

Executive Summary**Hearing Date: October 21, 2021**

SB 9 does not produce below-market-rate (BMR) units, without a substantial increase in supply, it will not realistically assist moderate, low, or extremely low income households (below 120% AMI) obtain housing.

Many areas of the city with lower land values, high percentages of households of color, and/or with lower outcomes in health, wealth, and life expectancy also have high rates of owner-occupied single family housing, for example, the Bayview (73%), Visitation Valley (70%), and Outer Mission (75%). SB 9 may offer these homeowners the opportunity to add units for extended families or to generate rental income, or gain wealth through lot splits. However, there are significant hurdles to realize these gains. Acquiring financing for project development, navigating a complex permitting process, and having the resiliency to manage the significant disruption and take financial risks of construction are major barriers facing existing homeowners in communities of color and low-income communities. Without City investment in programs that support owner-occupied development, such as construction loans or funding prioritized for owners of color or low-income owners, the more straightforward option would be for existing owners to sell their property, or "cash out," and leave San Francisco for areas with lower home costs. While the bill includes a provision that the applicant of an SB 9 lot split is required to occupy one of the housing units as their principal residence for a minimum of three years from the date of the lot split approval, it does not apply to SB 9 project without the lot split. And while selling may financially benefit an individual household, this practice has been incrementally devastating to communities of color, Cultural Districts, and areas of the city where residents have a common sense of cultural identity, and a historic and major loss to San Francisco as a whole.

Additional Considerations

Beyond the issues addressed above, there are unintended consequences for any legislation and these conditions can be difficult to study and anticipate. Some property owners or developers may use SB 9 to streamline the redevelopment of smaller, existing homes into larger, more expensive single family homes with a small additional unit that may never be rented, undermining the intent of creating more housing stock. Renters are protected by SB 9, but may be vulnerable to unscrupulous landlords due to a variety of circumstances, like being undocumented, in a dire financial state, or otherwise exploited. While the city must implement projects that meet the requirements of SB 9, and other state requirements such as SB 330, the Housing Accountability Act, and others, it may also consider allowable measures to tailor SB 9 through local implementation such as creating owner-occupied development programs that prioritize households of color and low income households, unit parity requirements that balance housing unit size, or others new programs.

SB 10 Summary

Senate Bill 10 (Wiener)⁷ authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance if the parcel is located in a transit-rich area or an urban infill site. Specifically, this bill:

⁷ The legislative history and full text of the bill is available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10

From: [Thomas Schuttish](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Bintliff, Jacob \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Souza, Sarah \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Fieber, Jennifer \(BOS\)](#); [Low, Jen \(BOS\)](#)
Subject: Item No. 5 9/19/22 LUT Committee Hearing Board File No.210866
Date: Friday, September 16, 2022 1:13:48 PM
Attachments: [Gen'l Public Comment 915.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Major:

Hope you are well and fine.

Attached is a pdf I submitted to the Planning Commission on September 15th for General Public Comment concerning two projects in D3.

I also talked about it at SFGOVTV at :55 minutes into the 9/15 hearing.

I hope the Supervisors and/or their Staffs will be able to take a little bit of time to read the pdf.

Or if they prefer, watch the video.

But I think the issues raised in the pdf spread out to all the Supervisor's Districts...and certainly in Noe Valley, a major portion of Supervisor Mandelman's District, which the Planning Department has designated as "the epicenter of de facto demolition" during the review by the Department of the Supervisor's Large Residence Ordinance one year ago.

But even with that designation from the Department and with a request last year from two Commissioners to have a review of Section 317 in response to a query from the public and an assurance from Director Hillis to the Commission that an informational hearing would be scheduled early in 2022, there has been no such hearing.

I wanted to submit this pdf for the LUT hearing on September 19th because I think Planning Code Section 317, particularly the subsections concerning Demolition need to be discussed by the Supervisors in the context of any upzoning or rezoning that may occur as proposed by Supervisor Mandelman and Chair Melgar.

And these particular projects discussed in the pdf are illustrative of the issues with the Section 317 Demolition Calculations...values which have never been adjusted by the Planning Commission as they have the legislative authority to do, granted to them by the Board of Supervisors under Section 317 (b) (2) (D) in 2008.

Thank you and take care.

