enforcement staff met with the Appellant at the Planning Department and provided the requested materials for viewing. The Appellant was not provided with a printed copy of the 1997 architectural plans because a notarized owner affidavit is required to obtain hard copies of architect/engineer drawings, in keeping with Department of Building Inspection record keeping policies. Enforcement staff informed the Appellant that plans may also be viewed in-person at the Department of Building Inspection's Record Room on the 4th floor at 1660 Mission Street.

On September 30, 2016 the Appellant asked Enforcement staff for copies of previously approved plans for the project site. Enforcement staff replied to the Appellant via email on October 4, 2016 with instructions regarding how to view and obtain copies of plans for the subject property through the Department of Building Inspection's Record Room.

Plan sets associated with the proposed garage work (permit application #201608094528) were not routed to the Planning Department until October of 2016 and October 2016 onwards, this plan set remained in the Department and available for viewing until the application was disapproved in May of 2017. The Appellant did not request to view the plans for permit application #201608094528 between October 2016 and May 2017. Upon disapproval, the plan sets were routed internally back to the Department of Building Inspection as is standard practice, leaving no copies of the plan set at the Planning Department.

On July 12, 2017, the Preservation Planner received the first email from the Appellant regarding the Board of Appeals' requested CEQA review of the proposed project for impacts on historical resources. The Preservation Planner responded to the Appellant the same day. Owner history for 20 Nobles was provided to the Department by the Appellant, however no records were requested by the Appellant at that time. The Preservation Planner informed the Appellant that plans were anticipated from the sponsor as requested by the Board of Appeals, but had not yet been received.

On the afternoon of Friday, August 4, 2017 the Appellant sent a records request to the Zoning Administrator via email for materials related to the Planning Department's CEQA review of the proposed project at 20 Nobles Alley. The Zoning Administrator acknowledged the record request via email within approximately one hour of the request and the requested materials in the Planning Department's possession at that time were sent to the Appellant via email within two business days, on Tuesday, August 8, 2017. The Planning Department did not have any project plan sets at the time of the Appellant's request.

On Friday, September 1, 2017, the sponsor provided a plan set for the proposed project to the Planning Department in fulfillment of the Board of Appeals' request. Due to the Labor Day holiday, the next business day was Tuesday, Sept. 5, 2017. The Appellant requested and received a copy of the project plans on September 5, 2017.

The sponsor hired a new architect for the proposed project prior to submitting plans on September 1, 2017. The plan set dated August 21, 2017 revised the original project to propose – instead of centering one garage door on the ground floor – to retain the westernmost garage door (installed ca. 1997) in its existing location, seek its legalization, and restore the remainder of the ground floor façade based on pictorial evidence.

As demonstrated above, the Planning Department has been responsive to the Appellant's requests for information throughout the entirety of its involvement with the proposed project.

APPROPRIATE USE OF A CATEGORICAL EXEMPTION

Issue 7: The Appellant asserts that a categorical exemption is not the appropriate type of environmental review for the proposed project because it would legalize a garage in a densely populated area with traffic that is expected to increase over time and little to no green space in the surrounding area.

Response 7: The project is appropriately categorically exempt and there would be no unusual circumstances related to the project's vehicle trips or exacerbation of impacts related to traffic congestion or use of nearby parks or open spaces that would require the project to need a higher level of environmental review.

The Appellant suggests that the proposed project should have undergone a more extensive level of environmental review because it could have adverse impacts on the surrounding density, traffic and open spaces. The Planning Department maintains that a categorical exemption checklist was the appropriate level of environmental review for the proposed project because the project meets criteria that qualify it for a categorical exemption under CEQA State Guidelines Section 15301(e)(2), or Class 1.

The determination of whether a project is eligible for a categorical exemption is based on determining whether the project meets the requirements of the categorical exemption; and as part of that determination, ensuring that none of the exceptions listed under CEQA Guidelines section 15300.2, such as unusual circumstances, apply to the project.

The project meets the requirements of a categorical exemption under Class 1, which provides an exemption from environmental review for interior and exterior alterations of individual small structures including up to three single-family residences. Specifically, pursuant to CEQA Guidelines Section 15301, "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed project includes the alteration of one existing structure. Therefore, the proposed work would be exempt under Class 1. The Appellant has not provided any substantial

evidence supported by facts that the exemption determination does not qualify for a categorical exemption under Class 1.

Additionally CEQA Guidelines Section 15300.2(c) states that a "categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." Under recent direction from the California Supreme Court⁴ under CEQA, a two-part test is established to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, as follows:

- 1) The lead agency needs to determine whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."
- 2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects. CEQA Guidelines states that whether "a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

Procedurally, the CEQA Guidelines do not require a written determination to be provided to confirm that a project is exempt from CEQA review. However, Chapter 31 of the San Francisco Administrative Code establishes local procedures and requirements necessary to implement CEQA analysis for its projects; this includes procedures and requirements for the preparation of categorical exemptions. Per Section 31.08(1)(a) of the Administrative Code, the categorical exemption determination document for a project that is found to be exempt from CEQA must include the following information:

- 1) Project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption;
- 2) Type or class of exemption determination applicable to the project;
- 3) Other information, if any, supporting the exemption determination;
- 4) Approval Action for the project, as defined in Section 31.04(h); and
- 5) Date of the exemption.

In compliance with Section 31.08(1)(a) of the Administrative Code, the proposed project's categorical exemption determination document provides the required information confirming that the project is

⁴ *Berkeley Hillside Preservation v. City of Berkeley*. California Supreme Court. 02 Mar. 2015.

exempt from CEQA review and eligible for a categorical exemption under Class 1, existing facilities. Specifically, the exemption determination document contains the following:

- 1) Project description for determining that the project is exempt from CEQA;
- 2) Class of categorical exemption applicable (“Class 1: Existing Facilities”);
- 3) Applicable information to support the categorical exemption determination;
- 4) Approval action for the project (project approval in this case is the reversal of the Planning Department’s disapproval of the project by the Board of Appeals); and
- 5) Date of the categorical exemption (September 8, 2017).

On the whole, the Planning Department found that no unusual circumstances exist that would disqualify the proposed project from being qualified for a categorical exemption under Class 1. Although the project site is located within a historic district and Nobles Alley is fairly narrow at the project site, these conditions are not considered unusual circumstances given the scale and scope of the proposed project and the fact is that similar street configurations and conditions exist in other parts of San Francisco.

Regarding the Appellant’s assertion that the project is not eligible for a categorical exemption because it would exacerbate traffic congestion-related impacts and/or increase the use of existing open spaces, thereby causing their deterioration, no evidence is presented to support these assertions. The proposed project would not change the existing use of the building, which contains three units, of which 20 Nobles is one (the other two units in the building are 18 Nobles and 18A Nobles). Nor would it increase building volume or density, or increase the population associated with the project site. As noted above, the proposed project would remove one non-historic window, two wall vent openings and one garage door and would restore the ground floor façade to the building’s prior condition based on photographic documentation. The existing building currently has two operational, albeit unpermitted, garage doors available for use. The removal of one of those garage doors would likely decrease the number of vehicles that access the project site compared to existing conditions. There are no unusual circumstances associated with this small project that would legalize a garage in a densely populated area that would, in turn, result in adverse impacts related to transportation, traffic congestion impacts on vehicular circulation or pedestrian safety within the Nobles Alley.

In terms of impacts on green spaces, it is unclear how the proposed project would adversely affect the surrounding open spaces, since no change of use or increases in dwelling units (or residents) is proposed by the project.

In summary, The Department found that the proposed project is consistent with a categorical exemption under Class 1, which provides an exemption from environmental review for interior and exterior alterations of individual small structures including up to three single-family residences. Additionally, the proposed project and its location do not involve any unusual circumstances that would require further environmental review, as described above; thus, the project qualifies for a Class 1 categorical exemption. The Appellant has not provided any substantial evidence to refute the Department’s determination and demonstrate that the project would result in a significant impact on the environment due to unusual circumstances necessitating the preparation of a higher level of environmental review.

Issue 8: The Appellant asserts that a categorical exemption is not the appropriate type of environmental review for the proposed project because, pursuant to CEQA Guidelines Section 15300.2, the proposed project may cause a substantial adverse change in the significance of a historic resource or the project may contribute to a cumulative impact on a historic district.

Response 8: As discussed in the Categorical Exemption and in the responses above, the project would not result in any significant impacts related to a historical resource and, thus, a categorical exemption was appropriately prepared for the proposed project.

As noted in Response 3, project plans were reviewed using the *Secretary of the Interior's Standards for Rehabilitation*. The proposed project would remove one non-historic window, two wall vent openings and one garage door and would restore the ground floor façade to the building's prior condition based on photographic documentation. The wall areas proposed for rehabilitation would be clad in stucco to match the existing façade cladding in material and finish. The proposed project was found to be consistent with applicable *Secretary of the Interior's Standards* and was found to not result in a significant impact to historical resources. As noted above, under Response 3, pursuant to CEQA Guidelines Section 15064.5(b)(3), a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties shall be considered as mitigated to a level of less than a significant impact on the historical resource. Therefore, because this project was determined to comply with the Secretary of the Interior's Standards for Rehabilitation, any impacts on historical resources were presumed to be less than significant. Moreover, given that the project sponsor would incorporate features, such as exterior cladding and fenestration that would be compatible with the Upper Grant Avenue Historic District's period of significance and would make the existing building more consistent with its previous appearance, the project would arguably result in beneficial impacts related to historic resources.

As documented in the Preservation Team Review Form for the proposed project, the Planning Department staff found that the project would not result in a significant impact to historic resources as it would not materially impair the significance of the Upper Grant Avenue Historic District. The Appellant does not present any evidence that contradicts this conclusion or supports an assertion that the project would cause a substantial adverse change in the significance of a historic resource. There are no unusual circumstances related to historic resources for the project site or the project and the proposed project appropriately qualifies for a categorical exemption.

CONCLUSION

The Department does not find that the Appellant has presented any additional information that deems the proposed project would be non-conforming with *Secretary of the Interior's Standard Number 6* to cause the Categorical Exemption Determination to be overturned. In conclusion, the Planning Department correctly concludes that the proposed project would not result in a significant adverse impact to the Upper Grant Avenue Historic District.

For the reasons stated above and in the CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemptions. The Department therefore recommends that the

BOS Categorical Exemption Appeal
Hearing Date: November 14, 2017

CASE No. 2016-014104APL
20 Nobles Alley

Board uphold the CEQA Categorical Exemption Determination and deny the appeal of the CEQA Determination.

Attachments

Attachment A – Notice of Planning Department Disapproval, dated May 8, 2017

Attachment B – CEQA Categorical Exemption Determination, dated Sept. 8, 2017

Attachment C -- Preservation Team Review (PTR) form, dated Sept. 8, 2017

Attachment D – PTR form attachments: historic maps, subject property photo, Upper Grant Avenue Historic District survey report excerpts

Attachment E – Project plan set, dated August 21, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Disapproval

May 8, 2017

Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

RE:	20 Nobles Alley	(Address of Permit Work)
	0104/025	(Assessor's Block/Lot)
	2016.08.09.4528	(Building Permit Application Number)
	Telegraph Hill-North Beach Residential SUD	(Special Use District)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Building Permit Application #2016.08.09.4528 has been received by the Planning Department and assigned to planner Eiliesh Tuffy. Eiliesh has completed review of the application for corrective work to address Notice of Violation #201620916. The scope of work for the project as stated on the application is: "garage door correction per NOV 201620916- seal unpermitted garage door, relocate legal garage door to center of ground floor."

Please be advised that the Planning Department has disapproved Building Permit Application No. 2016.08.09.4528. This notice is to alert the project sponsor of the process of review for the submitted application and to convey the Department's findings that, due to restrictions enacted with the adoption of the Telegraph Hill-North Beach Residential Special Use District in 2010, the Planning Department cannot approve the proposed relocation of the existing garage door at the front façade of the existing residential structure.

CEQA – Historical Review

The North Beach neighborhood was surveyed in 1982 to identify cultural resources of significance in the area. The findings of the North Beach survey, which was adopted by the Board of Supervisors in 1999, included areas within the neighborhood that qualified for designation in the California Register of Historical Resources. The subject property at 20 Nobles Alley is located within the boundaries of the Upper Grant Avenue Historic District, but was not found to be a contributing building to the district at the time of the survey due to its extensive alterations. Visible alterations to "Non-Contributing" buildings are typically reviewed for their general compatibility with the surrounding district.

The Historical Review of the design proposal determined that the existing two-garage door design could not be supported because it would not conform to Sec. 144 of the Planning Code, which limits garage openings to no more than one-third of the width of the ground story along the front lot line. However, because some historic buildings in the historic district have single garage door entrances of a modest scale, the removal of the second unpermitted garage door and restoration of a prior man-door and window opening was reviewed as a means of returning the ground floor design to a more historic appearance. This determination was predicated on the sponsor's ability to provide evidence of the single garage door's legal installation.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

Building Permit Review

Building permits and plans were reviewed to determine a record of work at the property. Plans associated with permit applications (nos. 9723784 and 9723786) filed in 1997 to remove kitchens, remove interior, non-load bearing wall and combine units 20 and 20A into one unit," show a single garage opening. However, the creation of a ground floor garage was not part of the approved project scope for that permit or any other permit on file with the Department of Building Inspection. Similarly, there are no permits on file that approved the creation of a second garage door opening at the subject property. Lacking any evidence of the legal construction of the ground floor garage doors, the proposal to "seal unpermitted garage door, relocate legal garage door to center of ground floor" was reviewed as a "new" garage installation in an existing residential structure.

Planning Code Review

The Planning Code Review determined that legalization of either a 2-door garage or a 1-door garage at the subject property would not meet the requirements of Section 144 and Section 249.49 of the Planning Code, with the latter code section preventing the installation of new garages in existing residential structures.

SEC. 144 - STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

Section 144(b)(1) Entrances to Off-Street Parking

Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.

Section 249.49(a) Purposes.

To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

Section 249.49(c)(2)(4) Installation of a Parking Garage

In approving installation of the garage, the Commission must find that(4) the garage would not front on a public right-of-way narrower than 41 feet.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

The project proposes to install a new garage door at the front façade of an existing residential building located on an alley narrower than 41 feet in the Telegraph Hill-North Beach Residential Special Use District. Therefore, the Planning Department cannot approve permit application #2016.08.09.4528 to seal unpermitted garage door, relocate legal garage door to center of ground floor. Permit application #2016.08.09.4528 will be returned to the Department of Building Inspection for cancellation.

Please note that, due to the Notice of Violation on the property, the Enforcement case for this property will remain active until the project sponsor submits an application to abate the violation. Please contact the assigned Enforcement staff planner, Chaska Berger, by phone at 415-575-9188 or by email at chaska.berger@sfgov.org regarding timeframes for submitting materials to address the Notice of Violation.

Planning Department & Planning Commission Denials.

Project sponsors seeking to appeal the denial of a permit application by the Planning Department or Commission may not file an appeal until the Department of Building Inspection (DBI) issues the Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of DBI's Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by DBI.

For further information regarding how to appeal the disapproval of this building permit application, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Eiliesh Tuffy
Current Planning Division

Cc: Scott Sanchez, Zoning Administrator
Chaska Berger, Zoning and Compliance
Tom C. Hui, Director of DBI



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
20 Nobles Alley		0104/025	
Case No.	Permit No.	Plans Dated	
2016-014104ENV		Rec'd 9/1/2017	
<input checked="" type="checkbox"/> Addition/ Alteration	<input 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.			
Remove unpermitted, second garage door and restore facade with original pedestrian door and adjacent window. Remove window to the right of the (E) ground floor entry door.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

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

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

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

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

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

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

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

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p style="padding-left: 40px;"><input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>:</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional): Staff analysis of project proposal summarized in Preservation Team Review Form, dated 9/8/2017.</p>	
<p>Preservation Planner Signature: Eillesh Tuffy</p> <p style="text-align: right; font-size: small;">Digitally signed by Eillesh Tuffy DN: cn=Eillesh Tuffy, o=City Planning, ou=City Planning, email=Eillesh.Tuffy@sfplanning.org, postalCode=94102, c=US</p>	

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>	
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name: E. Tuffy</p> <p>Project Approval Action:</p> <p>Other (please specify) CEQA - Historical rev</p> <p style="font-size: small;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> <p style="font-size: small;">Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	<p>Signature:</p> <div style="border: 2px solid black; padding: 5px; text-align: center; font-weight: bold; font-size: 1.2em;"> APPROVED <i>By Eillesh Tuffy at 3:22 pm, Sep 08, 2017</i> </div>

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

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion:	9/8/2017
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PROJECT INFORMATION		
Planner:	Address:	
E. Tuffy	18, 18A & 20 Nobles Alley	
Block/Lot:	Cross Streets:	
0104/025	Grant Avenue	
EOA Category:	Art. 10/11:	BRA/Case No.:
A		2016-014104ENV

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

DATE OF PLANS UNDER REVIEW:	Rec'd 9/1/2017
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PROJECT ISSUES	
<input type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Project proposes to reverse ground floor exterior work completed without benefit of a permit. Work to include the removal of 1 non-historic window, 2 wall vent openings, and 1 out of 2 existing garage doors. Based on the statement of a previous owner, historic property records and photographs of the building, the ground floor alterations were made after the building was sold in June of 1997. The current owners purchased the property in 2016 and seek to legalize 1 existing garage door.	

PRESERVATION TEAM REVIEW			
Category:	<input checked="" type="radio"/> A	<input type="radio"/> B	<input type="radio"/> C
Individual	Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event: <input type="radio"/> Yes <input type="radio"/> No	Criterion 1 - Event: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Criterion 2 - Persons: <input type="radio"/> Yes <input type="radio"/> No	Criterion 2 - Persons: <input type="radio"/> Yes <input type="radio"/> No		
Criterion 3 - Architecture: <input type="radio"/> Yes <input type="radio"/> No	Criterion 3 - Architecture: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Criterion 4 - Info. Potential: <input type="radio"/> Yes <input type="radio"/> No	Criterion 4 - Info. Potential: <input type="radio"/> Yes <input type="radio"/> No		
Period of Significance: <input type="text"/>	Period of Significance: <input type="text" value="1880s-1929"/>		
	<input type="radio"/> Contributor <input checked="" type="radio"/> Non-Contributor		

Complies with the Secretary's Standards/Art 10/Art 11	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A
CEQA Material Impairment to the individual historic resource	<input type="radio"/> Yes	<input type="radio"/> No	
CEQA Material Impairment to the historic district	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Ref'd to Residential Design Team	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

PRESERVATION TEAM COMMENT:

The subject property under review at 20 Nobles Alley is a 2-story-over-basement, flat-front wood-frame vernacular building containing three dwelling units. Based on plans dated The south elevation has 26'-9" of building frontage along the north side of Nobles Alley. Sanborn maps of the area indicate that prior to the 1906 earthquake and fire, the subject lot had a 1-story dwelling facing Nobles Alley with a 1-story bakery immediately behind the residential dwelling. In 1905 the property held the address of 9 Noble Alley. By 1915, following the area's post-earthquake period of reconstruction, the existing building had been constructed on the subject lot, was identified as 20 Noble Alley, and housed 2 apartment flats in the front structure and 2 flats at the rear. The width of the street on the 1915 Sanborn map is shown to be 16 feet.

In 1982, an architectural survey was conducted of the North Beach neighborhood which included Nobles Alley and the subject property. As a result of that survey, the Upper Grant Historic District was identified as a National Register-eligible district under CEQA. The district runs along the Grant Avenue commercial corridor and includes residential parcels to the east and west, from Medau Place at the northern boundary to Fresno Street and Columbus Avenue at the southern boundary. The district was identified as significant for its land use pattern of densely-built streets that are indicative of the city's early urban development, for the close proximity of commercial and residential development, for its vernacular building types constructed immediately following the 1906 earthquake, and for its association with the following themes: Economic/Industrial and Social/Education primarily related to the history of various ethnic communities in the area. In total, nine properties line the north and south sides of Nobles Alley. At the end of the alley, partial rear elevations of two additional properties are also visible. The survey noted 6 properties with frontage on Nobles Alley as contributors to the historic district: #2, #15 and #21-25 Nobles Alley, #1508-1512 and #1522-1526 Grant Ave., and #478-482 Union St. While the subject property is a vernacular residential building constructed immediately following the earthquake, it was not identified at the time of the 1982 survey as a contributor to the historic district.

Currently, the ground floor includes 1 man-door, 1 window & 2 garage doors. The project proposes to remove 1 non-historic window, 2 wall vent openings & 1 garage door. (cont'd)

Signature of a Senior Preservation Planner / Preservation Coordinator	Date
<i>Smade</i>	9-8-2017

The project would restore the ground floor façade in the proposed areas of work to a prior condition, based on historic photographic documentation that is included on Sheet A5.1 of the plan set.

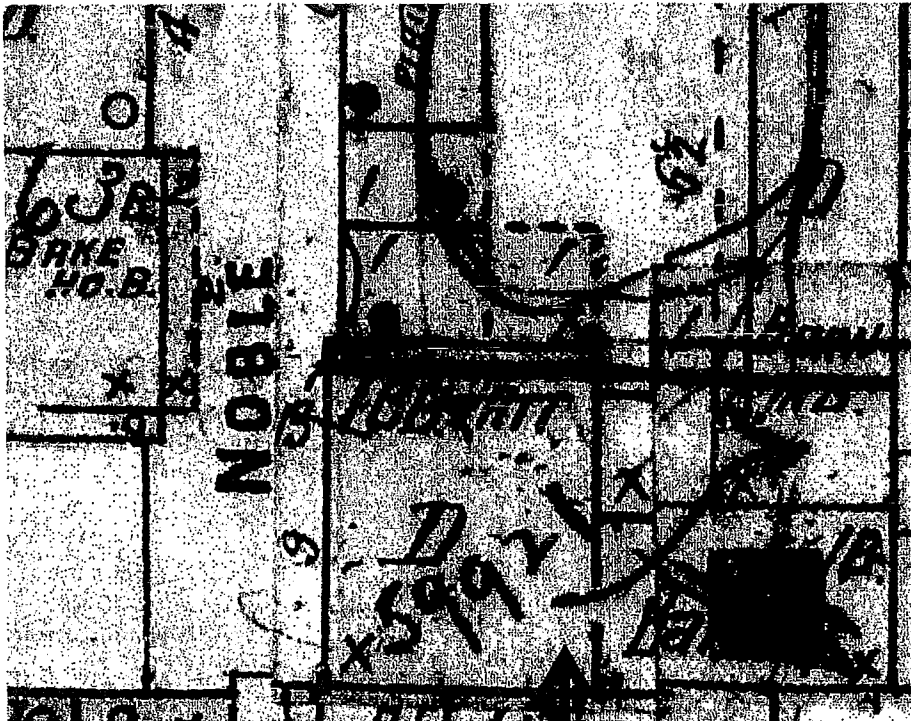
As proposed, the scope of work is in accordance with Standard #6 of the National Park Service's *Secretary of the Interior's Standards for Rehabilitation*, which states:

Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The ground floor wall areas proposed for rehabilitation, which includes the removal of two non-historic wall vent openings, would be clad in stucco to match the existing façade cladding in material and finish. The proposed wood man-door and wood double-hung window are compatible with the door and window that previously existed at that ground floor location, based on historic photos.