Sincerely,

Georgia Schuttish
D8 Resident

September 11, 2022

Vice President Kathrin Moore
Commissioner Sue Diamond
Commissioner Theresa Imperial
Commissioner Joel Koppel
Commissioner Gabriela Ruiz

Re: **Bernard Street Discretionary Review**

Dear Vice President Moore and Fellow Planning Commissioners:

The point of this correspondence is to try and to put into context what happened at 45-47 Bernard with some of the development history that happened at the immediately adjacent building at 51 Bernard.

After August 25th I watched the hearing and read the packet and I was curious about the images the DR Requestor included showing the rear of 51 Bernard Street. (#1)

Frankly it looked like the rear facade of many projects in Noe Valley from the past decade plus. I wanted to know about it. So I looked it up on the SFPIM and discovered that the project had originally applied as a Demolition on October 10, 2013 but withdrew the MDR on November 18, 2014 and became a "Remodel on November 13, 2014. (#2) There were no plans or other material on the SFPIM.

I then did a Public Records Request which included the "Project Coordination Agenda" from September 15, 2014. Staff found the Demolition to be "not supportable". (#3)

The Public Records Request also included three emails about the change from Demolition to "Remodel" on November 14 - November 18, 2013 between the Project Sponsor and staff. I redacted the information on the Project Sponsor. (#4)

(#5) Are two pages: An enlarged photo from the DR packet and the Rear Elevation submitted for the Demolition Application in 2013 to compare and contrast.

(#6) Are two pages of the Demolition Calculations as found and copied and retyped from the Plans filed at the DBI Records Department, as well as two photos: One of the front facade since the CFC was issued, the other, the front facade of the original house.

(#7) Are two pages from the Real Estate Web Ads.

For me one question is what effect, if any, did the process that happened with the development of 51 Bernard Street have on what happened at 45-47 Bernard Street?



51 BERNARD STREET REAR

#1

3. Rear Yard: The Project Does Not Provide Adequate Setbacks on the Upper Floors

The proposed addition does not step down with grade toward the rear. The San Francisco Planning Department required the developer and owner of 51 Bernard Street (adjacent to 45-49 Bernard Street) to set back the three floors of the building in order to increase mid-block access to light and air for surrounding neighbors. The image on the left in figure 6 shows 51 Bernard Street (four-story gray building) and the existing setback of 45-49 Bernard Street.