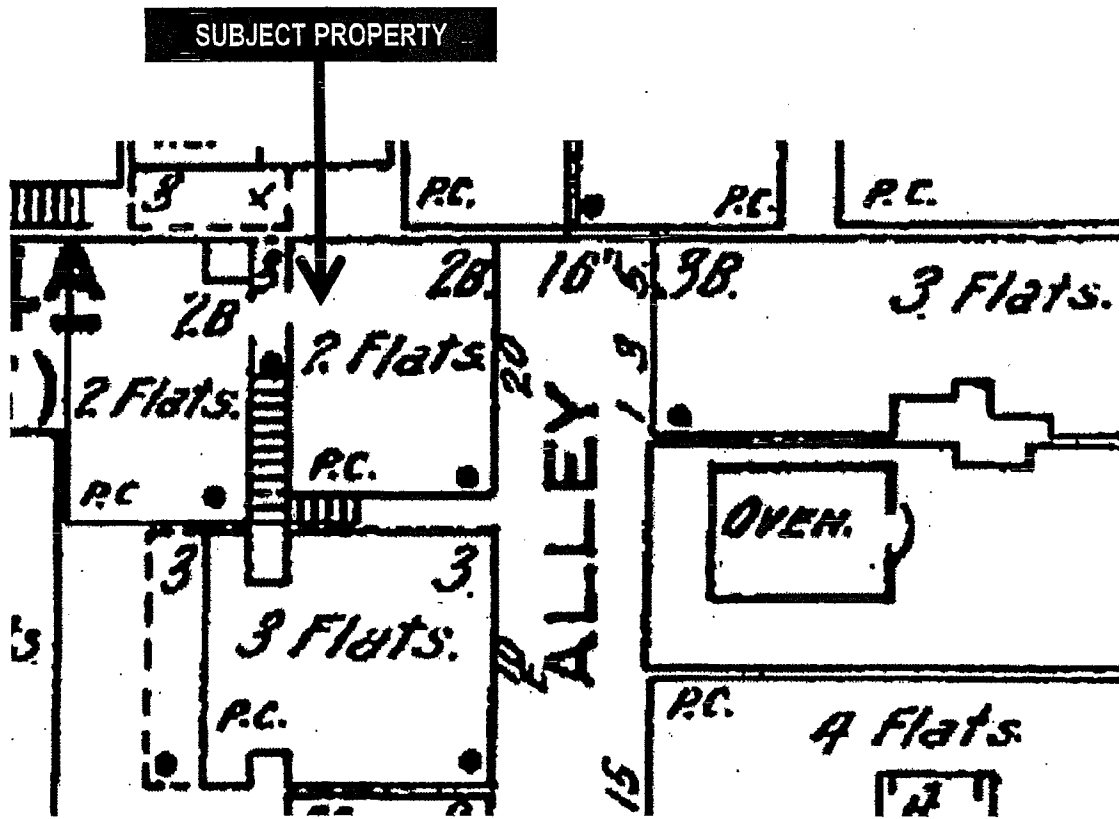
Based on the details provided in the plan set, the project returns the subject property to a documented prior condition using exterior cladding and fenestration that is compatible with the district's period of significance. Therefore, pursuant to the California Environmental Quality Act, the project would not cause a substantial material impact to the Upper Grant Historic District.

20 Nobles Alley (previously #9 Noble)
Sanborn Map -- 1905

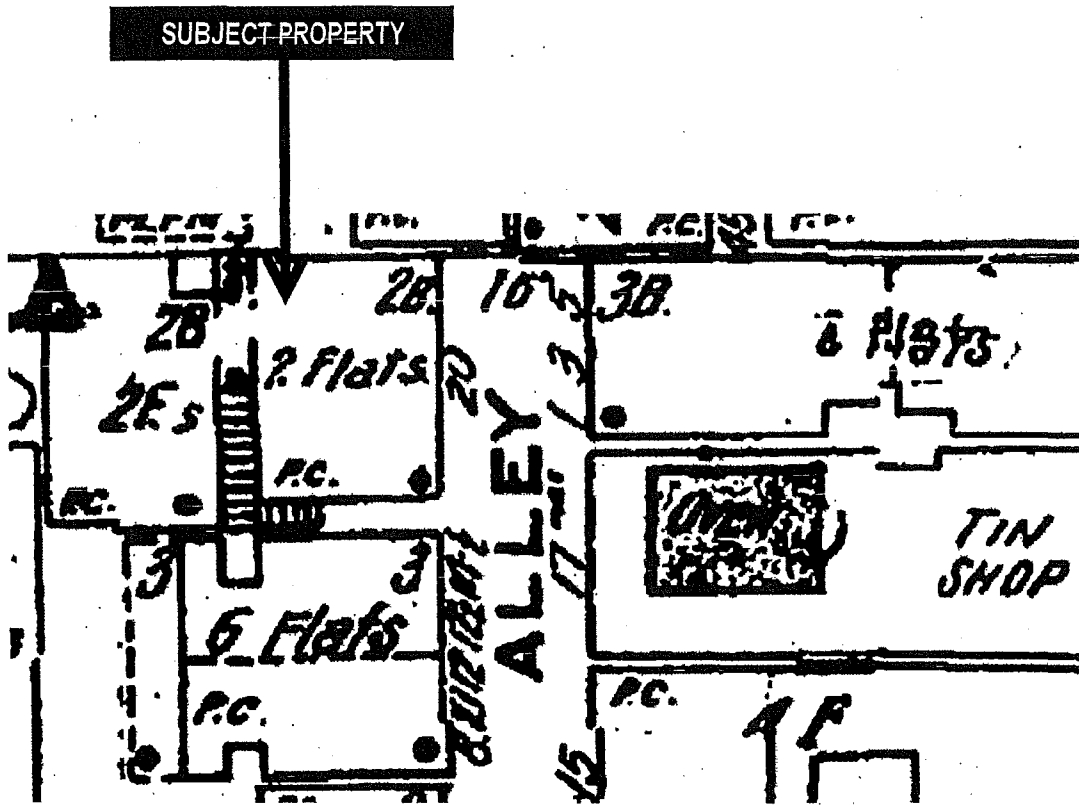


SUBJECT PROPERTY

20 Nobles Alley
Sanborn Map -- 1915



20 Nobles Alley
Sanborn Map -- 1950





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INSOUBLE
SOCIÉTÉ
S. A. S.

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ISFARMS

HISTORIC RESOURCES INVENTORY

Ser. No. _____
HABS _____ HAER _____ NR 3D SHL _____ Loc _____
UTM: A 552125/4183820 B 552150/4183620
10 C 551950/4183595 D 551890/4183740

IDENTIFICATION

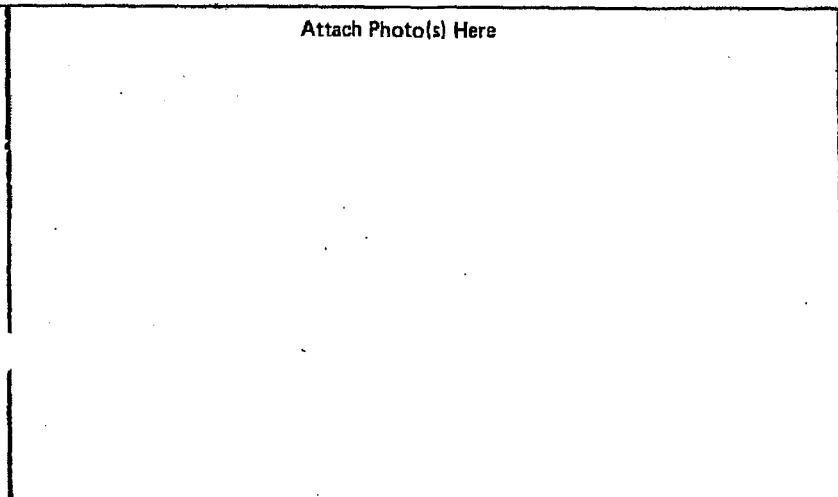
1. Common name: Upper Grant Avenue
2. Historic name: Dupont Street (section north of Broadway)
3. Street or rural address: multiple, see continuation sheets
- City San Francisco Zip 94133 County San Francisco
4. Parcel number: multiple, see continuation sheets
5. Present Owner: multiple, see continuation sheets Address: _____
City _____ Zip _____ Ownership is: Public _____ Private
6. Present Use: residential & shops Original use: residential & shops

DESCRIPTION

- 7a. Architectural style: vernacular Classic
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The upper Grant Avenue District consists of a neighborhood shopping street and its surrounding streetsful of apartments and flats, all less than one block distant from the narrow shopping street, Grant Avenue. The neighborhood is densely packed, both in plan: by two or three very narrow alleys added to each block of the city's rectangular grid; and in architecture: by sidewalk-hugging, multiple-unit adjoining buildings and many an open space except the streets themselves. Most buildings are 3-story-&-basement vernacular Classic frames; those on the main streets have bay windows, those on alleys do not. On Grant Avenue and a little way on some cross streets, ground floors were built to house stores with plate-glass windows, transom strips of windows, bases and posts, and a V-shaped recessed entry which increases show window spaces and invites customers inside. Since the ground varies from nearly level, especially on Grant Avenue, to quite steep, the non-store buildings stand on raised basements usually faced with concrete imitating rusticated stone. Stairs may lead to a recessed entry with doors to individual flats, or a facade

(see continuation sheet)



8. Construction date:
Estimated -1925 Factual 1906-
9. Architect multiple or
none
10. Builder multiple, none
unknown
11. Approx. property size (in feet)
Frontage _____ Depth _____
or approx. acreage 12.6
12. Date(s) of enclosed photograph(s)
1982

13. Condition: Excellent ___ Good Fair ___ Deteriorated ___ No longer in existence ___
14. Alterations: some garages, fire escapes, stuccoed facades, store fronts
15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up
Residential Industrial ___ Commercial Other: _____
16. Threats to site: None known ___ Private development Zoning Vandalism ___
Public Works project ___ Other: _____
17. Is the structure: On its original site? Moved? ___ Unknown? ___
18. Related features: a few street trees

SIGNIFICANCE

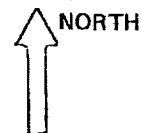
19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
The upper Grant Avenue district is significant because of its historical land use pattern, recreated after the 1906 fire and essentially unchanged today from the earliest development: a tightly packed area of interdependent housing and small shops serving the community with basic services and ethnic specialties. The pattern consists of a narrow main street and even narrower alleys, all filled with side-by-side 2-8 unit, 3-story vernacular Classic buildings on small lots--smaller lots and simpler ornamentation on alleys and slightly larger lots with bays and more ornamentation on city grid streets--and of similar buildings with residential upper stories and ground-floor shops on and near Grant Avenue. It was and is a "busy" place, with emphasis on foot traffic. It reflects the crowded living conditions typically experienced by recent immigrants. The area has always had an "ethnic" quality: a mixture of Germans, Italians, Latin Americans and French in 1880, Italians after 1900, and Asian-Americans today. In the 20th century the small apartments and low rents began to attract Bohemians and literati who enjoyed the ethnic atmosphere and inexpensive ethnic restaurants, standard employment for recent immigrants. (cont.)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture ___ Arts & Leisure ___
Economic/Industrial Exploration/Settlement ___
Government ___ Military ___
Religion ___ Social/Education 1

21. Sources (List books, documents, surveys, personal interviews and their dates): Assessors Records, SF.
San Francisco Directory, many years.
Sanborn Map Co, San Francisco, v. 1,
various years.
see continuation sheets.

22. Date form prepared June 1982
By (name) Anne Bloomfield
Organization North Beach Historical Proj.
Address: 2229 Webster St.
City: San Francisco, CA Zip 94115
Phone: (415) 922-1063

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



Upper Grant Avenue, San Francisco - continuation page 1.

ITEM 7b. (cont.) plane entry may lead to a central staircase giving onto the various apartments. Most buildings were constructed 1906-1910, hardly any after 1929, so that all have false fronts and overhanging cornices. Most intrusions are merely insensitive remodelings of the basic fabric and capable of restoration.

ITEM 19. (cont.) There also came into being businesses catering to the would-be artists and writers: bars and various gathering places, especially during upper Grant's most notorious years, the Beatnik era of the late 1950s. There is no other area in San Francisco like the upper Grant district, with its cohesiveness of architecture, ethnic atmosphere and visual rhythm of streets. One knows one is in North Beach.

CONTRIBUTING BUILDINGS


On the following continuation pages, all elements which contribute architecturally or historically to the Upper Grant Avenue District are listed alphabetically by streets and in numerical order on each street. Entries are numbered in this order and shown on the accompanying map by number. Non-contributing structures are not listed. For each element the most significant information is given. First come abbreviated identification and construction data, recognition, owner and uses, then description and/or history, finally (sources). Any building name was found on the structure itself, on Sanborn insurance maps, or in the San Francisco Directory during the structure's initial years.

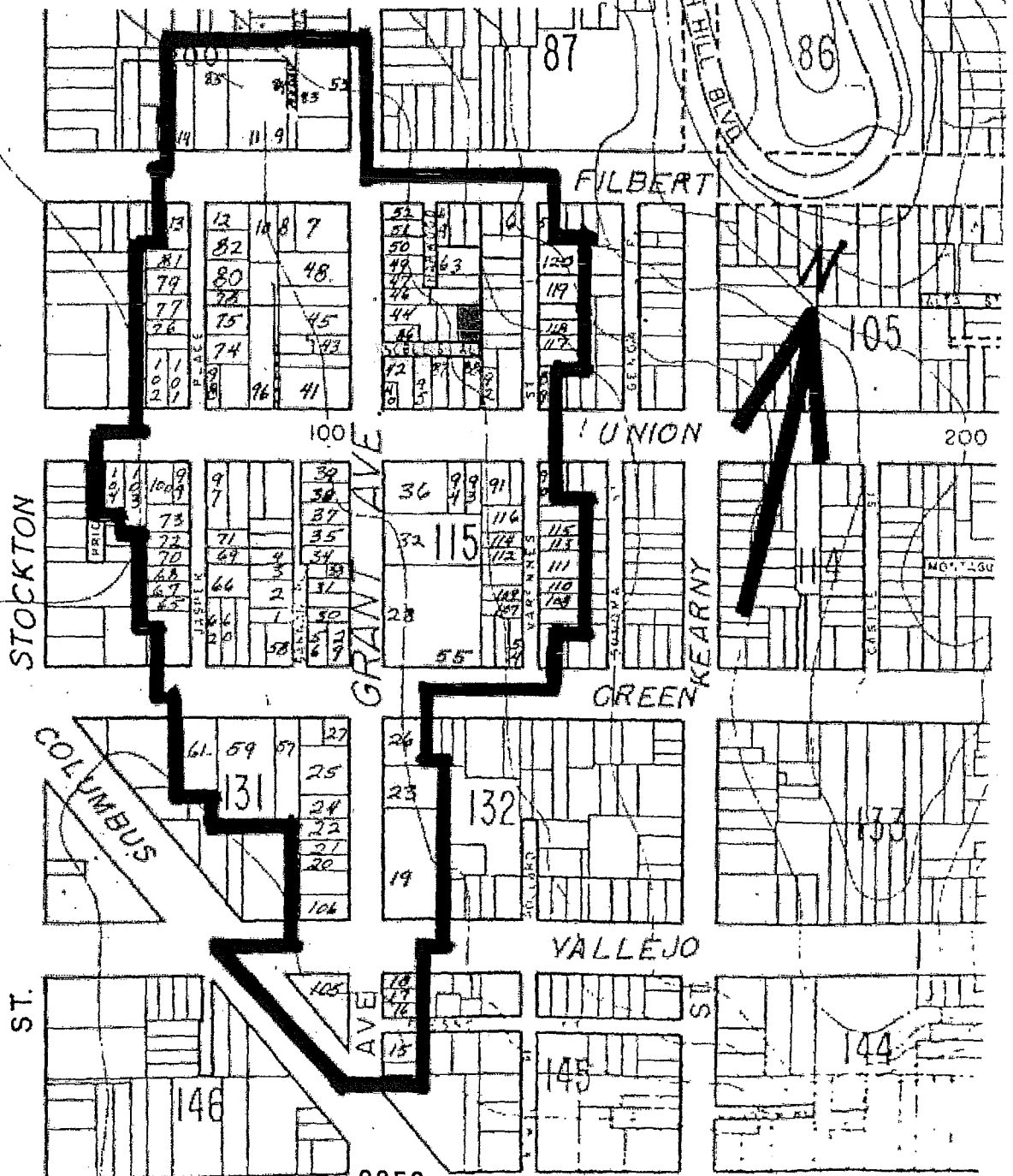
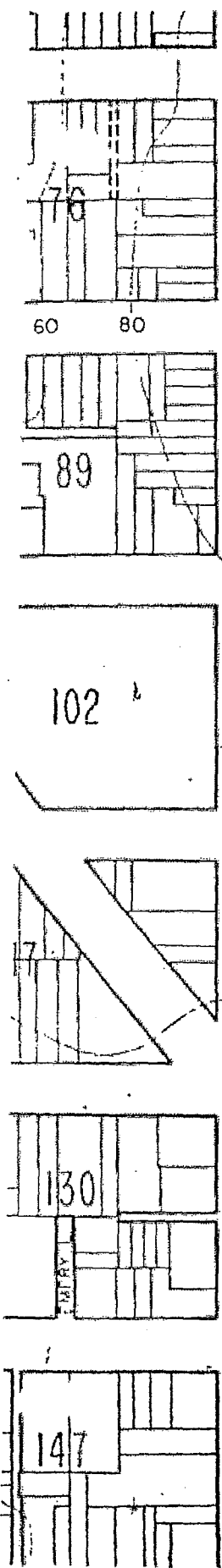
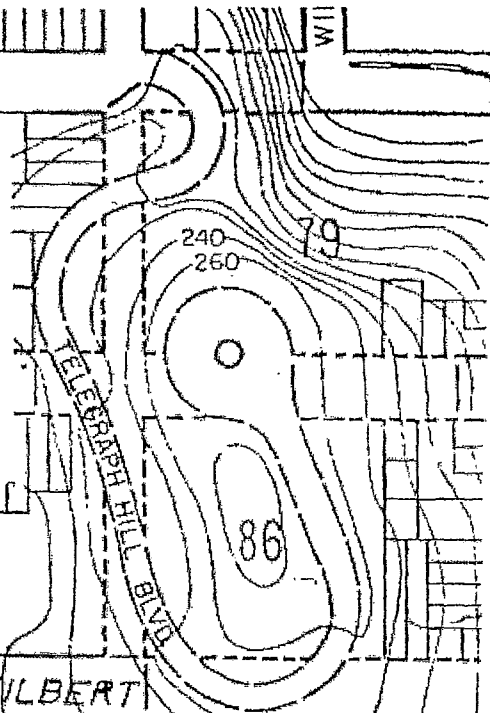
ABBREVIATIONS

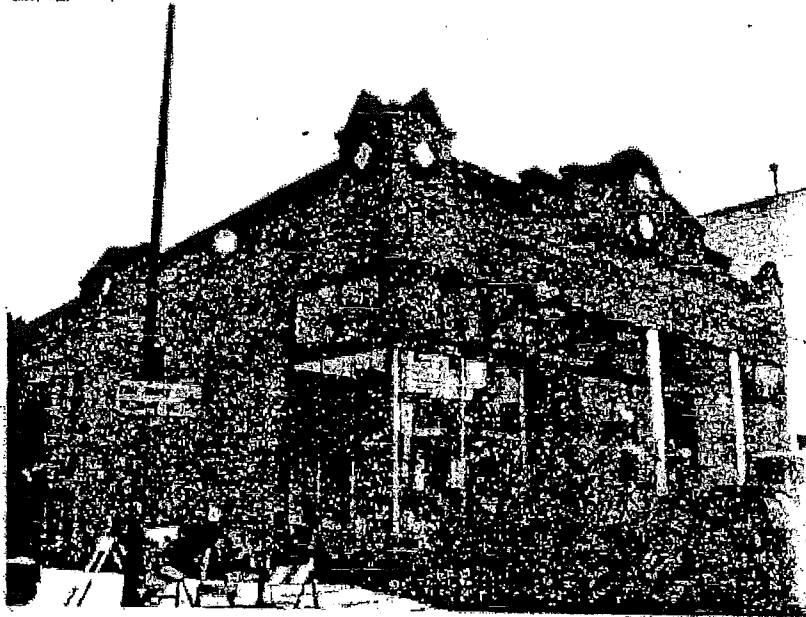
a = architect.
alt = alterations (major).
B = basement.
BPA = Building Permit Application.
c = contractor.
DCP = Department of City Planning, San Francisco, 1976 Survey of architecture: 5 is highest rating, 0 is worth noting.
Ed Ab = Edwards Abstract of Records, San Francisco.
est = estimated.
Gumina = Gumina, Deanna Paoli, The Italians of San Francisco, 1850-1930, New York, 1978, Center for Migration Studies.
IU = interim use.
L'Italia = L'Italia (Italian-language daily), San Francisco, special edition 1907 (probably about 18 April).
M = mezzanine.
oo = original owner (from building permit or similar source).
OU = Original use.
PO = present owner.
PU = present use.
SF = San Francisco.

GRANT AVENUE DISTRICT

San Francisco

 SUBJECT PROPERTY





41. 1501 Grant Ave., 12 Union St. Parcel 103/7. 1917, oo: L. & G. Demartini. PO: Ada Torrigino. PU: Cuneo/Italian-French bakery, since 1979. OU: bakery. IU: Royal Baking Co. 1933; Lido Baking Co. 1940-1944; Italian-French Baking Co. c. 1960-1979. Alt: storefronts partly bricked up after fire. This 1-B brick has a Mission Revival cornice with tile insets. It is North Beach's most fireproof bakery building, and the only one without residence space above. A merger of 5 bakeries in 1917, Italian-French Baking Co. (see #27) merged with Cuneo Baking Co. (see #57) after 1979 fire. (BPA 77357; Gumina: 137.)

42. 1508-1510 Grant Ave. Parcel 104/23. 1912, a: Frank S. Holland, oo: P. Enrico & V. Collori. PO: Adolph & Rose Boschetti. PU: apartments over laundromat. OU: apartment over store. IU: Papera grocer, 1933; Boschetti grocer, 1940-1944. Alt: penthouse added, facade stuccoed. This 3-story, 34-foot-high, double-bayed frame has its original vernacular Classic cornice and transom strip. The lot contains a separate matching building at 484 Union. (Ed Ab 20 Aug. 1912.)



43. 1519-1523 Grant Ave. Parcel 103/5. 1912 est. PO: Peter Cee. PU: 2 apartments above architect's office. OU: 2 apartments above store. IU: Palladino laundry, 1929-1933. This 3-B vernacular Classic frame has 2 bays, a complete cornice and a nearly intact, restored storefront. The lot also contains a 3-B, 3-flat building on Cadell.



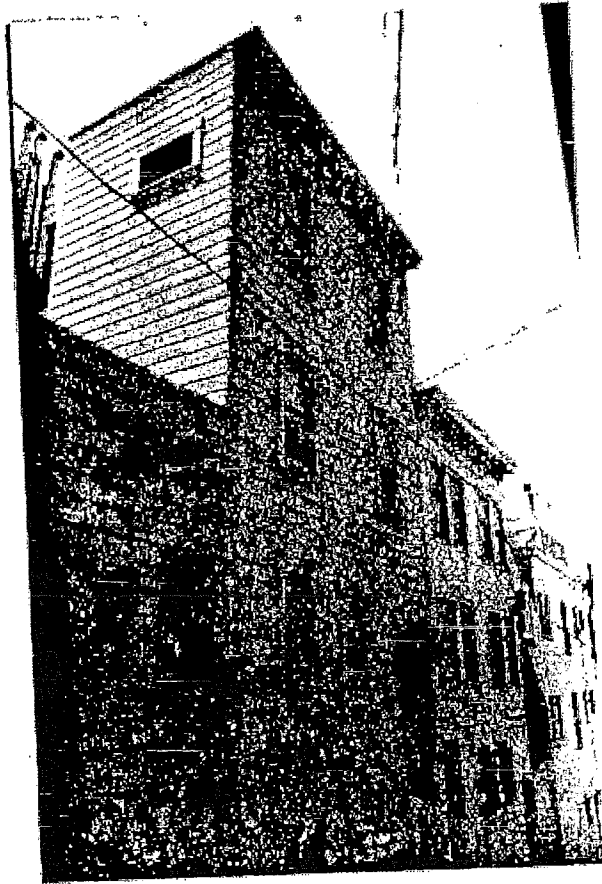
44. 1522-1526 Grant Ave. Parcel 104/27. 1906, a: Harold D. Mitchell, oo: Luigi Ferrari & wife. PO: Nathan Louie. PU: 2 flats over store. OU: 2 flats over N. Grillich Co. plumbers. IU: Bertiglia grocer, 1933; Caputo grocer, 1940. Alt: stripped, stuccoed, tile rooflets added. The basic vernacular Classic shape of this 3-story frame survives, contributing to the overall streetscape. Also on the lot is a 2-B, 2-apartment frame with rustic siding, at 6 Noble's Alley. (Ed Ab 2 Oct. 1906.)



85. 51-61 Medau Pl. Parcel 88/9. 1909 est. PO: Yen Way Leong. PU: 9 apartments. OU: same. This 3-B vernacular Classic frame has 3 rectangular bays with string courses. Between them are 2 enclosed "Romeo" entrances with stacks of stair-windows between the floor levels. Except for the door hood brackets all ornament is machined wood moldings. On the other side of the lot, 540-550 Filbert is a 3-B, 9-apartment enclosed "Romeo" with asbestos shingles and oversimplified cornice.

86. 2 Noble's Alley. Parcel 104/26. 1906 est. PO: Euphrosyne Northcutt. PU: 1-unit residence. OU: same. This 1-story, false-fronted frame has no cornice or other ornament except rustic siding and broad boards around the windows. A 3-car parking lot fills the parcel to Grant Avenue.





87. 15 Noble's Alley. Parcel 104/21. 1906 est. PO: L. Singola. PU: 3 apartments. OU: same. Alt: Union Street facade (472) stripped & stuccoed. This is the rear portion of a building at 472 Union St. which has been altered. The 3-B rear portion has not; it has rustic siding, a cornice with dentil molding, a simple pediment over the entry and shouldered moldings around the windows.

88. 21-25 Noble's Alley. Parcel 104/19. 1908 est. PO: John Chan. PU: 3 apartments this side, 3 more apartments Union side. OU: same. Alt: windows here & whole Union facade. This is the vernacular Classic rear portion of a building at 460 Union St. which has been altered. The 3-B building on this side has alternating wide and narrow rustic siding, cornice with both dentil and egg-&-dart molding, and a simple door hood.



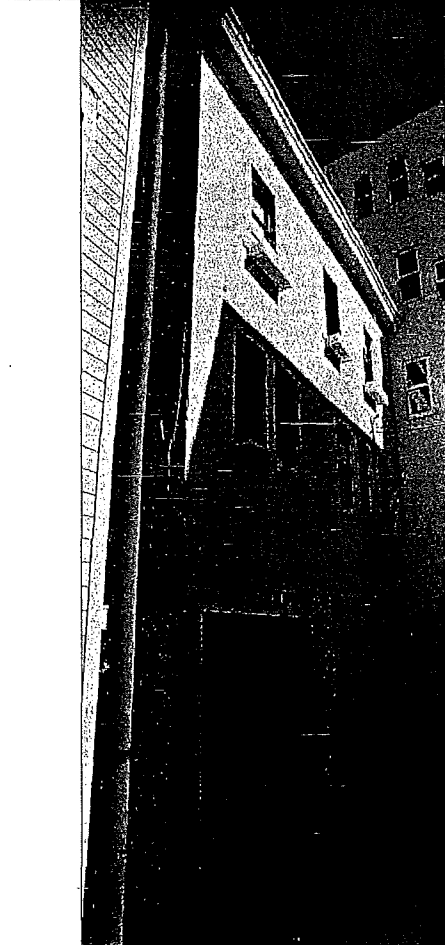


95. 478-482 Union St. Parcel 104/22. 1923 est. PO: L. Singola. PU: 2 apartments over Yone beads store. OU: 2 apartments over store. This 3-B vernacular Classic frame has 2 rectangular bays and a straight-line cornice overhanging them. The store is in original form except for a 1930s tile base. A narrow entry arch and street tree complete the picture. Also on the lot, 5-9 Noble's Alley is a 3-story, 3-apartment vernacular Classic frame with smooth siding, good dentilled cornice, new rustic base and old corner boards.

96. 524 Union St. Parcel 103/9. 1908 est. PO: Frederic Hobbs. PU: Silhouettes Restaurant, offices. OU: saloon & restaurant, "tenement" rear, bocci ball court. Alt: Victorian-type stained glass transom. On this 2-B vernacular Classic frame, simple pilasters divide the Union Street facade into 2 parts, the Cadell Alley one into 3. Behind, the building extends a single story with a half-story and balcony over it, and further extends to a small, square, 2-flats, 2-story frame. Arts-&-Crafts mullions decorate many of the Cadell side windows.



- GENERAL NOTES**
- ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE FOLLOWING CALIFORNIA CODES, REGARDLESS OF DETAILS OR PLANS:
 - 2019 CALIFORNIA BUILDING CODE (CBC)
 - 2019 CALIFORNIA ELECTRICAL CODE (CEC)
 - 2019 CALIFORNIA MECHANICAL CODE (CMC)
 - 2019 CALIFORNIA PLUMBING CODE (CPC)
 - 2019 GREEN BUILDING CODE
 - 2019 CALIFORNIA ENERGY CODE
 - 2019 CALIFORNIA FIRE CODE
 - 2019 CALIFORNIA HISTORICAL BUILDING CODE
 - 2019 CALIFORNIA LISTING REGULATIONS CODE
 - WORK SHALL ALSO COMPLY WITH THE FOLLOWING SAN FRANCISCO CODES AND AMENDMENTS:
 - 2019 SAN FRANCISCO BUILDING CODE AMENDMENTS
 - 2019 SAN FRANCISCO ELECTRICAL CODE AMENDMENTS
 - 2019 SAN FRANCISCO MECHANICAL CODE AMENDMENTS
 - 2019 SAN FRANCISCO PLUMBING CODE AMENDMENTS
 - 2019 SAN FRANCISCO GREEN BUILDING CODE AMENDMENTS
 - 2019 SAN FRANCISCO HISTORIC CODE
 - 2019 SAN FRANCISCO PLUMBING CODE
 - AS WELL AS ANY AND ALL OTHER COVERING CODES AND ORDINANCES. IN THE EVENT OF A CONFLICT, THE MORE STRINGENT REQUIREMENTS SHALL APPLY.
 - DETAILS AND DIMENSIONS OF CONSTRUCTION SHALL BE VERIFIED AT THE SITE BY THE CONTRACTOR, AND DISCREPANCIES BETWEEN THE PLAN AND EXISTING CONDITIONS SHALL BE REPORTED PROMPTLY TO THE ENGINEER OF RECORD.
 - DO NOT SCALE THESE DRAWINGS.
 - ENGINEER ASSUMES NO RESPONSIBILITY FOR THE SUPERVISION OF CONSTRUCTION OR THE PROPER EXECUTION OF THE WORK SHOWN ON THESE DRAWINGS. SAFETY METHODS AND TECHNIQUES ARE THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
 - THE GENERAL CONTRACTOR SHALL VERIFY AND ASSUME RESPONSIBILITY FOR ALL DIMENSIONS AND SITE CONDITIONS. THE GENERAL CONTRACTOR SHALL INSPECT THE EXISTING STRUCTURAL CONDITIONS AND MAKE NOTE OF EXISTING CONDITIONS PRIOR TO SUBMITTING PERMIT. NO CLAIM SHALL BE ALLOWED FOR DETAILS OR CONDITIONS NOT REASONABLY REVEALABLE BY VISUAL INSPECTION.
 - THE GENERAL CONTRACTOR SHALL REPORT, IN WRITING, ANY AND ALL DEFECTS, OMISSIONS, INCOMPLETE INFORMATION OR DISCREPANCIES FOUND IN THE CONSTRUCTION DOCUMENTS TO THE OWNER, ARCHITECT, AND ENGINEER OF RECORD BEFORE PROCEEDING WITH THE WORK.
 - THE GENERAL CONTRACTOR SHALL HOLD RESPONSIBILITY FOR APPLYING FOR, AND OBTAINING, ALL REQUIRED INSPECTIONS TO CONFORM WITH LOCAL BUILDING AND FIRE CODES.
 - CONTRACTOR SHALL ENSURE THAT GUIDELINES SET FORTH IN THE DOCUMENTS ARE MAINTAINED DURING CONSTRUCTION, INSTALLATION, AND FINISHING OF ALL ASPECTS OF THIS PROJECT.
 - DETAILS SHOWN ARE TYPICAL. SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS.
 - ALL ASSEMBLIES SHALL BE OF APPROVED CONSTRUCTION.
 - INSTALL ALL FUTURES, EQUIPMENT, AND MATERIALS PER MANUFACTURERS' RECOMMENDATIONS AND THE REQUIREMENTS OF THE CODES. ALL APPLIANCES, FUTURES, AND EQUIPMENT ASSOCIATED WITH PLUMBING, ELECTRICAL, AND MECHANICAL SYSTEMS SHALL BE TESTED BY A NATIONALLY RECOGNIZED AND APPROVED AGENCY.
 - THE GENERAL CONTRACTOR SHALL PROVIDE AND INSTALL SUFFICIENT BACKUP PROTECTORS FOR ALL WALL-MOUNTED FUTURES AND ANY OTHER ITEMS ATTACHED TO THE WALLS.
 - PROVIDE FIRE GLAZING AND DRAP OFFERS AT ALL CONCEALED DRAFT OPENINGS (VERTICAL AND HORIZONTAL) AS PER 5014 CBC SEC. 719.
 - METALLIC, PLUMBING, ELECTRICAL, AND PENETRATIONS OF FLOOR WALLS, CEILING SHALL BE SEALED AIR-TIGHT ACCORDING TO SEALANT AND FIRE-RATING AS REQD.
 - ALL SMOKE DETECTORS TO BE HARD WIRED.
 - ALL TRIPPED CIRCUITS SHALL BE AFFIXED WITH A PERMANENT LABEL, PER 5022 CBC.
 - PROVIDE SAFETY CHAINS AT ALL HAZARDOUS LOCATIONS, INCLUDING, BUT NOT LIMITED TO, CLIMBING WITHIN 18 INCHES OF A WORKING SURFACE, RAILING IN LOFTS, AND WINDOWS ADJACENT TO COORS IN ACCORDANCE WITH IBC 1607.4.4.4.
 - PROVIDE I.C.D. EVALUATION SERVICES INC. REPORT ON TEST DATA FOR ALL SKYLIGHTS.
 - ALL EXITS TO BE MAINTAINED DURING AND AFTER CONSTRUCTION. ALL FIRE DAMPERS TO BE REINSTALLED AFTER CONSTRUCTION AND PERMITS HAVE BEEN REPAIRED.
 - ALL FIRE & LIFE SAFETY SYSTEMS MUST BE MAINTAINED DURING CONSTRUCTION.



SCOPE OF WORK	REPLACE UNPERMITTED, RECYCLED DAMAGE DOOR AND RESTORE FACADE WITH ORIGINAL PEDIESTRAL DOOR AND ADJACENT WINDOW. RESTORE WINDOW ON RIGHT OF ENTRY DOOR ON GROUND FLOOR.
DEFERRED PERMIT	UNDERGROUND FIRE SERVICES SHALL BE SUBMITTED UNDER SEPARATE PERMIT ONLY PERMIT. EXIT PASSAGEWAYS SHALL MEET REQUIREMENTS OF SECTION 7102, 7016, 7016.1 & 7016.2, TABLE 7024.1.1, AND MEET IFC 72 STANDARDS.
FIRE SAFETY NOTES	-ALL EXITS TO BE MAINTAINED DURING AND AFTER CONSTRUCTION. -ALL FIRE DAMPERS TO BE REINSTALLED AFTER CONSTRUCTION AND PERMITS HAVE BEEN REPAIRED. -ALL FIRE & LIFE SAFETY SYSTEMS MUST BE MAINTAINED DURING CONSTRUCTION.
ZONING DISTRICT	RH3
OCCUPANCY	R2
CONSTRUCTION TYPE	TYPE IV
NUMBER OF STORES	3 (NO CHANGE)
NUMBER OF BASEMENTS	0 (NO CHANGE)
DRAWING SHEET LIST	<ul style="list-style-type: none"> AL1 TITLE PAGE AL1 SITE PLAN AL1 FIRST FLOOR PLANS AL1 SECOND & THIRD FLOOR PLANS AL1 FRONT ELEVATIONS AL1 SECTIONS AL1 PHOTO REFERENCES
CIVICITY MAP	

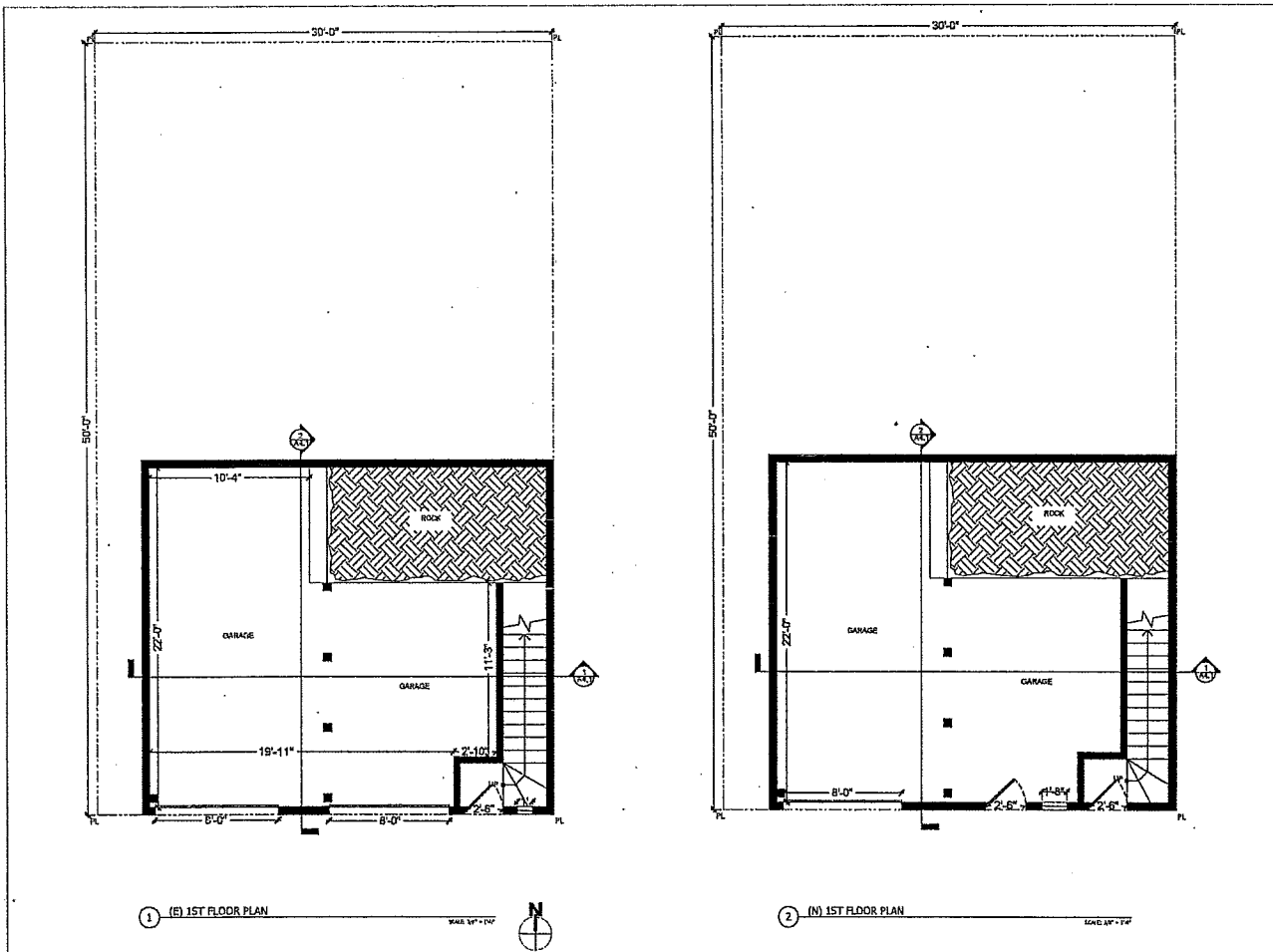
20 NOBLES ALLEY
BLOCK 1000, LOT 028
SAN FRANCISCO, CA 94133

TITLE PAGE

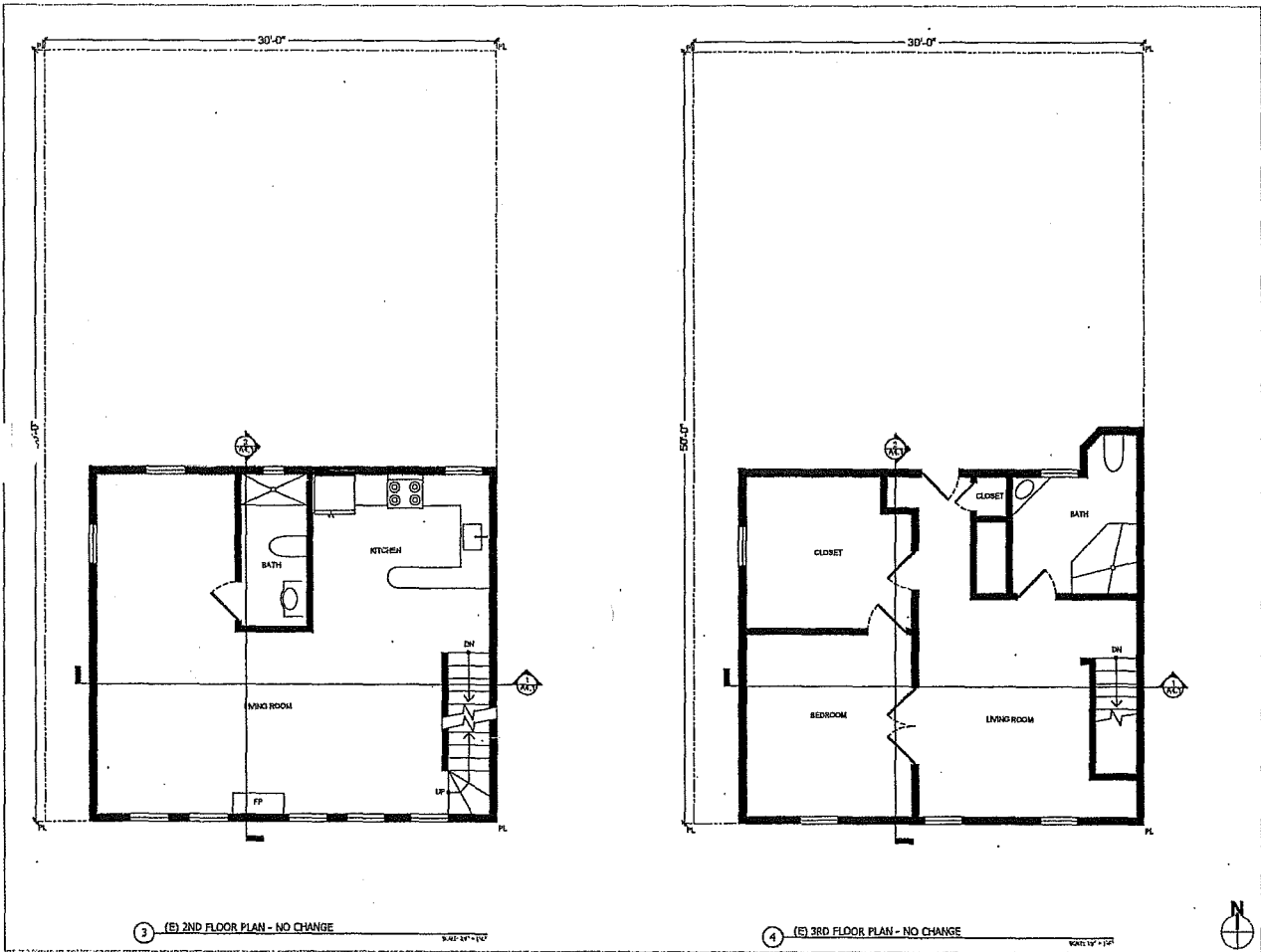
DATE: 02/01/2024
DRAWN BY: SA
CHECKED BY: SA

A0.1

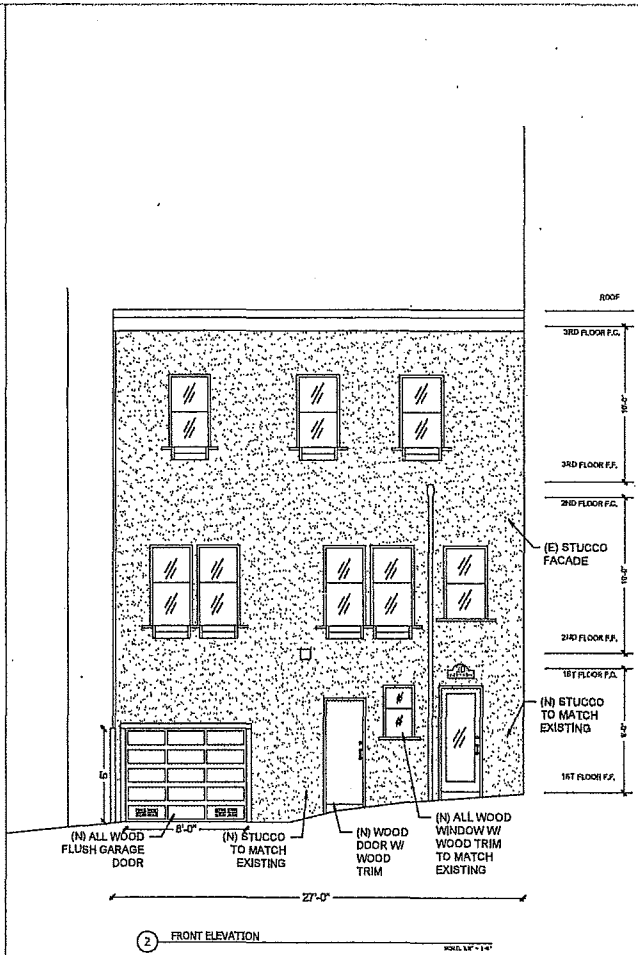
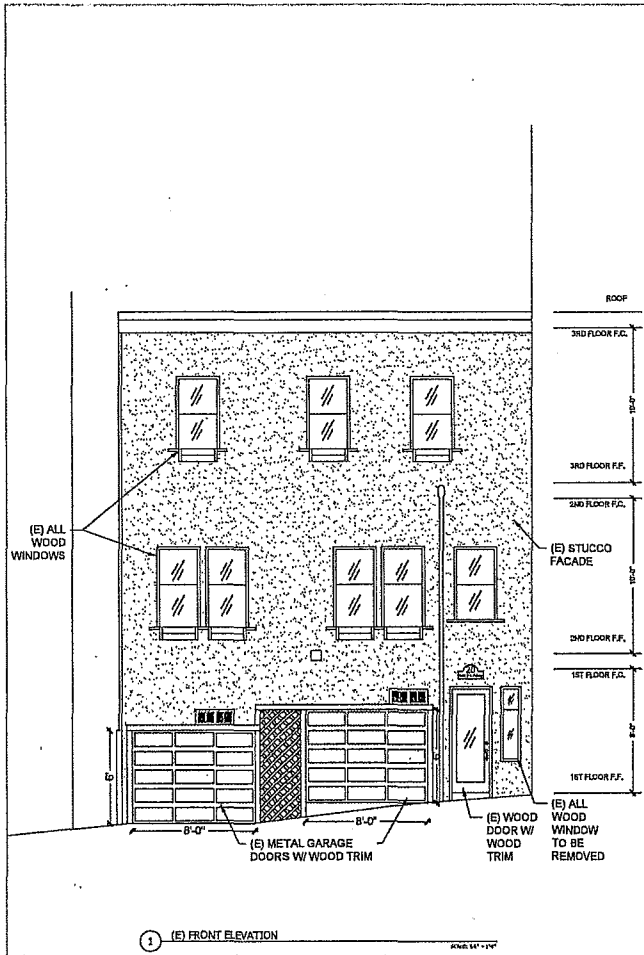
PERMIT NUMBER: _____



		20 NOBLES ALLEY BLOCK 1015A, LOT 025 SAN FRANCISCO, CA 94133	20 NOBLES ALLEY
FLOOR PLANS			
DATE: 02/12/2017 DRAWN BY: JLM CHECKED BY:			
A2.1			PERMIT NUMBER:



20 NOBLES ALLEY	
20 NOBLES ALLEY BLOCK 018A, LOT 25 SAN FRANCISCO, CA 94133	
FLOOR PLANS	
DATE KNOWN	PERMIT NUMBER
DRAWN BY: JH	
CHECKED BY:	
A2.2	



20 NOBLES ALLEY

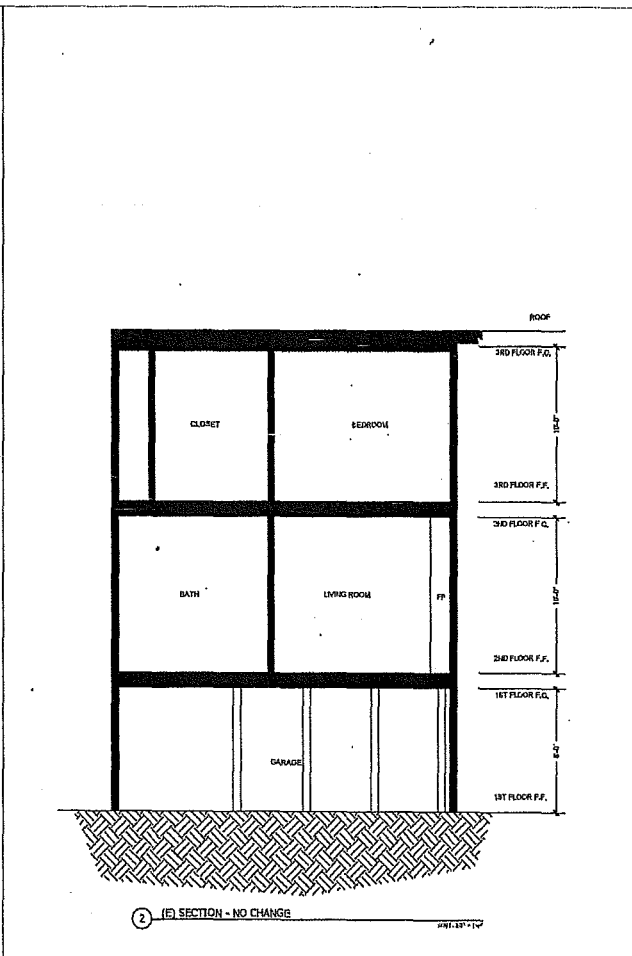
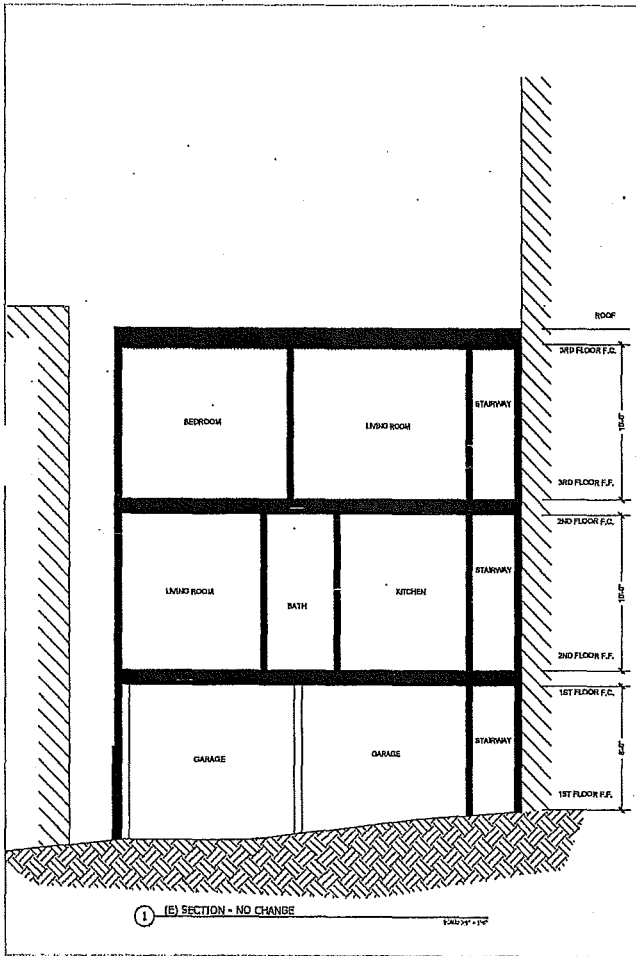
20 NOBLES ALLEY
SAN FRANCISCO, CA 94133

ELEVATIONS

DATE: 02/11/2017
DRAWN BY: SM
CHECKED BY:

A3.1

PERMIT NUMBER:



20 NOBLES ALLEY

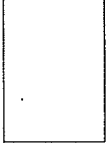
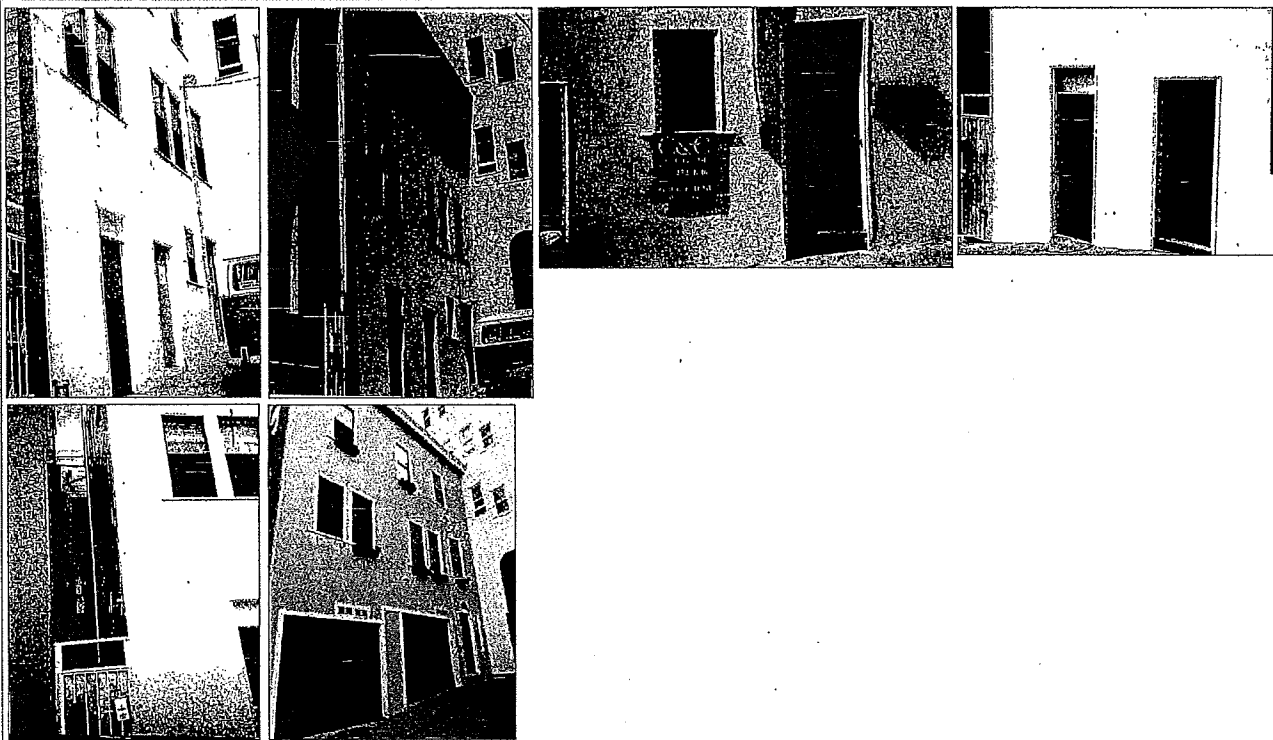
20 NOBLES ALLEY
 1410 14TH ST
 SAN FRANCISCO, CA 94133

SECTIONS

PERMIT NUMBER:

DATE: 02/07/17
 DRAWN BY: JSM
 CHECKED BY: JSM

A4.1



20 NOBLES ALLEY
 BLOCK 0154
 CITY 155
 SAN FRANCISCO, CA 94133

PHOTO REFERENCES

DATE: 02/09/17
 DRAWN BY: SS
 CHECKED BY:
A5.1

20 NOBLES ALLEY

FIG. W
 07/10/16

PERMIT NUMBER



Jalipa, Brent (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, November 03, 2017 2:55 PM
To: marcabruno@yahoo.com; dudley6@mac.com
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sheyner, Tania (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Tuffy, Eiliesh (CPC); Goldstein, Cynthia (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: PROPERTY OWNER RESPONSE AND APPELLANT SUPPLEMENTAL APPEAL LETTERS: Exemption Determination Appeal - Proposed Project at 20 Nobles Alley - Appeal Hearing on November 14, 2017

Good afternoon,

Please find linked below letters received by the Office of the Clerk of the Board from the Property Owners and the Appellant regarding the Categorical Exemption Determination Appeal for the proposed project at 20 Nobles Alley.

Please note that the Appellant's letter contains a request for a continuance.

[Property Owner Response Letter - November 3, 2017](#)

[Appellant Supplemental Appeal Letter - November 3, 2017](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on November 14, 2017.

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

[Board of Supervisors File No. 171053](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

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20 Nobles Alley Appeal – November 16~~th~~ 2017

RESPONSE TO MARC BRUNO'S LETTER OF APPEAL OF CATEGORICAL EXEMPTION

**To: Supervisor London Breed, President
San Francisco Board of Supervisors, Room 244
City Hall I 1 Dr. Carlton Goodlett Place I SF CA 94102 <London.Breed@sfgov.org> (415) 554-7630**

Attn: Brent Jalipa, B.O.S. Legislative Clerk <brent.jalipa@sfgov.org> (415) 554-5184

**Cc: Aaron Peskin, Supervisor, District 3 San Francisco Board of Supervisors
City Hall, Room 282 <Aaron.Peskin@sfgov.org> (415) 554-7450 <lee.hepner@sfgov.org> (415) 554-7419**

**Cc: Scott F. Sanchez, Zoning Administrator San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103 (415) 558.6350 <scott.sanchez@sfgov.org>**

Cc: Eiliesh Tuffy (CPC) Planner/Preservation Specialist SF Planning Department (415) 575-9191 <eiliesh.tuffy@sfgov.org>

Re: Per San Francisco Administrative Code §31.16(e)(l) an Appeal of a CEQA Categorical Exemption, #2016-014104ENV, regarding 20 Nobles Alley (Block Lot 0104 I 025), consequent to D.B.I. Notice of Violation# 20160916, Permit Application # 201608094528, a D.B.I. Directors Hearing (January 17, 2017), a Notice of Planning Department Disapproval (May 8, 2017), and an appeal of that Disapproval before the San Francisco Board of Appeals July 12 and September 13, 2017 (# 17-088)

My name is Eustace de Saint Phalle. My wife, Dudley de Saint Phalle, and I purchased 18-20 Nobles Alley in August of 2016, and live in the front unit, 20 Nobles Alley, S.F. Below is my response to the Letter of Appeal submitted by Marc Bruno September 27, 2017.

1. The issue presented by this appeal to be decided by the Board of Supervisors:

Issue: Is there a rational basis and evidentiary support for the San Francisco Planning Department's decision that 20 Nobles Alley, San Francisco is not a designated historic building for the purpose of the Upper Grant Avenue Historic District and therefore categorically exempt from CEQA review as it relates to certain restrictions within the district.

Answer: The Planning department rationally determined that the building façade was legally altered from its original construction in 1959 to place a stucco façade on the exterior facing the street prior to the Historic District being created; that the building was not considered historic by the 1982 North Beach Survey, adopted by the Board of Supervisors, establishing the buildings

designated as historic resources for the Upper Grant Avenue Historic District. Thus, there is substantial evidence to support the Planning Department's decision that 20 Nobles Alley is Categorically Exempt from the CEQA review.

*****It is important to note that this is not an appeal of the Board of Appeals decision related to the determination that one garage door is deemed legal and one is determined must be removed. Unfortunately, neither Mr. Bruno nor myself can appeal this decision which is now final.**

2. Summary of our situation/Introduction:

Typically when the Board of Supervisors is faced with an appeal from a Planning Department decision that a building is exempt from the North Beach –Upper Grant Avenue Historic District designation under CEQA, it would be dealing with a property owner that has proposed a large new construction project that is potentially changing the character of the building and possibly the feel of the neighborhood. It is usually the desire of a neighbor not to have new construction in the neighborhood and that results in an appeal in an effort to stop the new construction.

I want to be clear – this is not our situation. We recently purchased the property on May 31, 2016. We had no intention of doing any construction work or changing the building. We did not propose a project. But due to complaints by our neighbor, we are now being forced to do work which necessitated a planning department CEQA review. Because the neighbor does not like the result of the CEQA review that he necessitated, he is now appealing the Planning Department's decision.

Our neighbor has decided that if he can force us to remove the 57-year-old stucco façade, then an original historic facade can be placed on the building thus making it match the historic look of other buildings in the neighborhood. His motive for doing this is multifaceted:

- First, he wants to force us to remove the garages (He has ulterior motives for this);
- Second, he wants to force us to renovate our garages into an additional rental unit in order to add additional affordable units in the neighborhood (He is a professed advocate on this issue); and
- Third, he wants to punish us financially because of some perceived slight that he suffered during the sale of the building (His asserted reason for continuing with this process).

Clearly, the system within the City of San Francisco was not intended to be abused in this way by a neighbor for petty grievances or desires to force homeowners to meet someone else's aesthetic notions for how a building should look in the neighborhood. We purchased the building so we could live in peace in a neighborhood where my family has generations of roots, not to be continually harassed by a neighbor who constantly makes false statements about us in order to create controversy.

3. Repeated false statements made by Marc Bruno that are irrelevant to the issue before the Board of Supervisors:

To be abundantly clear, the below statements we believe to be falsely stated about us by Marc Bruno as a way of trying to stir up emotions against us. None of these alleged claims by him against us are true and none have any bearing on whether the Planning Department's decision under CEQA is sound.

-We allegedly do not live in the building. He has told this to a number of neighbors in order to whip up anger towards us so that they would write letters against us. **(This is false and done to try and make us look like outsiders. We live at this address. I was baptized at Saints Peter and Paul Church, my family has lived in this general area of San Francisco for many generations, my grandfather Alfonso Zirpoli was on the S.F. Board of Supervisors, and I am a registered voter at this address.)**

-We allegedly run a hotel out of the Apartment. He has told this to a number of neighbors in order to whip up anger towards us so that they would write letters against us. **(It is true that we attempted to rent our house on three weekends, but we did so to try to supplement our income in order to pay for the costs our neighbor has caused us through his constant complaints and appeals. All I can say is we live there.)**

-We allegedly are attempting to do new construction to create illegal structures. **(This is false. He has told this to a number of neighbors in order to whip up anger towards us so that they would write letters against us. We did not want to do any work to the building.)**

-We allegedly knew that the garages were put in illegally before we purchased the property. **(This is false. There was nothing on the 3R report. The first couple of times Mr. Bruno complained or spoke to us he did not complain about the garages being without permits. Once he made the complaint, we looked into it and were told that the DBI file was somewhat messed up and seemed to be missing documents. We were told that there were permits for various work that listed the garages as pre-existing; there were plans for at least one of the garages in the file; there was a permit to take down a dividing brick wall and calculations approved for changes to the structure for the garages. As a result, we were told by more than one expediter that it should be ok and that we would need to close out a permit that was not finalized related to different work. This is what we knew when we purchased the building.)**

-We have allegedly misrepresented things in our applications and are trying to do new work. **(This is false. After we purchased the property and there was a question about if there was a permit for both garage doors, Mr. Bruno asked us to change the doors from two doors to one center door to reduce noise from when cars are backing into the garage. Since we were told we may have to do some work and believed at least one garage was fine, we attempted to accommodate his request and did inquire if one door was possible. Little did we know this was a trick by him to then use it against us as a way of saying we are trying to do new construction. We now realize he clearly did not care about the request but was just trying to set us up to argue against us.)**

**** An important thing to remember, Marc Bruno has lived here for 30 years and knew the history of the building, each of the previous owners of the building, all of the prior construction work done to the building and chose to only make complaints against us after he perceived he was disrespected by the Real Estate agents that were selling us the building. This has weirdly become a personal crusade by him against us to the point that he has shouted at my wife on the street and made derogatory comments.

4. The procedural history of how we got here.

On or about May 17, 2016, Marc Bruno complained that work was currently being done on the property without a permit. This was cleared as a false claim by DBI on June 6, 2016 date.

On May 31, 2016, we purchased the property.

On or about June 2, 2016, Marc Bruno complained that the garage doors (which had existed for approximately 20 years) were put in without a permit. We received notice of this sometime thereafter.

During the month of July 2016, we conferred with various people and were led to believe that at least one of the pre-existing garage doors was permitted and we would need to file a permit to clear up the other one since it was built before any restrictions; and thus should be grandfathered in.

From approximately September of 2016 to May of 2017, we attempted to work with DBI and the Planning Department to clean up all aspects of the file with both departments. Everyone at both DBI and Planning was very professional and supportive. Ultimately, we were left with the impression that they felt that due to the current rules there was not a clear way to fix the issue and they would have to deny us the permit at this stage and have us go to the Board of Appeals to address the issue. As one person put it, our situation falls in between the cracks and there are no specific regulations to deal with our situation. During this time, Mr. Bruno was attempting to make things as difficult and as expensive as possible.

On May 8, 2017, the Planning Department denied the permit to clear up the garage issue and said there was no direct evidence of a permit for either garage; that the current rules do not permit a garage and that we would have to go to the Board of Appeals because they were the only body that could decide how to deal with the issue since it was all preexisting and would have been approved at the time it was done along with the other permits that were obtained for the work done at the same time.

On July 12, 2017, we had our first hearing before the Board of Appeals where we were told that because of the confusion in the permitting for the work at the time and the appearance of permits that show plans for at least one garage that we would be able to keep one garage door and would have to seal up the other garage door. However, this was conditioned on the building being exempt in the historic review under CEQA. At that time, Planning explained that they had already done a preliminary review and believed it was exempt.

On September 13, 2017, we had our second hearing before the Board of Appeals. The Planning Department confirmed that the building was not designated as historic under the Upper Grant Avenue Historic District designation and was Categorically Exempt under CEQA, so the board voted to allow us one garage door because of the confusion in the file and that there were plans and other permits that were connected to the garage which showed at the time one was believed to be legal and that was the intent. The board required us to close up the other garage door so that there is only one garage door.

On September 27, 2017, Mark Bruno filed an appeal of the CEQA exemption, i.e., did the Planning Department have proper evidence to support their decision that the building is exempt from the Upper Grant Avenue Historic District designation which is the specific matter that is now before the Board of Supervisors.

5. The Planning department during their CEQA review properly determined that the building was not designated as a historic building and therefore exempt.

Contrary to Mr. Bruno's assertions that the Planning Department has ignored basic concepts of review for the determination of whether a Categorical Exemption to CEQA applies in this case, the Planning Department has explained its rational and basis for its determination. Mr. Bruno chooses to ignore certain aspects to try and craft an argument that is not supported by the facts.

First, Mr. Bruno is aware that on May 8, 2017, the Planning Department determined that 20 Nobles Alley was not part of the historic designation for the North Beach neighborhood. As stated by the Planning Department reviewer:

"CEQA – Historical Review

The North Beach Neighborhood was surveyed in 1982 to identify cultural resources of significance in the area. The findings of the North Beach survey, which was adopted by the Board of Supervisors in 1999, included areas within the neighborhood that qualified for designation in the California Register of Historic Resources. The subject property at 20 Nobles Alley is located within the boundaries of the Upper Grant Avenue Historic District, but was not found to be a contributing building to the district at the time of the survey due to its extensive alterations."

By Mr. Bruno's own admission, the most significant alteration that occurred to this building occurred in 1959. Someone who Mr. Bruno knows and has encouraged to object to our situation is the former owner of the building Mr. Yee. It is Mr. Yee's family who applied stucco to the front of the building at 20 Nobles Alley in July of 1959. The work was permitted and completed with the approval of the Department of Public Works. (As verified on the 3R report). This significant change to the building's exterior completely altered the façade of the building so that it no longer matched that of the historic buildings in North Beach. This fact is not denied by Mr. Bruno and is in fact confirmed by him. This evidence alone confirms that the Planning Department is correct that this building is not a historic building and explains why 20 Nobles

Alley was never designated as historic in the 1982 North Beach Neighborhood Survey that was adopted by the Board of Supervisors in 1999 for the very purpose of this type of CEQA review.

Second, as the Planning Department explained we are not trying to do any work. The proposal, as approved by the Board of Appeals, is to remove some features, a garage door and a window, that were changes done prior to the historic designation in the neighborhood and apparently after various permits were obtained to do work on the building. We do not want to do any work and are not proposing doing any new work. The work that is currently at issue is necessitated by Mr. Bruno and necessitated to meet the requirements of the Board of Appeals. Mr. Bruno wants to argue that we should be deemed as doing new construction work so he can try and craft an argument for greater restrictions to be placed on us and use this as a justification for forcing more changes to our building. This is contrary to the very rational behind the regulations. The regulations are to be used to make sure there are no new changes to buildings after the Historic District designations went into effect, not before the City established the Historic District designation. All the changes done to our building at issue here, were changes that existed prior to the North Beach Historic Designation adopted by the Board of Supervisors in 1999.

Under Mr. Bruno's logic, we should be forced to make all changes that would put the building back in an original historic state so that it can have a designation of Historic and then prevent any changes to the building that might have occurred in the past. The problem is that many legal changes occurred to the building long before any effort was made to create a historic district in North Beach which necessarily means the building would never have been designated as historic. The only way for the building to match the look and feel of the historic building in the neighborhood is if the entire façade of the three story building were to be altered from a stucco façade. This was a legal change to the front of the building that occurred over 50 years ago. This would be completely unfair and mean that the board would be forcing us to spend thousands of dollars to undue legal changes to the building that are over 50 years old.

Third, Mr. Bruno assertion that having a garage door on the alley is contrary to the historic look of the alley is false. Mr. Bruno knows that the current decision of the Board of Appeals to permit the one garage door to the side of the building that is less than 1/3 of the front of the building matches the façade of the building next to 20 Nobles Alley and directly across from his front door. This is the same basic size and configuration of what the Board of Appeals has determined is permissible at 20 Nobles Alley. It is important to note that Mr. Bruno has not objected to this garage because it is/or has been used by his friend. This is in fact believed to be a building that is part of the historic designation. See the attached photo. This demonstrates that Mr. Bruno's argument in this matter is not based on his concern for the neighborhood but selectively pursued for his own personal vindictive reasons.

The planning department's determination of Categorical Exemption and its application of the facts and standards were appropriate and rationally based. The legal changes of the building's exterior to stucco in 1959 and other subsequent changes forever changed the building so that it would not meet the historic designation. This fact was confirmed by the 1982 North Beach Neighborhood Survey that was adopted by the Board of Supervisors in 1999. To agree

with Mr. Bruno's requests would go against the Board's decision on how these issues were to be addressed when it made the decision to adopt the North Beach Neighborhood Survey. It would be an arbitrary application of the law that contradicts a prior determination by the Board of Supervisors.

6. The neighbor, Marc Bruno, cannot meet the legal standard in this matter.

When looking to determine if an appeal can even be granted, there is a high burden the appellant must meet. The general standard to be applied when reviewing an agency decision - is does the agency have substantial evidence to support its decision? Thus, the person appealing, Mr. Bruno, must demonstrate there is "no substantial evidence" to support the Planning Department's decision. This standard cannot be met here, since there is both evidence and a clear rational basis for the Planning Department's decision.

As explained above, the Planning Department clearly explained during the process of review and at the hearing that there were significant changes to the front façade of the building – turning it into a stucco façade rather than the historic horizontal wood board look, as well as other changes, which occurred long before the North Beach Historic District designation occurred. These changes meant the 20 Nobles Alley building would not satisfy the general requirements for a historic designation. The department does not look retrospectively at what changes can we make someone do to "become historic" and then retroactively force those changes onto a property owner. Thus, when reviewing this building the department rationally looked at when the changes were made and if they pre-existed the designation. To support these conclusions, the Planning Department as part of its process reviewed the 1982 North Beach Neighborhood Survey that was adopted by the Board of Supervisors in 1999 for the very purpose of determining if a North Beach building was considered to be of historic significance to be designated by the City as having a historic designation for the purpose of this type of CEQA review. In this case, 20 Nobles Alley building was not considered to be of historic significance. As a result of the Board approving this survey in 1999, it has necessarily determined that the 1982 Survey acts as a rational basis and substantial evidence to support a Planning Department's decision. Thus, to grant Mr. Bruno's appeal would be to contradict the specific determination of the Board of Supervisors in 1999 that this survey would act as substantial evidence for the Planning Department when determining whether a building in North Beach would receive a Categorical Exemption under CEQA.

Further, the appellant in this situation cannot satisfy a "fair argument" challenge, since such a challenge requires a showing that there is "substantial evidence" to contradict the agencies determination. Under some circumstances, that do not exist here, an appellant can argue that there is such a significant change proposed by new construction that it alters a property's designation as Categorically Exempt. Under these circumstances, a complaining party can argue that an agency that does no independent analysis can have a designation of Exemption attacked.

Here, this would require the Board to determine that the 1982 survey approved by the Board in 1999, somehow ignored relevant evidence, when making its determination. This does

not exist here, since the Planning Department also determined that the façade on the front of the building has had substantial alterations changing it so that it no longer has a historic look.

In addition, the guidelines for when a "fair argument" attack can be made is premised on the idea that the proposed changes or alteration to the property present a "new condition" that so alters the property that a categorical exemption must be independently reviewed. We do not have that situation here, since there is no change being proposed. Since all changes to the building 20 Nobles Alley existed before the designation of the North Beach Historic District and the subsequent changes to the building codes in this district, there is no new condition that can be raised to support a "fair argument" attack. Rather, the only changes that are requested by the Board of Appeals are to remove one garage door and a window which is returning it to the same look as existed on plans that were previously approved and maintained by the City in the file for this building from 1997.

Lastly, Mr. Bruno has made many miss-statements and inappropriate attacks on the Planning Department staff. To accuse the Planning Department staff of doing no review and then intentionally leaving out their analysis in assessing the application of the Categorical Exemption that contradicts his myopic view should not be permitted. This is another example of how Mr. Bruno attempts to manipulate the system.

7. Conclusion

While Mr. Bruno attempts to describe complicated nefarious actions by everyone involved, this is really a very simple issue before this body. Is there substantial evidence to support the Planning Department's decision that 20 Nobles Alley is not a designated historic building as part of the North Beach Historic District and thus Categorically Exempt for the purpose of a CEQA review? As demonstrated above, the Planning Department did its own independent review and determined that there were significant changes to the front façade of the building that would contradict an historic designation and also relied on the Board of Supervisors designation of historic buildings in North Beach pursuant to the 1982 Survey. Both of these facts demonstrate that there is substantial evidence to support their determination that the building at 20 Nobles Alley should have a Categorical Exemption for the purpose of CEQA review and this Appeal should be denied.

Thank you for your consideration,



Eustace de Saint Phalle



November 3, 2017

B.O.S. File 177053, 20 Nobles Alley

INTRODUCTION - ADDITIONAL SUBMISSIONS

We are appealing the categorical exemption for this project, File number 171053, a Special Order to be heard on November 14, 2017

As there is an Ethics Complaint regarding the vote on this project before the Board of Appeals on September 13, 2017 we respectfully request that the hearing before the B.O.S. be continued until the Ethics Commission completes its investigation.

We have presented a well-documented case to the Ethics Commission that Commissioner Richard Swig of the San Francisco Board of Appeals was under Ethics Code requirements to recuse himself from voting on this matter. This case is described in detail in the attached Ethics Complaint (1718-026).

We also presented a well-documented case that Commissioner Swig was required to disclose his relationship with the expediter for this project, 20 Nobles, a man who also serves on the San Francisco Board of Examiners and has rented his sole business office space from Mr. Swig since 1988.

As the vote before the Board of Appeals on September 13th was 4-to-1, Commissioner Swig's recusal would have meant that the Board turned down the project sponsors' appeal, and we would not be here today asking for a reconsideration of the categorical exemption.

Sincerely,

Marc Bruno
Appellant
15 Nobles Alley
San Francisco, CA 94133
415-434-1528



Additional Submissions B.O.S. File 171053

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I. Ethics Complaint, 20 Nobles Alley

Ethics Complaint 1718-026, Concerning 20 Nobles Alley

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Conflict of Interest Complaint, Board of Appeals Member
Complainant: Marc Bruno Respondent: Richard Swig

SAN FRANCISCO
ETHICS COMMISSION

I. Complaint Summary

BY _____

Mr. Richard Swig, a Board Member of the San Francisco Board of Appeals, failed to disclose his business relationships with two parties who appeared before the Board of Appeals of behalf of Appeal 17-088, a matter deliberated and voted upon at the July 12, 2017 and September 13, 2017 meetings of the Board.

Mr. Swig also was required to recuse himself from voting on the matter in which these parties appeared. He did not do so.

Failing to disclose his relationships with Mr. Eustache de St. Phalle, the appellant, and Patrick Buscovich, his representative, Mr. Swig violated and continues to violate Section 3.214 of the San Francisco Campaign and Governmental Conduct Code, commonly referred to as the City's Ethics Code.

Failing to recuse himself from voting on this appeal, Mr. Swig skewered a 4-to-1 vote in favor of two men with whom he has business relationships, benefitting them. Given the extent and nature of these relationships, the public could reasonably question the ability of Mr. Swig to act for its benefit.

Eustache de St Phalle's Business Relationship w. Board Member Richard Swig

Mr. de St. Phalle is a lawyer and named partner in the firm Rains, Lucia, Stern, de St. Phalle and Silver. Since October 1, 2011, the firm maintains a San Francisco office, of which Mr. de St. Phalle is the lead partner. That office is the entire 15th floor of 220 Montgomery Street, a building owned by Mr. Swig's family partnership. Mr. de St. Phalle's law firm has paid Swig LLC \$18,770,640.

In 2011, the year that the firm opened the San Francisco, Mr. de St. Phalle, then with another firm ("The Veen Firm") was named "Of counsel" in the same Press Release announcing the opening of the office in the Mills Building. In 2015, Mr. de St. Phalle joined the firm "Rains, Lucia and Stern" as a full-Partner, and his name was added to the marquee. From the time of Mr. de St. Phalle's becoming a named partner at the firm, the firm has paid Swig LLC approximately \$6,250,880.

Patrick Buscovich's Business Relationship w. Board Member Richard Swig

Patrick Buscovich & Associates has been a tenant at 235 Montgomery Street since 1998. Mr. Swig lists this building as a "source of rental income of \$10,000 or more" on each and every Statement of Economic Interest (SEI) filed with the City's Ethics Commission from 2007 to 2017 (a total of seven SEI Reports). Mr. Buscovich, besides being a 19-year tenant at 235 Montgomery provided professional engineering services to the building. (Buscovich & Associate's website advertising this event, Attached. Also see, San Francisco Property Information Map, "235 Montgomery," Building Permit 2013.1395H, Attached.)

Handwritten signature

II. Facts

Mr. Richard Swig is an appointed member of the five member San Francisco Board of Appeals. He has served on this board for the years 2014, 2015, 2016 and 2017. Prior to this, Mr. Swig served on the San Francisco Redevelopment Agency Board, another review body subject to the requirements of the San Francisco Campaign and Governmental Conduct Code, and 42 U.S. Code § 1983, for the years 2007, 2008, 2009, 2010 and 2011.

Mr. Swig also has served on numerous other boards, commissions, advisory groups and task forces in San Francisco and in St. Helena, California, where Mr. Swig owns a home, an inn, a restaurant and other property.

Ethical Requirements, Board Members on the Board of Appeals

As part of the criteria to serve on the Board of Appeals in San Francisco, Mr. Swig agreed to attend bi-annual Ethics Training Classes provided by the San Francisco Office of the City Attorney, and to sign a Certificate of Ethics Training for each such class, pursuant to California Government Code section 53235 (AB 1234). Mr. Swig also agreed to attend bi-annual classes concerning the City's Sunshine Ordinance, classes that also are sponsored by the City Attorney's Office. Finally, as required by the state's Fair Political Practices Commission, pursuant to the Political Reform Act of 1974 (Government Code § 87100 et seq.), Mr. Swig agreed to submit an annual report showing the sources of his income and the ownership of real property, the so-called "SEI Form 700," a Statement of Economic Interests.

The SEI Form requires that properties and business interests owned by Mr. Swig in San Francisco be reported. However, it seems that the SEI does not require that Mr. Swig report his properties and business interests in Napa Valley.

With the sole exception of a form where certain sections of the SEI are redacted, each and every SEI 700 Form Mr. Swig submitted to the City Ethics Commission includes his reference to 220 Montgomery Street (a.k.a. "the Mills Building") and 235 Montgomery Street (a.k.a. "the Russ Building"). These properties are listed in Mr. Swig's SEI reports at the top of a list entitled, "Additional Sources of Income of \$10,000 or more for Swig Investment Company."

Typically, this list is the final page of each SEI report filed by Mr. Swig.

220 Montgomery Street-- the building where Mr. de St. Phalle has his law office as a named partner in the firm of Rains, Lucia, Stern, de St. Phalle and Silver-- is also listed separately, a second time, in each of the SEI Reports submitted by Mr. Swig. In the case of 220 Montgomery, Mr. Swig also lists it under "Schedule B, Interests in Real Property." Under the category "Nature of Interest?" Mr. Swig notes in each of his SEI reports that he has an "Ownership/ Deed of Trust" in 220 Montgomery.

Marc Bruno to San Francisco Ethics Commission
September 29, 2017

Typically, this reference to a "Ownership/Deed of Trust" at 220 Montgomery is listed on page 4 of the Report, as it is in the 2016 Swig SEI Report. (Attached)

"Swig Investment Company" versus "Swig Company, LLC"

"Swig Company, LLC" is never mentioned in Board Member Swig's seven SEI 700 Forms. However, the following companies are mentioned by him as either owned by Mr. Swig, or, when not owned by him, contributing at least \$10,000 annually to his income. The companies listed by Mr. Swig are:

- Swig Investment Company
- Richard L. Swig Trust
- RSMC Investment Company
- RSBA Associates
- Article 3 Advisors
- Not a Bad View, LLC

Although "Swig Company, LLC" is not mentioned in the Swig SEI reports, it seems that what Mr. Swig might mean by "Swig Investment Company" (the first company in this list) is "Swig Company, LLC." Mr. Swig states in his SEI reports that he owns 220 Montgomery as part of "Swig Investment Company." But the actual owner listed at the City Assessor-Recorder Office is "Swig Company, LLC." It is not impossible to conclude these are one in the same company, or, perhaps, co-partners.

Whatever financial instrument or corporate structure Mr. Swig uses as a form of ownership or "interest in," the properties at 220 and 235 Montgomery provide legally significant income to him, for purposes of this ethics complaint. State Ethics Code (Form 700) requires that income from property \$10,000 or more must be reported, and Mr. Swig has reported each of these properties on all seven reports.

Regular Duties of the Board Members who sit on the Board of Appeals

As part of his duties on the San Francisco Board of Appeals, Mr. Swig is expected to consider appeals and related procedural matters that come before the Board, read materials presented by parties to those appeals, listen to in-person presentations made by those parties and their representatives, ask questions of parties to the appeals, participate in discussions with other Board members, and decide based on the official record a correct course of action in accordance with the law. When called upon by a duly made motion, Swig votes on these appeals and related procedural matters.

The majority of appeals that come before the Board concern building permits.

The History of Appeal 17-088 before the Board of Appeals

Mr. Eustache de St. Phalle, an attorney, filed an appeal to the Board of Appeals on or about June 7, 2017. (Appeal 17-088) On or about this day, Dudley de St. Phalle, Mr.



Marc Bruno to San Francisco Ethics Commission
September 29, 2017

de St. Phalle's wife, filed a seven-page brief to the Board asking it to overturn a decision made by the San Francisco Planning Department that a proposed garage at 20 Nobles Alley, a building owned by the de St. Phalles, be "disapproved." The de St. Phalle's appeal was scheduled to be heard July 12, 2017 in San Francisco City Hall, Room 466, at which time and place Mr. de St. Phalle and his wife, Dudley de St. Phalle, appeared before the Board.

The first line of the brief presented by Ms. Dudley de St. Phalle referenced Mr. de St. Phalle's co-ownership of the property; to wit, "My husband, Eustache de St. Phalle, and I bought the building at 20 Nobles Alley last summer."

At the meeting of the Board of Appeals on July 12, 2017, the following parties made presentations: Zoning Administrator Scott Sanchez, Planning Department; Bernie Curran, Department of Building Inspection; Dudley de St. Phalle; Patrick Buscovich, (representing appellants); Mr. Marc Bruno, a resident neighbor (and author of this complaint) and Mr. Brent McDonald, a resident neighbor and architect.

Mr. Sanchez, Mr. Curran, Mr. Bruno and Mr. McDonald spoke in favor of the Planning Department's "Notice to Disapprove." Appellant de St. Phalles and Mr. Buscovich spoke in opposition to the Planning Department disapproval.

de St. Phalle's appeal was discussed and voted on by Mr. Swig and other members of the Board of Appeals on July 12. The Board voted unanimously to continue the matter until September 13, 2017, because it was made known during deliberations that contrary to Board Rules and Regulations no building plans had been submitted to the Board. (*San Francisco Business and Taxation Code*, Article 1 §§ 8, 10 - Method of Appeal to the Board of Appeals, "Record Forwarded.")

The Board directed Mr. de St. Phalle to return with these plans. On or about August 22, 2017, de St. Phalle submitted the requested plans to the Board of Appeals.

At the continuance of September 13, 2017, the following parties presented before the Board of Appeals: Scott Sanchez, Planning Department; Joseph Duffy, D.B.I., Eustache and Dudley de St. Phalle, appellants; Marc Bruno, a resident neighbor; Paul Lau, a resident neighbor; Kathleen Dooley, a resident neighbor; Brent McDonald, a resident neighbor and architect; Albert Yee, former owner of 20 Nobles Alley.

The four neighbors and former owner who appeared on September 13 testified in support of the Planning Department's disapproval of the garage/s. When questioned by the Board about the project, Zoning Administrator Scott Sanchez re-confirmed the Planning Department's disapproval:

"When the building with the garage doors was researched, 20 Nobles, there were no permits in the 1990s to do that. A garage existed-- magically appearing, it seems-- on a drawing in 1999 for an unrelated project. But there never was a permit that added one or more garage to the subject property, and that's where we are today. That we

Marc Bruno to San Francisco Ethics Commission
September 29, 2017

maintain that the garages are not legally existing. Neither one was ever legally existing on the property, and under the planning code today they cannot add one at this point. I think that's all I have to say."

In addition to the in-person testimony at the hearing September 13, 2017, the Board received 16 letters of opposition and not one letter in favor of the project. Other than the permit-holders (the de St. Phalles) nobody testified in favor of the project. Mr. Patrick Buscovich did not present at the continuance hearing on September 13, although he was in the room and consulted with the de St. Phalles.

During the deliberations prior to the vote, Board Member Swig took the lead in announcing that he was in favor of the project and wanted to give the de St. Phalle's-- who had just been told their time was up by the Board President, Darryl Honda-- more time to address the Board. At Mr. Swig's urging, the Board allowed the de St. Phalle's to re-address some of the issues raised at the hearing on September 13th. Many of these same issues were raised and addressed at the hearing on July 12.

After additional deliberations led by Mr. Swig, the Board moved to approve the project, a vote was taken and the final ballot was 4 in favor and one opposed. The sole opposing vote was by Board Member Ann Lazarus.

A copy of the Board's "Notice of Decision" on Appeal 17-088 is attached.

III. Discussion

"Section 3.214 of the Campaign and Governmental Conduct Code requires City officers and employees to disclose on the public record any personal, professional, or business relationship with any individual who is the subject of, or has an ownership or financial interest in, the subject of a governmental decision being made by the officer or employee. This disclosure requirement applies only if, as a result of the relationship, the public could reasonably question the ability of the officer or employee to act for the benefit of the public. Disclosure on the public record means inclusion in the minutes of a public meeting, or if the decision is not made at a public meeting, recorded in a memorandum kept on file at the offices of the City officer or employee's department, board, or commission."

Good Government Guide, An Overview of the Laws Governing the Conduct of Public Officials (September 3, 2014 update)

Mr. Swig's failure to disclose and recuse himself in this matter concerning Eustache de St. Phalle is a violation of Section 3.214 of the San Francisco Campaign and Governmental Conduct Code.

Mr. Swig also has a business relationship with Patrick Buscovich & Associates and was thereby required to disclose that relationship in the Minutes of the Board of Appeals-- something he never did-- and, recuse himself from voting on any matter that might benefit Mr. Buscovich, something Mr. Swig never did.

Marc Bruno to San Francisco Ethics Commission
September 29, 2017

Mr. Swig's failure to disclose and recuse himself in this matter, as it might benefit Patrick Buscovich, is also a violation of Section 3.214. It should be noted that Mr. Buscovich, the principle partner in this firm, is also a member of the San Francisco Board of Examiners.

By failing to disclose and recuse himself, Board Member Swig denied Complainant and other members of the public their constitutional right to have their testimony weighed and considered unimpeded by prejudice and subterfuge. The deprivation of this constitutional right is a violation of the 14th Amendment and 42 U.S.C. § 1983, the "Deprivation of Rights and Immunities Clause" of the U.S. Code.

In addition to violating Section 3.214 of the San Francisco Campaign and Governmental Conduct Code on at least two occasions, Mr. Swig's failure to disclose is also a violation of the Statement of Incompatible Activities for the San Francisco Board of Appeals, discussed below at Section IX.

Both meetings of the Board of Appeals were held in the City and County of San Francisco, in San Francisco City Hall, Room 416.

* * *

Sections IV, V, VI, VII and VIII include Attachments, as labeled. They are all found at the back of this report.

- IV. Documentary Evidence of Ownership of 220 Montgomery Street ("Mills Building") by Richard Swig, Board Member, San Francisco Board of Appeals**
- V. Documentary Evidence of Ownership of 235 Montgomery Street ("Russ Building") by Richard Swig, Board Member, San Francisco Board of Appeals**
- VI. Documentary Evidence of Tenancy at 220 Montgomery Street by Eustache de St. Phalle, Party to Appeal No. 17-088, San Francisco Board of Appeals**
- VII. Documentary Evidence of Tenancy at 235 Montgomery Street by Patrick Buscovich, Member of the Board of Examiners and Expediter, Eustache de St. Phalle, before San Francisco Board of Appeals**
- VIII. Documentary Evidence of Professional Services provided to 235 Montgomery by Patrick Buscovich, Representative of Eustache de St. Phalle before San Francisco Board of Appeals**



**IX. Activities by Mr. Swig are also in conflict with the Board of Appeals
Statement of Incompatible Activities**

By not disclosing his business relationships with de St. Phalle and Buscovich, Board Member Swig also has violated **Section III. A. (3.)(b.)** of the Board of Appeals Statement of Incompatible Activities, because as a landlord to de St. Phalle and Buscovich, Swig "provides services in exchange for compensation."

"(3.)(b.) No officer or employee may be employed by, or provide services in exchange for compensation or anything of value from an individual or entity that presently has an application or matter under review before the Department or has had an application or matter under review before the Department in the preceding 12 months. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner."

[III. Restrictions on Incompatible Activities; A. Restrictions that Apply to all Officers and Employees; (3.) Activities that are Subject to Review by the Department; (b.), at San Francisco Board of Appeals Statement of Incompatible Activities, p. 3]

Advanced Written Determination, a Method to Avoid Possible Conflicts

Mr. Swig is forewarned in the Statement of Incompatible Activities that he and his fellow Board members are encouraged to seek advice from provided counsel at the Ethics Commission and other City agencies and departments should he *even suspect that his actions on the Board of Appeals might result in a conflict of interest.*

Common sense and a commitment to fair play dictate that anyone on the Board of Appeals, a quasi-judicial body, would go the extra mile to adhere to the City's Ethics Code, and the Statement of Incompatible Activities invites Board Members to do just that. Five sources of advice or determination are expressly offered and encouraged by the Statement, and examples are given on how a Board Member ("officer" in the Statement) might ask for such written advice from:

- (1) the Department, by which is meant the Board of Appeals staff;
- (2) the San Francisco Ethics Commission;
- (3) the San Francisco City Attorney;
- (4) the San Francisco District Attorney;
- (5) Any combination thereof.

The Statement of Incompatible Activities is specifically written with Board Members in mind, and I believe that "proposed activities" includes the activities of *Voting as a Board Member* and *Participating in deliberations as a Board Member*, to wit:

"C. ADVANCE WRITTEN DETERMINATION

Handwritten signature or initials on the right margin.

Marc Bruno to San Francisco Ethics Commission
September 29, 2017

As set forth below, an employee of the Department or the director or a member of the Board of Appeals may seek an advance written determination whether a proposed outside activity conflicts with the mission of the Department, imposes excessive time demands, is subject to review by the Department, or is otherwise incompatible and therefore prohibited by section III of this Statement. For the purposes of this section, an employee or other person seeking an advance written determination shall be called "the requestor"; the individual or entity that provides an advance written determination shall be called "the decision-maker."

1. PURPOSE

This subsection permits an officer or employee to seek an advance written determination regarding his or her obligations under subsections A or B of this section. A written determination by the decision-maker that an activity is not incompatible under subsection A or B provides the requestor immunity from any subsequent enforcement action for a violation of this Statement if the material facts are as presented in the requestor's written submission. A written determination cannot exempt the requestor from any applicable law.

If an individual has not requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement.

Similarly, if an individual has requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement if:

- (a) the requestor is an *employee* who has not received a determination under subsection C from the decision-maker, and 20 working days have not yet elapsed since the request was made; or
- (b) the requestor is an *officer* who has not received a determination under subsection C from the decision-maker; or
- (c) the requestor has received a determination under subsection C that an activity is incompatible.

In addition to the advance written determination process set forth below, the San Francisco Charter also permits any person to seek a written opinion from the Ethics Commission with respect to that person's duties under provisions of the Charter or any City ordinance relating to conflicts of interest and governmental ethics. Any person who acts in good faith on an opinion issued by the Commission and concurred in by the City Attorney and District Attorney is immune from criminal or civil penalties for so acting, provided that the material facts are as stated in the

Marc Bruno to San Francisco Ethics Commission
September 29, 2017

opinion request. Nothing in this subsection precludes a person from requesting a written opinion from the Ethics Commission regarding that person's duties under this Statement."

[III. Restrictions on Incompatible Activities; C. Advanced Written Determination, at San Francisco Board of Appeals Statement of Incompatible Activities, p. 4- 5.]

X. Conclusion

Ownership and tenancies of the above-referenced properties at 220 Montgomery and 235 Montgomery, as well as the payment of rents by the de St. Phalle Law Firm to Mr. Swig for its tenancy at 220 Montgomery, as well as the professional services provided by Mr. Patrick Buscovich at 235 Montgomery, where Mr. Buscovich has been a tenant since 1998, prove that Board Member Swig has had and still has a business relationship with these two parties, each of whom appeared on behalf of Appeal 17-088 before the Board of Appeals July 12, 2017 and September 13, 2017.

Given these business relationships, Board Member Swig was obligated as a matter of law, common sense and fair play to disclose his connections to these two men and to recuse himself from voting on any matter that might benefit them.

His failure to do so is a violation of Section 3.214 et. seq. of the City's Campaign and Governmental Conduct Code, the Board of Appeals Statement of Incompatible Activities and of the 14th Amendment of the U.S. Constitution, and of 42 USC §1983.

The votes taken on Appeal 17-088 on July 12, 2017 and September 13, 2017 at the meetings of the San Francisco Board of Appeals must be reversed, and the matters considered by the Board under the auspices of Appeal 17-088 must be remanded to administrative bodies for reconsideration and review. Mr. Richard Swig must be enjoined from voting on Appeal 17-088 or participating in any deliberations concerning it.

On information and belief all matters described by me herewith are true and correct. Signed,



Marc Bruno
15 Nobles Alley
San Francisco, California

Date: *Sept. 29, 2017*



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

PETER KEANE
CHAIRPERSON

DATE: October 5, 2017

DAINA CHIU
VICE-CHAIRPERSON

NAME: Marc Bruno

PAUL A. RENNE
COMMISSIONER

ADDRESS: marcabruno@yahoo.com

QUENTIN L. KOPP
COMMISSIONER

Re: Ethics Complaint No. 1718-026

YVONNE LEE
COMMISSIONER

Dear Mr. Bruno:

LEEANN PELHAM
EXECUTIVE DIRECTOR

Thank you for filing a complaint with the Ethics Commission on **September 29, 2017**. The Commission has assigned the tracking number referenced above to your complaint.

Commission Staff will now conduct a preliminary review of your complaint to determine whether it alleges sufficient facts of specific violations of law to warrant a full investigation. The Ethics Commission has jurisdiction over violations of City law relating to campaign finance, lobbying, conflicts of interest, or governmental ethics. We will review the allegations and evidence you provided and determine if there is reason to believe that a violation of these laws may have occurred. Once this determination is made, you will be notified.

If the Commission needs additional information from you regarding this matter, a member of the enforcement staff will contact you. If you have any questions, please call (415) 252-3100.

Sincerely,

/s Jessica L. Blome
Jessica L. Blome
Deputy Director
Enforcement & Legal Affairs

II . Neighbors Letters in Opposition, 20 Nobles Alley

Cynthia G. Goldstein, Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103
<cynthia.goldstein@sfgov.org>
<gary.cantara@sfgov.org>
<scott.sanchez@sfgov.org>

September 4, 2017

Dear Sir / Madam:

I have owned a shop next door to the intersection of Nobles and Grant for 23 years. As a retailer, resident, and, above all, a person who loves this City, I passionately support Planning Department's decision to disapprove the placement of a new garage at 20 Nobles Alley.

I understand people want garages for their cars. The problem is, this is not an automatic right when you live in a City. And Nobles is not the right place to have a new garage. The garages that are there now at 20 Nobles Alley have proven unsafe. That's the reason they never were used.

The owners of the property-- they bought it only one year ago, in August, 2016-- have been cited for Short Term Rental Violations. How can an intelligent property owner (or, just a *responsible* one) *not* know that San Francisco is for very good reason sensitive to illegal short term rentals?

Many people have lost their apartments because of those rentals, and I find it remarkable that the City's Board of Appeals would ever go out of its way to allow such people to avoid planning rules in order to help themselves to a garage. Actions such as these, were you to allow a garage at 20 Nobles, lead common people to believe the city's review boards are favorable to some people and not others.

Given the new owners blatantly avoided registering their short term rentals for three months, and given they advertised 20 Nobles as a short rental for the whole year, it is impossible to believe they ever intended to really live here.

William Haskell to San Francisco Board of Appeals
September 4, 2017

My business, *Aria*, has been at 1522 Grant for over two decades. I regularly use a storage unit and door just 60 feet away, on Nobles Alley. It is two doors down from 20 Nobles, and on the same side of the street. I am there everyday using that door, and I think I would have noticed the new so-called neighbors if they had ever really lived here.

Please consider what you are doing before you allow one more non-neighbor land investor to pull the wool over the eyes of the city's guardians. I know you are doing your best to determine what is fair, but please remember that others, the ones who wrote the planning code, also consider what is fair before making their policies. To allow the owners at 20 Nobles to circumvent that policy for the sake of a garage in is just plain wrong.

William Haskell
1522 Grant Avenue
San Francisco, CA 94133

2110117

BOARD OF APPEALS

SEP 05 2017

APPEAL # 17-088

086

Cynthia G. Goldstein, Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103
<cynthia.goldstein@sfgov.org>, <gary.cantara@sfgov.org>,
<eiliesh.tuffy@sfgov.org>

September 3, 2017

Dear Appeals Board Member:

I write as a longtime resident of North Beach and as a native San Franciscan who grew up primarily in this neighborhood. This is an area of the city dear to me, both because I am a resident and because of the unique contribution the neighborhood's buildings and people have made to San Francisco.

As a property owner in the neighborhood, I am sympathetic to the need for parking. Nevertheless, I strongly support the Planning Department decision to deny the installation of a new garage at 20 Nobles. The reason is simple: Without a Planning Code and without a common commitment to it, the city will become every man and woman for themselves, and the loving City by the Bay will become one more metropolitan dystopia.

It seems to me our planning code consists of three elements: public policy, safety considerations and history. On all three grounds, I do not think it proper to allow a garage at 20 Nobles.

On historical grounds, and after considerable use of public resources, the Planning and Building Departments, along with the Bureau of Street Use and Mapping, determined the garages currently at 20 Nobles are not legal. There is no evidence of an application, a job card or a permit for a garage.

With regard to safety, alleyways with garages make it difficult to use the sidewalks. I am a pedestrian and public transit user. If and when we allow private parties to install garages in alleys, the permit history should be free of the legal issues we find at 20 Nobles. To repeat what was stated by Planning, "the creation of a ground floor garage was not part of the approved project scope for that permit or any other permit on file with the Department of Building Inspection."

Lastly, our planning code is a reflection of public policy. I am a property manager, a property owner and a long-time volunteer at a program for those who have no property at all-- the homeless. Although the issue at 20 Nobles seems to be only about a garage, it also concerns the homeless.

The Property Information Map for 20 Nobles, Block 0104 / Lot 025, indicates that the very people asking for an exception to be made in the planning code so that they may build a new garage were cited in March of this year for using the building illegally and without registration for short-term rentals. They were advertising the property not merely for the two months when people rented, but until nearly the end of the year. The only thing that stopped them, it seems, is that their plans were uncovered by the City.

Almost none of the people where I volunteer were born homeless. They were forced onto the street because of family dysfunction, health breakdowns, loss of employment and/or (and *most directly*) by simply getting evicted. It is well known that many of these evictions result from short-term rentals-- people misusing commercial buildings as hotels, just like the property owners at 20 Nobles. I know this site would be only one more, small, illegal hotel. But the cumulative effect of all these illegal usages is devastating for the poor. This is the reason I ask you to support the findings of the Planning Department and not allow the owners to avoid the rules of the Planning Code one more time.

Please do not hesitate to phone if I can be of further assistance to you,

Kelli Smith

Kelli Smith
415-846-3280
sfkelli@sbcglobal.net

FILE

BOARD OF APPEALS *986*
 AUG 23 2017
 APPEAL # 17-088

Garage at 20 Nobles Alley, SF

My name is Louis Biro and I am a freelance artist, independent contractor and 29 year North Beach resident, who has lived a block away from the proposed garage at 20 Nobles Alley. I work and shop in the neighborhood, and walk past these garages almost every day.

I am against the new garage proposal because my understanding from the City's Notice of Denial is that the current garages are illegal, and any new garage proposal there would contradict a law passed by the Board of Supervisors protecting small alleys from garages.

Given that the existing garages were built illegally, I do not believe that the current owners should be allowed to build a new garage now, because that would reward the property for breaking the law in the first place.

These issues were known at the time of purchase, and it would be unfair and contradictory.

I also feel that the placement of any new garage would have a negative impact on the rest of us that live in the district. This is a pedestrian section of the neighborhood and there are no other working garages in this area.

I am not against the new owners wanting to increase the value of their property.

If there were any new construction to be done on this site, I would like to see them obtain legal permits, if possible, and create an additional unit for more housing in the area.

As a long term resident I have watched the decrease of curb and sidewalk space over the years as many legal construction projects have occurred. I don't believe that one more, albeit illegal, project improves the neighborhood in any way.

Louis Biro

FILE

BOARD OF APPEALS

AUG 23 2017

APPEAL # 17-088 *9/8*

STATEMENT of PAUL LAU (read by Angela Chu)

My name is Paul Lau and I have lived in Nobles Alley for almost 25 years.

I have worked as a bus boy and in other capacities at restaurants throughout the City.

Because I often come home from work late at night, it is often the case that I sleep until late in the morning.

For this reason, and because I am concerned about the safety and welfare of those who live right next to the proposed garage door, I am asking each of you to not approve this garage.

Thank you for the time to let me address you, and please know that I appreciate all the work you do for the City.

FILE

SEP 07 2017

BOARD OF APPEALS

Mejia, Xiomara (BOA)

SEP 07 2017

APPEAL # 17-088 98

From: Albert Yee <jeldoi@sbcglobal.net>
Sent: Thursday, September 07, 2017 7:24 PM
To: Goldstein, Cynthia (BOA); BoardofAppeals (PAB)
Subject: Support of Planning Department Disapproval of Garages, 20 Nobles, Appeal #17-088
Attachments: Image.jpg; Image (2).jpg; Image (4).jpg; Image (5).jpg; Image (6).jpg; Image (7).jpg; Image (8).jpg; Image (9).jpg; Image (10).jpg

Hello,

Please include my attached testimony and exhibits as part of the official record for the meeting on 09/13/17, Appeal #17-088.

Thank you.

Albert Yee
jeldoi@sbcglobal.net
510 862 4232

FILE

BOARD OF APPEALS

AUG 23 2017

APPEAL # 17-088

Statement of Albert Yee, August 2, 2017

My name is Albert Yee. I appeared here two weeks ago to address a proposed garage at 20 Nobles. I am here today to clarify my position and give you several documents you do not have.

The Yee family owned 20 Nobles for almost 40 years. My parents purchased it in 1958, and, following the death of my parents, my brothers and I sold the property in June, 1997.

During the entire time we owned the property, we never installed a garage. On the contrary, we made almost no additions to the property except to envelope the original wooden structure in stucco.

I lived at 20 Nobles until I left for college. I attended University of California at Berkeley, and I received a degree in engineering. From then until my retirement. I worked in the United States as Senior Principal Engineer for a consulting engineering company.

Based on my experience as an engineer, and based on my experience at 20 Nobles, I can tell you that no garage should have been placed there without proper permits. To do so without specs, without drawings, without any calculations for soft story framing is an indication that someone made a major structural change outside the parameters of the law.

I feel it is unfair to suggest the garages were ever there when my family sold the house, as if we placed them there illegally. We didn't.

Here is a photo of the house when we sold it. Here is a photo of the house when we bought it 40 years earlier. The earlier photo is from the Recorder-Assessor's Office.

You can see that the apertures at the front of the house are identical. You also can see that except for the stucco envelope, the house is historically preserved. When my family added the stucco envelope, we did it properly. We got a permit.

I do not believe the new owners-- who, I'm told, were informed by the City about this problem before they bought the house -- should be allowed to place a new garage there, based on the illegally built garages. This would only invite more people to circumvent the planning and building codes all of us are asked to obey as property owners.

Thank you for your time, and thank you for allowing me to clarify the permitting history at 20 Nobles Alley.

[Exactly **2:10 Minutes**, with the moving of the photos under the audiovisual aid.]

20 Nobles Alley San Francisco CA Apartment House Declaration

August 2, 2017

I, Albert J. Yee, as one of the four former owners of the apartment house at 20 Nobles Alley (include units 18, 18A, 20, and 20A), San Francisco, CA, declare under oath that the apartment house NEVER had car garages as of the date of sale on June 18, 1997.

The 20 Nobles Alley apartment house had two (2) separate basement/storage rooms at street level, each entered by separate regular 30"x76" doorways and separated by an inside brick wall, plus a main entryway into the house, on the date of sale of June 18, 1997.

See attached house pictures.

Sworn by:

Albert J. Yee

Date:

August 2, 2017

At:

Wells Fargo Bank

468 Columbus Ave

San Francisco, CA 94133

713117

FILE

BOARD OF APPEALS

SEP 05 2017

CSK

APPEAL # 17-088

Kathleen Dooley
216 Filbert St
San Francisco, CA
94133

September 2, 2017

To : Cynthia Goldstein and the San Francisco Board of Appeals,

Ms Goldstein and fellow Commissioners,

As a longtime merchant and resident of North Beach, I am writing in support of the Planning Department's disapproval of permit 2016.08.09.4528 at 20 Nobles Alley. For over 20 years, I ran a business, Columbine Design, which was located on the 1500 block of Grant Avenue, the block that tiny Nobles Alley is located adjacent to. Because of the width of this alley—a mere 11' (and far less than the 41' required for the adding garages in our special use district), it is unconscionable to even consider invalidating the Planning Department's conclusions regarding this permit.

As a shopkeeper on this block, I had a daily view of Nobles Alley and observed that this alley is really only suitable for pedestrian use. I also viewed on a daily basis how drivers doublepark in the alley while running errands, constantly blocking Nobles where it intersects Grant Avenue, impeding pedestrian traffic. The addition of garages on Nobles would only add to the confusion and congestion at this intersection and would have a detrimental effect on the character of the alleyway. Of all the alleys in North Beach, Nobles is one of the few that has by good luck and deliberate choices maintained the unique character of our historic neighborhood, something which all of us constantly work to maintain.

Since the City has adopted a Transit First policy endorsing the reduction of cars in congested parts of town such as North Beach, it also makes sense to support the Planning Department's decision to not add a garage at 20 Nobles Alley. That is especially true because Planning, Building and the Bureau of Streets Use and Mapping have all made written determinations that the current two car garages there are illegal.

As a founder and former president of the North Beach Business Association, I have seen a number of bad actors, both commercial and residential, locate in our commercial district, and these are often the same people who justify breaking the provisions of the Planning Code as if these rules should apply to everyone but them. This is just wrong— and something I can never support. In this case, it is my understanding that the current owners had the information regarding the illegality of the garages on the premises before purchasing said property and have, therefore, no basis for even applying for a permit to "legalize" the situation.

It has also come to my attention that, for a number of months, this home has been rented out as an unregistered short term rental—from January to March so far of this year— in direct violation of City laws pertaining to short term rentals. Since the owners maintain other properties as primary residences, it seems logical that they may choose to continue to illegally continue to rent out the building. With the extreme shortage of housing in our neighborhoods, and the many evictions of longtime residents (evictions that are very detrimental to the dynamic fabric of North Beach), the last thing the City should support are owners who so willingly take a home out of circulation to be used as an ersatz hotel. This type of behavior must not be rewarded.

Once again, I strongly believe it is the Board's obligation to uphold the Planning Department's disapproval of legitimizing these illegal structures and deny the permit application to build a new garage in Nobles Alley.

Kathleen Dooley

FILE

Mejia, Xiomara (BOA)

From: Cantara, Gary (BOA) SEP 05 2017 *CAF*
Sent: Tuesday, September 05, 2017 7:41 AM.
To: Mejia, Xiomara (BOA) *17-088*
Subject: FW: SUPPORT: Notice of Planning Department Disapproval, 20 Nobles Alley, #

Public Comment below, for Appeal No. 17-088.

Gary Cantara, Legal Assistant
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103
(415) 575-6882 direct line
(415) 575-6880 main line

From: Howard [mailto:wongaia@aim.com]
Sent: Saturday, September 02, 2017 4:39 AM
To: Goldstein, Cynthia (BOA) <cynthia.goldstein@sfgov.org>; Cantara, Gary (BOA) <gary.cantara@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Tuffy, Eiliesh (CPC) <eiliesh.tuffy@sfgov.org>
Subject: SUPPORT: Notice of Planning Department Disapproval, 20 Nobles Alley, #

TO: BOARD OF APPEALS
 c/o Cynthia Goldstein, Scott Sanchez, Gary Cantara and Eiliesh Tuffy
RE: Permit 201608094528, 20 Nobles Alley, New Garage Abatement Application
SUPPORT: SF Planning Department's "Notice of Planning Department Disapproval"

Dear Commissioners, Directors and Planning Staff;

As a nearby neighbor and architect, I support the determination of the San Francisco Planning Department and its "Notice of Planning Department Disapproval"---regarding an illegal garage opening on a narrow street under 41 feet in width--- within a designated historic district.

As a narrow dead-end alley with multiple residential entryways, Nobles Alley has unique constraints and potential liabilities. Cars may need to back up or back down the street---into Grant Avenue's busy pedestrian and traffic routes. With extremely tight turning radiuses, a garage would require multiple maneuvers that could easily hit adjacent buildings and infringe over pedestrian sidewalks.

Parenthetically, this property apparently has been used as a part-time rental, possibly illegally. Especially if visiting tourists use such a garage, the odds of an accident would increase---given their unfamiliarity with San Francisco's hilly terrain and narrow dead-end streets.

Regards,
Howard Wong, AIA

100 110 111
DENNIS HEARNE photographer

tel 415 989 5152

779 Vallejo Street In North Beach between Powell and Stockton
San Francisco, California 94133
email dennishearne@mac.com
www.dennishearne.com

FILE
BOARD OF APPEALS

SEP 06 2017 *CSJ*

APPEAL # 17-088

Cynthia C. Goldstein
Executive director
San Francisco Board of Appeals
1650 Mission St, Suite 304
San Francisco, CA 94103

Dear Cynthia C. Goldstein,

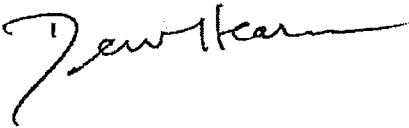
This Letter is sent in support of the "Notice of Planning Department Disapproval" regarding Permit 201608094528, 20 Nobles Alley New Garage application.

Besides the points made in the Disapproval Notice I also may note that the entire resident was illegally used for short term rentals from January through March of this year. The explosion of Ellis Acts and AirB&B rentals by investors only interested in profit should be further addressed by the City Government.

I vote that the Garage addition should not be supported.

thank you,,

Dennis Hearne



FILE

SEP 7 11:13/17

Mejia, Xiomara (BOA)

From: Daniel Macchiarini <danny1mac@sbcglobal.net>
Sent: Wednesday, September 06, 2017 10:33 PM
To: Goldstein, Cynthia (BOA); BoardofAppeals (PAB); Sanchez, Scott (CPC)
Cc: Marc Bruno; Aaron Peskin; Lee Block
Subject: No to 20 Nobles Alley Garage Reconstruction/Remodel

BOARD OF APPEALS

SEP 07 2017

MACCHIARINI CREATIVE DESIGN APPEAL # 17-088

1544 Grant Ave.

San Francisco, Calif.

(415)982-2229

www.macchiarinireations.com

Danny1Mac@sbcglobal.net

MODERNIST DESIGN SINCE 1948

September 6, 2017

Cynthia G. Goldstein, Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Dear Appeal Board Members,

I write you to support the Planning Department decision to deny the installation of a new garage at 20 Nobles for three reasons. First, it is in clear violation of the city codes concerning this kind of construction which are well conceived based upon safety concern in accessing alleys by emergency vehicles which this kind of (de)construction will clearly obstruct. Secondly, construction vehicles will take parking on Grant Ave. for months to both remove debris and bring construction material up the alley to the worksite. These parking spaces will be taken on the street where my business operates further exacerbating the colossal parking problems in North Beach and hindering customer access to our small business commercial district and my business in particular.

Lastly, For over a decade and a half, North Beach has been the target of massive (de)construction projects both private and public, streetscape and inside privately owned buildings. WE NEED A BREAK!

Please oppose this project and ALL further projects of this kind which violate zoning ordinances, are disruptive to both neighbors and our commercial district.

Thank You,

Daniel Macchiarini

Macchiarini Creative Design

544 Grant Ave. SF Ca 94133

Board Member North Beach Business Association

FILE

Cynthia G. Goldstein, Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Ronald F. Sauer
320 Clementina, Apt. 410
San Francisco, CA 94103

BOARD OF APPEALS

SEP 07 2017

CSX

APPEAL # 17-088

Former resident at 121 Varennes, SF CA 94133

Dear Board Member :

I was living for ten years with Roger Strobel, a native of N. Beach, at 121 Varennes, and used the basement back-exit that opens on Nobles Alley, as often as not. Very pleasant, having a quiet dead-end space at one's toetips, like a little slice of Morocco, or the old city in Sevilla.

That kind of tranquility and emptiness is increasingly an endangered dimension here in our wonderful city, increasingly molested by money-flush arrivitises who half the time appear to want to profit from the city, rather than wanting to live here, or give here, or be here, often renting illegally to out-of-towners. Such people passing through are not to be begrudged wanting cozier digs than a sterile hotel, but they move mostly briefly and namelessly through our neighborhood and add little as they pass.

What they do inadvertently if not willfully is drive up the price of living here in San Francisco, a place that has been a haven for creativity, for artists, musicians, poets, small bookstores, and their glorious like, these mostly now an endangered species. And all that is changing with a mercurial toxicity.

When Roger and I noticed the garage machination at its inception, we thought it a dicey idea from the get. It didn't seem all that feasible. It looked doubtful at best. And then it turned out they did it without permits. I mean, what about the structural considerations? Who are these clowns? Where

do they get off putting their private lives before the Law and even genuinely esthetic concerns? The way it came off looking is a blight on the alley. Nobles Alley looked all of apiece before, and now that section looks an appendage of some god-forsaken industrial park, or something better suited to the suburbs.

I cannot speak for everyone living in the alley at the time, but I know that many of us would have spoken up-- and against the garages-- had we been given half a chance. Don't give credibility to the underhanded approach taken in the past. You cannot legitimize subterfuge.

Sincerely

Ronald F. Sauer

FILE

BOARD OF APPEALS

SEP 07 2017

APPEAL # 17-088

To: the Board of Appeals: <cynthia.goldstein@sfgov.org>
<boardofappeals@sfgov.org> <eiliesh.tuffy@sfgov.org>
Cc <aaron.peskin@earthlink.net> <lee.hepner@sfgov.org>

September 6, 2017

Dear Ms. Goldstein and Fellow Board Members:

My name is Gloria Zelman, and I was a tenant at 23 Nobles directly across the street from 20 Nobles from 1991 until July, 2009. During that time, two garages were built at 20 Nobles.

I do not recall exactly what year the garages were built. However, I would like to share with you this: During the 10 or 11 years I lived there after the garages were installed, neither one of them was ever used.

My work took me downtown every day. I would be gone from 12:00 Noon to 6:00 or 7:00 daily-- including, sometimes on Saturday. It seems to me that if those garages were being used by someone, I would have noticed this on at least one or two occasions. In fact, I never saw a single car pull in or out of either of those garages.

It seemed to me at the time that the two garages might have been installed as a consequence of poor planning.

As a longtime resident of North Beach -- I lived in the neighborhood for a total of 29 years-- I can attest to the fact that a garage (or garages) such as the ones placed at 20

Nobles are by nature unsafe. They would be a safety hazard.

Anyone living at 21, 23 or 25 Nobles (I was then living in Apartment 23, the middle floor of the three-story building) would be endangered entering or exiting the building. A car attempting to park in the garages at 20 Nobles would have to maneuver back and forth across the narrow sidewalk, blocking the entrance to the building.

Had I been given a chance to comment on the construction back in the late '90s, I am sure that I would have pointed out these unsafe conditions to City Planning. Later, there was no need to complain about the garages at 20 Nobles because they were simply not being used.

Sincerely,

Gloria Zelman
415-505-1947

FILE

Mejia, Xiomara (BOA)

From: Linda Federowicz <linda.federowicz@gmail.com>
Sent: Wednesday, September 06, 2017 12:28 PM
To: Goldstein, Cynthia (BOA)
Subject: 20 Nobles

BOARD OF APPEALS

SEP 07 2017

APPEAL # 17-088

0104/025
2016.08.09.04528

Dear Ms Goldstein and Members of the Board,

As a long-time resident of North Beach, since 1978, I have been able to experience all the drastic changes that have occurred in the neighborhood. Based on these experiences, I am strongly opposed to the imposition of a new garage at 20 Nobles Alley.

In fact, it is my understanding that the garages there now, were built illegally, which is one good reason not to allow another in the same location.

I believe that North Beach and unique character of our neighborhood is worth preserving. While on the one hand, it probably doesn't seem likely that a garage or two would destroy all that. The very opposite is the case. Let me tell you why.

Many people who have lived in our neighborhood for decades have been forced to give up their most treasured apartments because of short term rentals. Developers and investors are buying up our neighborhood not to live here, but to make windfalls of money on the units they buy. And this seems to be obviously what is happening at 20 Nobles, because the owners are never here and have already gotten in trouble with the city for illegal short term rentals.

Why should such dishonest owners that have no respect for the law or our neighbors in this area be rewarded by the City with a new garage?

The answer is, they shouldn't be.

Most important of all, I was living here in 1997 and 1998, the years that the two illegal garages were probably built. Had I been given a chance to protest these garage then-- instead of having it done behind the scenes, where nobody could comment or criticize-- I most definitely would have shown up and said, "This is not good for the neighborhood."

Every single apartment right now is so very very precious and so is each one of my precious neighbors. It would be wonderful if the people at 20 Nobles would create a new apartment instead of a new garage.

Thank you so very very much for your time.

Sincerely,
Linda Federowicz

FILE

To: San Francisco Board of Appeals
1650 Mission Street, Suite 304 San Francisco, CA 94103
<cynthia.goldstein@sfgov.org>
<boardofappeals@sfgov.org>

BOARD OF APPEALS

SEP 07 2017 *CSB*

APPEAL # 17-088

September 7, 2017

RE: San Francisco's Upper Grant Avenue, Appeal No. 17-088

Dear Commissioners:

I raise two points concerning the above referenced appeal, both of which strongly support the decision by the San Francisco Planning Department to properly disapprove the construction of a new garage at 20 Nobles Alley.

First, by stipulation I include my comments made at the Board Hearing of July 12, 2017 on this matter. You might recall that one of my primary concerns at that time was that the garages now existing at 20 Nobles seem never to have been permitted.

Nothing I have learned since then about this project convinces me otherwise. Indeed, the testimony at that hearing, which I now have had a chance to review, confirms that Planning and Building representatives familiar with the extensive research done on this permit history came to the same conclusion: the garages at 20 Nobles were never legal.

The practical effect of this is that the garages are likely to be structurally unsound, and included neither neighborhood participation nor City oversight in their design and construction.

This aspect of the permit *also* should be considered by the Board. If everything we did as architects, engineers and review boards was confined to paper, and never improved the daily lives of people in the real world, we would not be doing our jobs properly.

In the 20 years since the garages were built, not one of three owners who owned the building have ever applied for a curb cut, unsurprising,

as the owners themselves must have realized that the garages were unpermitted do to obvious tell-tale signs such as this.

Secondly, I would like to raise a fairness and process issue. It seems to me that if the Board of Appeals and the Planning Department relies on the eyes and ears of the neighborhood to call attention to such permit problems, as exist at 20 Nobles, then, City agencies should be forthcoming with record requests by interested neighbors.

In regards to 20 Nobles Alley, neighbors asked time and again for the plans attached to the current proposal, Permit 201608094528. They never were given plans until two days ago-- and these plans do not correspond to the permit submittal in question, they are a revision in response to issues since raised.

The permit is dated August 9, 2016; the plans are dated over one year later. Secondly, the permit describes the movement of a door to the center of the building, the plans do not. Third, the City's Permit Tracking records shows plans being submitted by the permit-holders on this project September 21, 2016; a revision being submitted to Planning on January 13, 2017 and a second revision (also given to Planning) on February 6, 2017. The plans recently provided to the nieghborhoos are dated 8/21/17

It is *these* plans, not the latest rendition, that were at issue at the hearing before the Board of Appeals on July 12. They have yet to be submitted to public scrutiny.

In this respect, the property owners today seem to me to be no more forthcoming than those in the 1990s who built the illegal garages in the first place. To change plans a fourth or fifth time outside of public view once again removes those most directly affected from the design process. I believe this is a serious error, unfair and inconsistent with our City's Building and Planning Codes.

Sincerely,

Brent McDonald
Architect C-24017

FILE

11-117

Mejia, Xiomara (BOA)

BOARD OF APPEALS

From: Catz Forsman <catzforsman@gmail.com>
Sent: Thursday, September 07, 2017 2:38 PM
To: Goldstein, Cynthia (BOA); BoardofAppeals (PAB); Sanchez, Scott (CPC); Tuffy, Eiliesh (CPC)
Subject: Support for planning dept. disapproval of garages at 20 Nobles Alley (appeal # 17-088)

SEP 07 2017

APPEAL # 17-088

Dear Appeals Board Member:

My wife and I are long time North Beach residents. I lived at 15 Nobles Alley for many years before we were married. We are sympathetic for the need for parking in North Beach however we support the planning department decision to deny a new garage at 20 Nobles Alley.

This is a particularly narrow and confined alleyway with heavy pedestrian and vehicular traffic. To add a garage and the ensuing traffic that would result seems insane and particularly dangerous to pedestrians.

We understand also that the garage in question is not legal. There is no evidence of an application or a permit for a garage. It is also indicated that the people asking for an exception to be made in the planning code in order to build a new garage were cited in March 2017 for using the building illegally and without registration for short term rentals.

North Beach is special to us and we are protective of the area. We genuinely feel that an additional garage would diminish the safety and quality of life in this neighborhood for residents and visitors.

Sincerely,

Catz and Jean Forsman
934 Broadway
San Francisco, CA 94133

FILE

7110117

Mejia, Xiomara (BOA)

From: Anthony Gantner <afgantner@aol.com>
Sent: Thursday, September 07, 2017 12:52 PM
To: Goldstein, Cynthia (BOA); Sanchez, Scott (CPC); BoardofAppeals (PAB)
Subject: Support of Planning Disapproval of Garages, 20 Nobles; Appeal # 17-088.

September 7, 2017

Board Members and Commissioners
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

BOARD OF APPEALS

SEP 07 2017

APPEAL # 17-088

Re: Support of Planning Disapproval of Garages, 20 Nobles; Appeal # 17-088.

Dear Board Members and Commissioners:

For several years in the 1970s, my grandmother, Dorothy Erskine, promoted an idea with residents, businesses and staff at the Planning Department that Grant Avenue in North Beach would thrive as a full or part-time pedestrian walkway. The idea simply was to close off four blocks of Grant to vehicular traffic, from Grant at Columbus on the south to Grant at Filbert Street on the north.

I remain convinced that Dorothy's vision is a viable alternative to the street we find today. If you look at our parks throughout the City-- and if you speak with senior members of S.P.UR.-- you will discover that Ms. Erskine was extremely prescient when it came to making the city inviting to everyone. She worked for over 50 years for a livable, sustainable and *walkable* City. A walkway on Grant, (from Columbus to Filbert, **with no garages**) would revitalize the merchant community, make the public right-of-way more family friendly and set an example to the world of our City's commitment to greening the urban environment.

Today, in our "zero garage environment" from Grant at Columbus to Grant at Filbert, Nobles Alley runs off the 1500 block of Grant. A garage there would make such a walkway impossible or greatly truncated. I hope the City will consider this when reviewing the possibility of a new garage at 20 Nobles Alley.

Given our city's strong commitment to car share, bicycles and Transit First— new garages are less necessary than ever, including one on Nobles Alley.

Thank you for your thoughtful consideration of this matter; please include the within email as part of the official record for your meeting on 9/13/17.

Anthony F. Gantner

FILE

no 9/10/17

Mejia, Xiomara (BOA)

From: Marc Bruno <marcabruno@yahoo.com>
Sent: Thursday, September 07, 2017 4:28 PM
To: Goldstein, Cynthia (BOA); BoardofAppeals (PAB); Longaway, Alec (BOA)
Cc: Marc Bruno
Subject: Support of Planning Department Notice of Disapproval, Appeal #17-088
Attachments: SF Chron #1 11.04.03.pdf; SF Chron #2 11.04.03.pdf; Screen Shot 2017-09-07 at 3.53.30 PM.png; Ltr- Omar Masry 07.17.17.docx

Board of Appeal Case # 17-088 (Building Permit Application 201608094528) 20 Nobles Alley

San Francisco Board of Appeals
 1650 Mission Street, Suite 304
 San Francisco, CA 94103
 <cynthia.goldstein@sfgov.org>
 <boardofappeals@sfgov.org>

BOARD OF APPEALS

SEP 07 2017

CAF

APPEAL # 17-088

09 - 06 - 17

Dear Commissioners,

It was suggested at the hearing on this matter on July 12, 2017 that the Planning Department had already decided, or was about to decide, that the building and building site where the proposed garage would be placed has no historic value.

While I agree with the Department's Notice of Disapproval for the project, I disagree with what the Planning Department seems ready to conclude about the building's lack of historical value.

In subsequent discussions by phone with Ms. Eiliesh Tuffy, the planner on this project, I learned that the Department relies primarily on the 1982 North Beach Survey to come to the conclusion that 20 Nobles is a "non-contributor."

As I point out in one section of my comments on that 1982 Survey,

"The Survey's authors themselves tell us directly how they intended their work to be used. Nothing in their statement of purpose mentions or even hints at the Survey being used to determine which buildings are worth saving and which not. Here is a complete copy of that brief Statement:

Statement of Purpose

The Survey was originally suggested in 1980 by Ms. Margret Price on behalf of a proposed group called North Beach Merchants and Professionals. The concern was that "North Beach" was disappearing from City maps; that this area of the City, with it's "wonderful urban fabric" (architectural historian Randolph Delehanty) had never been examined and documented; and the contributions of Italian-Americans should be acknowledged through examination of their traditional geographic location. The purpose was furthermore to define the area known as North Beach, as opposed to Russian or Telegraph Hills. A non-profit California corporation, separate

from the Merchants, was organized to administer the grant funds and direct the survey. The survey period was January 1, 1981 through June 30, 1982. "

The complete Draft Comments on the Survey, and I apologize for not having a more finished version prepared for this Board package.

In addition, I would like to respond to the applicant / Permit Holder's remarks at the hearings about my personal motives for objecting to a garage at 20 Nobles Alley.

I am a preservationist. I work closely with others who are like-minded in the neighborhood-- and many who are aren't. The article I wrote for the San Francisco Chronicle (2003, attached) resulted in the referenced property being purchased by the City and turned into a library-- the location of the City's newest, the North Beach Library.

I also was commented upon by the applicant / permit-holder at the hearing on July 12 that I was somehow involved in her and her husband being cited by the City for violating the short-term rental code. I had nothing to do with reporting that, and I did not even know it was happening.

An attached letter from Omar Masry, the lead attorney for the Short Term Rental Enforcement confirms my un-involvement with this matter.

In conclusion, I think it important that whomever buys a building in our increasingly attractive and desired City plays by the rules. That is all this matter is about. Without the rules, including the Planning Code, the City will cease to function in a way that is forward-looking, benevolent and just.

Sincerely,

Marc Bruno
415-434-1528

Problems with North Beach Survey

marc bruno 09.07.17 DRAFT COMMENTS

Of the eight separate addresses in Nobles Alley, each and every Chinese-owned property surveyed in 1982 is unlisted. Of those Chinese-owned buildings two of them, 6 - 8 Nobles and 18 - 20 Nobles, clearly fall within the parameters of "contributory" set forth by the Survey's authors.

More problematic still, one of the listed "contributory" buildings, 21 - 23- 25 Nobles, clearly falls *outside* the parameters set forth by the Survey's authors.

Here is a screen shot of the listings in the 1982 Survey:

interviewers who did all the house-by-house ground-work for the survey shied away from Chinese-owned buildings because of language difficulties. Equally likely is that Chinese owners were resistant to their buildings being given a "special status" and choose not to participate.

In regards to the possibility of cultural bias, it is interesting to note that of the 16 participating researchers in the 1982 Survey, only one has a Chinese surname. Of the seven field workers (students) who actually walked the streets and determined which buildings should be included, *none* have a Chinese surname

Here is an example of two other buildings in Nobles Alley that illustrates the deficiencies of the North Beach Survey:

(1) 6 - 8 Nobles on the north side of the alley is a building owned by Chinese owners and *not listed* in the Survey. This building remains one of the best - preserved and least altered buildings in the alley, if not in the entire historic district. The oddly narrow garage door was used as a storage unit, and that door plus all the apertures on the facade are still there today.

A 1958 photo from the Assessor's Office, from the Recorder Assessor Office indicates that the building had not undergone any post- earthquake changes.

(2) 21 - 23- 25 Nobles on the south side of the street is not even an independent property, nor was it at the time of the Survey in 1982. As indicated on a 1949 Sanborn Map, and confirmed by current property records, the correct address for the building is 460 - 462 Union Street. This address is not listed in the North Beach Survey. The addition of a modern garage and an overhanging bay window on the Union Street side of the building show that drastic revisions were made to the building in the 1950 and '60s.

The Planning Code neither encourages nor allows categorization of buildings as historically significant based on an in-law unit. Why was 21 - 23 - 25 included in the Survey at all?

There is an additional problem with the inclusion of 21 - 23 - 25 Nobles. The window treatments at 21 - 23 - 25 Nobles, the backside of 460 - 462 Union, are uninterrupted casements far larger in width than anything in the entire historic district. It is simply not the way windows were made at the time of the building's construction in 1908.

Noble's Alley
15 Noble's Alley
21-25 Noble's Alley

Grant Avenue District
Grant Avenue District
Grant Avenue District

A complete listing of the eight addresses in Nobles Alley, with the Survey's designation of "contributory," as noted:

North side of alley:

Nobles # 2, contributory (a non-Chinese owner) and should be so listed;

Nobles # 6 - 8 is **non**-contributory (a Chinese owner) and should be listed (see notes on this building below);

Nobles # 12 - 16 is **non**-contributory (a non-Chinese owner) and should not be listed;

Nobles # 18 - 20 is **non**-contributory (a Chinese owner) and should be listed (see notes on this building below).

South side of alley:

Nobles # 21 - 23 - 25 is listed (a non-Chinese owner) and should not be listed (see notes on this building below);

Nobles # 15 is listed (non-Chinese) and I do not yet know enough about the circumstance of this listing to determine whether or not it is properly listed;

Nobles # 7 - 9 is **non**-contributory (a non-Chinese owner) and I do not yet know enough about the circumstance of this listing to determine whether or not it is properly listed;

Nobles # 5 is **non**-contributory (a non-Chinese owner) and I do not yet know enough about the circumstance of this listing to determine whether or not it is properly listed.

(It is important to note that Survey authors never designated a building "non-contributory," and this might be part of the reason that certain buildings in Nobles were overlooked. Once student-surveyors decided that a building evinced major changes, or was somehow inaccessible, none of the Survey's three "lead authors" re-examined the building.)

Of the eight buildings listed in the 1982 Survey, three markedly contradict the criteria set forth by the authors themselves, and two others are questionable. One of three that openly contradict the criteria of what makes something "contributory" is 20 Nobles.

20 Nobles should have been included as a contributory building in the 1982 Survey, but wasn't.

The reason for this is unknown. It is possible cultural bias directed the student

Presuming Survey researchers had access to the Sanborn map and Recorder-Assessor photos we have today, is it possible that the "contributory list" was never intended to be used for purposes of deciding which buildings were worth preserving and which not?

The Survey's authors themselves tell us directly how they intended their work to be used. Nothing in their statement mentions or hints at preservation.

Statement of Purpose

The Survey was originally suggested in 1980 by Ms. Margret Price on behalf of a proposed group called North Beach Merchants and Professionals. The concern was that "North Beach" was disappearing from City maps; that this area of the City, with its "wonderful urban fabric" (architectural historian Randolph Delehanty) had never been examined and documented; and the contributions of Italian-Americans should be acknowledged through examination of their traditional geographic location. The purpose was furthermore to define the area known as North Beach, as opposed to Russian or Telegraph Hills. A non-profit California corporation, separate from the Merchants, was organized to administer the grant funds and direct the survey. The survey period was January 1, 1981 through June 30, 1982.

This is the entire statement of purpose of the authors of the North Beach Survey.

(3) 20 Nobles Alley

#20 Nobles Alley (Chinese owned and *not* included as part of the Survey) is a perfectly preserved building with a unique double vertical structure on a single lot. While it is not clear why two separate buildings were built at 20 Nobles, the rear having only a narrow passage for entry from the public right of way, it seems the original owner might have used the rear building to support his burgeoning alcohol business elsewhere in the neighborhood.

This man, "Arturo Elias," was of Greek and Spanish origin and is noted, in part, for having owned one of the most notorious bars and flop-houses in the Barbary Coast - and for having been arrested on numerous occasions for using strong-arm tactics to collect the rents.

In 1982, at the time of the North Beach Survey, #20 Nobles Alley was the same building built and lived in by Arturo Elias, the only difference being the addition of a stucco treatment to the building's wood facade by the "Yee Family," who purchased #20 Nobles in 1958 and sold it in 1997/ 1998.

In my conversations with Albert Yee, a member of the family who, with his elder brother, took charge of the building upon their mother's death in 1993, I was told

the original wood facade here at #20 Nobles was not removed or destroyed but, rather, encased in a chicken-wire-and-lathe construction upon which a plaster frontage was applied.

In every respect, the structure at 20 Nobles exceeds the requirements of "historic" designated by the City's residential design guidelines, which read, in part,

"The term *historic building* includes all buildings designated as City Landmarks or located in historic districts, identified on the National Register of Historic Places, and all buildings rated in the 1976 Architectural Survey of Significant Buildings by the Department of City Planning. Alteration of an historic building therefore requires review by the City's Landmarks Preservation Advisory Board, and the application of national guidelines intended to preserve the historic character of buildings."

Residential Design Guidelines San Francisco Department of City Planning, REF 720.9794 Sa52r 1989b (November, 1989)

The application of a stucco frontage in 1958 does not under any architectural or preservationist guideline *automatically* disqualify a building from being considered a contributor to the historic district.

Moreover, as noted in the City's residential guidelines, the building's presence within the North Beach Telegraph Hill Historic District establishes a presumption of its historicity, the burden of which requires any applicant to remove that presumption.

20 Nobles has no structural, historic or architectural imperfections from today looking backwards to the day of its birth, an elegant and pure edifice residing in the near-geographic center of one of the City's and, indeed, nation's most pre-eminent Historic Districts.

Appendix 1 Reply of Planning Department to Questions Concerning North Beach Survey:

***** Marc Bruno to Planner Eiliesh Tuffy *****

August 8, 2017

Two Questions Concerning North Beach Survey

Dear Eiliesh-

Welcome back to the department. I understand you recently were on vacation.

Thank you for your note, re-printed below, which answers some but not all of the questions I posed regarding the failure of the North Beach Survey to include 20 Nobles as a contributory building. (One of the things you kindly did was to send me a copy of the North Beach Survey, a document written by Anne Bloomfield and others-- including students from San Francisco State.)

The two questions I left on your machine-- in response to the conclusions you draw in the attached letter--- are these:

- (1) How can the Planning Department draw conclusions about the building prior to submission of the historical documents required to be submitted by the applicant?
- (2) If the applicant has submitted such documents, may I view them?

Thank you for your time and your quick response-- though only partial-- to my prior request.

Yours,

Marc Bruno
15 Nobles Alley
San Francisco CA 94133
415-434-1528

Tuffy, Eiliesh (CPC) <eiliesh.tuffy@sfgov.org>
To Sanchez, Scott (CPC) Marc Bruno Silva, Christine (CPC)
CC Lee, Matthew (CAT) Young, Victor Atijera, Evamarie (CPC) CPC-Record Request
August 8, 2017 : 4:13 p.m.

Dear Marc,
Attached please find a .pdf file (27MB) of the 1982 North Beach Survey, which Anne Bloomfield participated in as lead researcher.

While district boundaries were identified for the Upper Grant Historic District that encompass Nobles Alley, 20 Nobles Alley was not cited as a contributing historic resource.
Only 3 building on Noble Alley were listed for inclusion in the district: #2, #15, and #21-25.

The reason why 20 Nobles appears in the city's Property Information Map with an Historic Resource Status of "A" is due to the presence of the historic district overlay --- to alert planners of the presence of a district. This is to ensure exterior alterations to non-contributors do not destroy the integrity of the overall district. In general, CEQA-Historical review allows for the insertion of a garage door on a non-contributing building if the immediate surrounding context supports that type of alteration, if the door is kept to the minimum dimensions required, and it is painted out to match the exterior building siding and minimize its visual prominence. Based on those criteria, a single garage door at 20 Nobles would be acceptable to Preservation strictly from a CEQA-Historical standpoint.

hope this is helpful in your review.

Sincerely,

Eiliesh Tuffy

Planner/Preservation Specialist

Direct: 415-575-9191 | Fax: 415-558-6409

<http://www.sf-planning.org>

**III. Summary of Appeal of Categorical Exemption,
20 Nobles Alley**

**Summary of Appeal of Categorical Exemption at 20 Nobles Alley,
Proposed Building of a New or Legalized Garage, the Current,
Unused Garage Never Having Been Permitted.**

17 neighbors-- business owners and residents who live and work near 20 Nobles Alley-- object to and appeal the designation of the 2-building 3-unit site as "Categorically Exempt."

The effect of a Categorical Exemption at 20 Nobles is to allow an illegal garage currently located there-- a garage which, being poorly designed, has never been used-- to be legalized and modified-for-use, the first and only such garage in Nobles Alley, the first such garage in the 1500 block of Grant Avenue where Nobles is located, and, indeed, the first and only garage in the four blocks from Grant-at-Columbus to Grant-at-Filbert.

By adding this garage to the four block commercial corridor in the heart of the North Beach Historic District, the proposed project represents "substantial change that may effect the environment," a change that requires review under the California Environmental Quality Act.

"Categorical Exemption" means no review whatsoever. We ask instead for a Mitigated Negative Declaration, the only review that will give those of us who live here-- and the City at-large-- a chance to protect this unique urban oasis, this pedestrian friendly and graceful alley.

No person or group supports this project. The only advocates are the permit-holders, whose primary residence is in Mill Valley. Just months after purchasing 20 Nobles, they were found guilty of illegal short-term rentals there. Their intentions are clear; in equity they would be said to have "unclean hands," undermining the relief they now seek from the City. Had they not been exposed, they still would be advertising on Airbnb today. To reward them with a garage subverts and undercuts City housing policy, and does so based on a misapplication of the law.

City Housing Policies subverted by Legalizing a Garage at 20 Nobles

In 2010, our City's elected officials by unanimous vote implemented Planning Code Section 249.24, prohibiting new garages in alleyways in the North Beach Special Use District. The legislation included an express statement of City policy, to wit:

"San Francisco Planning Code Section 249.49. **Purposes.** To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert residential buildings from rental buildings to tenancies-in-common."

To regulate. To decrease pollution. To protect rental units. What "narrow public right of way" in the City is narrower than the sidewalks of Nobles Alley? You will not find them. Sidewalks traversed daily by residents who enter and exit 45 units accessible only via pedestrian-friendly Nobles Alley.

Section 249.49 is not opposed to TICs *per se*. Conversions mean the loss of rentals. This is the law's goal: To preserve residential rentals available to all San Franciscans, regardless of means. It is recognized that Airbnb also has a detrimental effect on rentals. The City cited the permit-holders at 20 Nobles for engaging in Airbnb rentals illegally. To allow a garage there *undoes* what elected officials chose to *do*. One more reason we oppose a Categorical Exemption and demand a more meaningful environmental review.

CEQA cannot be used to undermine local Environmental Law

CEQA does not endorse circumventing local environmental law. That is particularly true when, as here, elected officials in their legislation expressly include the reasons for their policies.

The illegal garage at 20 Nobles damages an "A" level historic resource, and, by virtue of being illegal, sets a precedent jeopardizing the Historic District. This is another reason that adding a garage at 20 Nobles would violate CEQA, because Section 15300.2 of the Guidelines provides that a "project shall not be exempt from environmental review if it may cause a substantial adverse change in the significance of a historic resource or where it may contribute to a cumulative impact on a historic district."

We should not give permit-holders a Get Out of Jail Card when, in their own words, they admit, "Nothing prevents us walking a few blocks to our car." (They currently rent a garage less than one block away.) There are no public benefits to adding a garage in Nobles, and there is no private necessity. We ask you to overturn the Categorical Exemption so that whatever is done here adheres to City housing policy, conforms to Section 249.49 and enhances the environmental balance and walkability of the North Beach Historic District. Thank you.

**IV. Two Supporting Documents from Planning
Department, Summary of Appeal of Categorical
Exemption, 20 Nobles Alley**



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Disapproval

May 8, 2017

Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

RE: 20 Nobles Alley (Address of Permit Work)
0104/025 (Assessor's Block/Lot)
2016.08.09.4528 (Building Permit Application Number)
Telegraph Hill-North Beach Residential SUD (Special Use District)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Building Permit Application #2016.08.09.4528 has been received by the Planning Department and assigned to planner Eiliesh Tuffy. Eiliesh has completed review of the application for corrective work to address Notice of Violation #201620916. The scope of work for the project as stated on the application is: "garage door correction per NOV 201620916- seal unpermitted garage door, relocate legal garage door to center of ground floor."

Please be advised that the Planning Department has disapproved Building Permit Application No. 2016.08.09.4528. This notice is to alert the project sponsor of the process of review for the submitted application and to convey the Department's findings that, due to restrictions enacted with the adoption of the Telegraph Hill-North Beach Residential Special Use District in 2010, the Planning Department cannot approve the proposed relocation of the existing garage door at the front façade of the existing residential structure.

CEQA – Historical Review

The North Beach neighborhood was surveyed in 1982 to identify cultural resources of significance in the area. The findings of the North Beach survey, which was adopted by the Board of Supervisors in 1999, included areas within the neighborhood that qualified for designation in the California Register of Historical Resources. The subject property at 20 Nobles Alley is located within the boundaries of the Upper Grant Avenue Historic District, but was not found to be a contributing building to the district at the time of the survey due to its extensive alterations. Visible alterations to "Non-Contributing" buildings are typically reviewed for their general compatibility with the surrounding district.

The Historical Review of the design proposal determined that the existing two-garage door design could not be supported because it would not conform to Sec. 144 of the Planning Code, which limits garage openings to no more than one-third of the width of the ground story along the front lot line. However, because some historic buildings in the historic district have single garage door entrances of a modest scale, the removal of the second unpermitted garage door and restoration of a prior man-door and window opening was reviewed as a means of returning the ground floor design to a more historic appearance. This determination was predicated on the sponsor's ability to provide evidence of the single garage door's legal installation.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

Building Permit Review

Building permits and plans were reviewed to determine a record of work at the property. Plans associated with permit applications (nos. 9723784 and 9723786) filed in 1997 to remove kitchens, remove interior, non-load bearing wall and combine units 20 and 20A into one unit," show a single garage opening. However, the creation of a ground floor garage was not part of the approved project scope for that permit or any other permit on file with the Department of Building Inspection. Similarly, there are no permits on file that approved the creation of a second garage door opening at the subject property. Lacking any evidence of the legal construction of the ground floor garage doors, the proposal to "seal unpermitted garage door, relocate legal garage door to center of ground floor" was reviewed as a "new" garage installation in an existing residential structure.

Planning Code Review

The Planning Code Review determined that legalization of either a 2-door garage or a 1-door garage at the subject property would not meet the requirements of Section 144 and Section 249.49 of the Planning Code, with the latter code section preventing the installation of new garages in existing residential structures.

SEC. 144 - STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

Section 144(b)(1) Entrances to Off-Street Parking

Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.

Section 249.49(a) Purposes.

To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

Section 249.49(c)(2)(4) Installation of a Parking Garage

In approving installation of the garage, the Commission must find that(4) the garage would not front on a public right-of-way narrower than 41 feet.

Sent to:
Dudley and Eustace de Saint Phalle
20 Nobles Alley
San Francisco, CA 94133

May 8, 2017
2016.08.09.4528
20 Nobles Alley

The project proposes to install a new garage door at the front façade of an existing residential building located on an alley narrower than 41 feet in the Telegraph Hill-North Beach Residential Special Use District. Therefore, the Planning Department cannot approve permit application #2016.08.09.4528 to seal unpermitted garage door, relocate legal garage door to center of ground floor. Permit application #2016.08.09.4528 will be returned to the Department of Building Inspection for cancellation.

Please note that, due to the Notice of Violation on the property, the Enforcement case for this property will remain active until the project sponsor submits an application to abate the violation. Please contact the assigned Enforcement staff planner, Chaska Berger, by phone at 415-575-9188 or by email at chaska.berger@sfgov.org regarding timeframes for submitting materials to address the Notice of Violation.

Planning Department & Planning Commission Denials.

Project sponsors seeking to appeal the denial of a permit application by the Planning Department or Commission may not file an appeal until the Department of Building Inspection (DBI) issues the Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of DBI's Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by DBI.

For further information regarding how to appeal the disapproval of this building permit application, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Eiliesh Tuffy
Current Planning Division

Cc: Scott Sanchez, Zoning Administrator
Chaska Berger, Zoning and Compliance
Tom C. Hui, Director of DBI

[Web Site: <http://planning.sanfranciscocode.org/2/249.49/>]

San Francisco Planning Code § 249.49.

TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT

a.

Purposes. To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

b.

Applicability. The provisions of this Special Use District shall apply to the RH and RM zoned parcels within the area bounded by Bay Street on the north, The Embarcadero and Sansome Street on the east, Broadway on the South, and Columbus Avenue on the west, as shown on Sectional Map SU01 of the Zoning Map.

c.

Controls.

1.

Number of Off-Street Residential Parking Spaces. Up to three cars for each four dwelling units is a Permitted use; up to one car for each dwelling unit requires a Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for each dwelling unit is Not Permitted.

2.

Installation of a Parking Garage. Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review hearing by the Planning Commission; Section 311 notice is required for a building of less

than four units. In approving installation of the garage, the Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the “removal” or “conversion of residential unit,” as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more “no-fault” evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.

AMENDMENT HISTORY

History

(Added by Ord. 77-10, File No. 091165, App. 4/16/2010; amended by Ord. 176-12 , File No. 120472, App. 8/7/2012, Eff. 9/6/2012)

New division (b) added and former division (b) redesignated as current division (c); Ord. 176-12 , Eff. 9/6/2012.

Download

Plain Text|JSON

Comments

Section 144 First Appears in the Planning Code in April, 2008

07/10/17

Brent -

The date is found in the final line of this reprint, below, of the relevant section of the San Francisco Planning Code. It reads: **Supp. No. 16, April 2008.**

This date tells us when Section 144 was first added to a printed edition of the Code, but it does not necessarily tell us when this section was first enacted. Passage might have occurred the year before, in 2007. I will find out what the answer is when I go to the Planning Department tomorrow morning.

FYI- Below is a reprint of Section 144 from the "Internet Archive Reprint of Part I of the San Francisco Planning Code." You may find the reprint on-line here:

https://archive.org/stream/gov.ca.sf.planning.01/ca_sf_planning_01_djvu.txt

The reference to Section 144 in the Appeals Board file may be found in the Planning Department's Disapproval letter, as you know. Here is a reprint of that part of the letter first referring to Section 144:

"The Historical Review of the design proposal determined that the existing two-car garage door design could not be supported because it would not conform to Sec. 144 of the San Francisco Planning Code, which limits garage openings to no more than one-third of the width of the ground story along the front line."

(Notice of Planning Department Disapproval, 20 Nobles P. 1)

Yours,

Marc

Here's the complete section from the Internet Archive, with the referenced first printing date, below:

SEC. 144. TREATMENT OF GROUND STORY ON STREET FRONTAGES, RH-2, RH-3, RTO, RM-1 AND RM-2 DISTRICTS.

(a) General. This Section is enacted to assure that in RH-2, RH-3, RM-1, RM-2, and RTO Districts the ground story of dwellHngs as viewed from the street is compatible

From: BOS Legislation, (BOS)
To: marcabruno@yahoo.com; dudley6@mac.com
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sheyner, Tania \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Tuffy, Elliesh \(CPC\)](#); [Goldstein, Cynthia \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Allisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: HEARING NOTICE: Exemption Determination Appeal - Proposed Project at 20 Nobles Alley - Appeal Hearing on November 14, 2017
Date: Tuesday, October 31, 2017 8:20:27 AM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **November 14, 2017, at 3:00 p.m.**, to hear an appeal regarding the Exemption Determination for the proposed project at 20 Nobles Alley.

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

[Hearing Notice - October 31, 2017](#)

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

[Board of Supervisors File No. 171053](#)

Regards,

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



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

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

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

BOARD of SUPERVISORS



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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

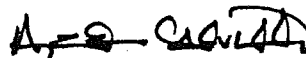
Date: Tuesday, November 14, 2017

Time: 3:00 p.m.

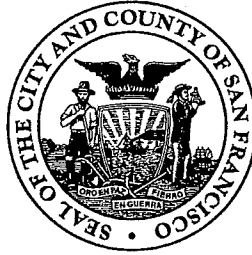
Location: Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

Subject: File No. 171053. Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on September 8, 2017, approved on September 13, 2017, for the proposed project at 20 Nobles Alley, to remove unpermitted, second garage door and restore facade with original pedestrian door and adjacent window, remove window to the right of the (E) ground floor entry door. (District 3) (Appellant: Marc Bruno) (Filed September 27, 2017)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, November 10, 2017.


Angela Calvillo
Clerk of the Board

BOARD of SUPERVISORS



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

PROOF OF MAILING

Legislative File Nos. 171053

Description of Items: Public Hearing Notices - Hearing - Appeal of Determination of Categorical Exemption From Environmental Review - 20 Nobles Alley - 2 Notices Mailed

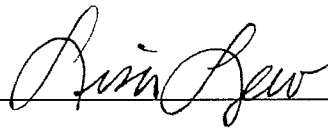
I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: October 31, 2017

Time: 8:10 a.m.

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

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

Signature: 

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

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 415-554-5184
Fax No. 415-554-5163
TDD/TTY No. 415-554-5227

September 29, 2017

Mr. Marc Bruno
15 Nobles Alley
San Francisco, CA 94133

Subject: File No. 171053 - Appeal of CEQA Exemption Determination - Proposed Project at 20 Nobles Alley

Dear Mr. Bruno:

The Office of the Clerk of the Board is in receipt of a memorandum dated September 28, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 20 Nobles Alley.

The Planning Department has determined that the appeal was filed in a timely manner.

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, November 14, 2017, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

- 20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

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

Continues on next page

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

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

Very truly yours,



for Angela Calvillo
Clerk of the Board

c: Dudley de Saint Phalle, Property Owner
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Tania Sheyner, Environmental Planning, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
AnMarie Rodgers, Senior Policy Advisor, Planning Department
Eiliesh Tuffy, Staff Contact, Planning Department
Cynthia Goldstein, Executive Director, Board of Appeals

From: BOS Legislation, (BOS)
To: Rahaim, John (CPC)
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tuffy, Fillesh (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: Appeal of CEQA Exemption Determination - 20 Nobles Alley - Timeliness Determination Request
Date: Thursday, September 28, 2017 8:48:47 AM
Attachments: Appeal Ltr 092717.pdf
COB Ltr 092717.pdf
image001.png

Good morning, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project at 20 Nobles Alley. The appeal was filed by Marc Bruno, on September 27, 2017.

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

Kindly review for timely filing determination.

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

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

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



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

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

From: BOS Legislation, (BOS)
To: marcabruno@yahoo.com; dudley6@mac.com
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Shevner, Tania (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Tuffy, Elliesh (CPC); Goldstein, Cynthia (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Exemption Determination Appeal - Proposed Project at 20 Nobles Alley - Appeal Hearing on November 14, 2017
Date: Friday, September 29, 2017 1:21:03 PM
Attachments: image001.png

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **November 14, 2017, at 3:00 p.m.** Please find linked below a letter of appeal filed for the proposed project at 20 Nobles Alley, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Exemption Determination Appeal Letter - September 27, 2017](#)

[Planning Department Memo - September 28, 2017](#)

[Clerk of the Board Letter - September 29, 2017](#)

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

[Board of Supervisors File No. 171053](#)

Regards,

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



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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: September 28, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer *LJ*

RE: Appeal timeliness determination – 20 Nobles Alley, Planning Department Case No. 2016-014104ENV

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the categorical exemption determination for the proposed project at 20 Nobles Alley was filed with the Office of the Clerk of the Board of Supervisors on September 27, 2017 by Marc Bruno. As described below, the appeal was timely filed.

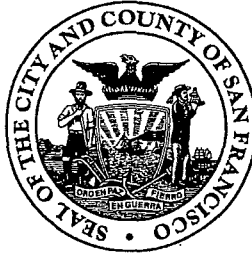
Date of Approval Action	30 Days after Approval Action/Appeal Deadline	Date of Appeal Filing	Timely?
September 13, 2017	Friday, October 13, 2017	September 27, 2017	Yes

Approval Action: The appeal of the disapproval of the alteration permit by the Planning Department was initially heard by the Board of Appeals on July 12, 2017. This item was continued to September 13, 2017, at which time the Board of Appeals granted the appeal and reversed permit disapproval, thereby approving the project. The Approval Action for the project was the denial of the disapproval of an alteration permit by the Board of Appeals, which occurred on September 13, 2017 (Date of the Approval Action).

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

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Tuesday, September 27, 2017, prior to the Appeal Deadline. Therefore, the appeal is considered timely.

BOARD of SUPERVISORS



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

September 27, 2017

To: John Rahaim
Planning Director

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

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 20 Nobles Alley

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 20 Nobles Alley was filed with the Office of the Clerk of the Board on September 27, 2017, by Marc Bruno.

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

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

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Categorical Exemption From Environmental Review - 20 Nobles Alley

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on September 8, 2017, approved on September 13, 2017, for the proposed project at 20 Nobles Alley, to remove unpermitted, second garage door and restore facade with original pedestrian door and adjacent window, remove window to the right of the (E) ground floor entry door. (District 3) (Appellant: Marc Bruno) (Filed September 27, 2017)

Signature of Sponsoring Supervisor: *Alisa Gomez*

For Clerk's Use Only

171053