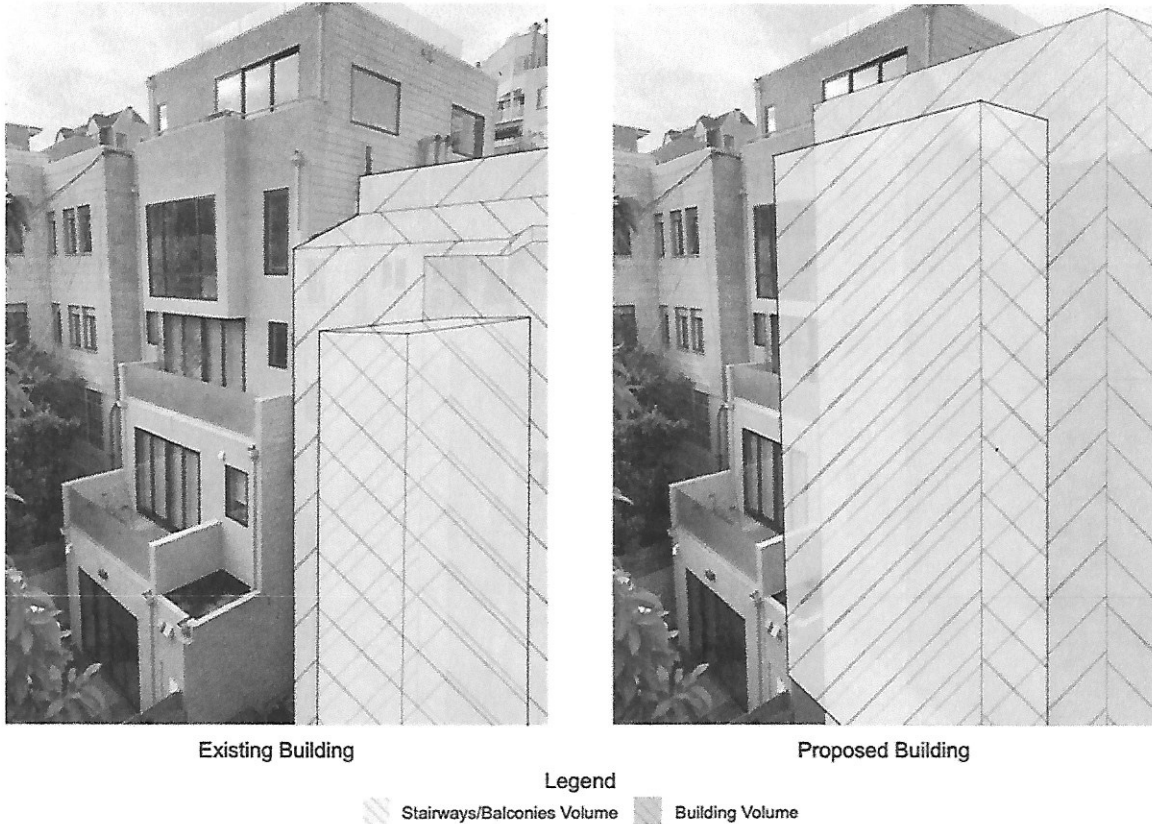


Figure 6. Renderings of existing rear elevation and the proposed elevation of 45-49 Bernard Street. The image on the right illustrates how the proposed plans will block eastern sunlight and air flow and reduce mid-block open spaces.

4. Rear Yard: Lack of Privacy to Neighboring Interior Living Spaces

The encroachment to within 10 feet of the property line has a significant impact on the privacy of 1144-1146 Pacific Avenue, 1154-1156 Pacific Avenue, 39-41 Bernard Street, and 51 Bernard Street. The top three floors including the roof deck in the proposed plans are directly in the line of neighbors' sight and will further compromise their privacy. See figure 7 for the existing rear-window sizes at 45-49 Bernard Street; the proposed plans of two double glass doors with decks on each of three stories; and the rear windows of 1144-1446 Pacific Avenue.

FROM: pg. 34 (REQUESTOR'S DR)

AUG 25, 2022 HEARING ON 45 BERNARD ST.

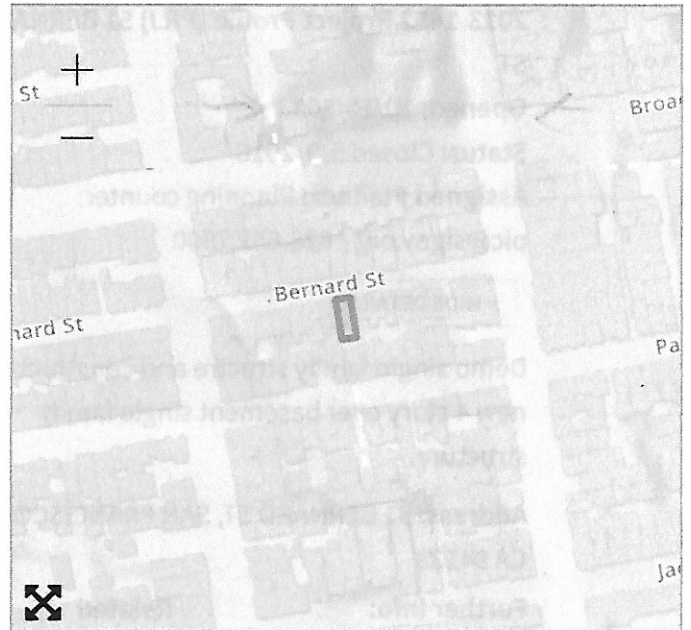


#2

51 BERNARD ST

Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the Planning Code [↗](#). The 'Project' is the activity being proposed. For a glossary of terms, visit Planning Code section 102, or the Help section of this site.



Report for: **51 BERNARD ST**

2014-001405PRJ Project Profile (PRJ) 51 BERNARD ST

↗ Opened: 11/13/2014 ↖

Status: Closed 3/16/2015

Assigned Planner: Grob Carly:

carly.grob@sfgov.org / 628-652-7532

REMODEL EXISTING 1ST FTORY/BASEMENT RESIDENCE, HORIZONTAL/VERTICAL ADDITION TO 5 STORY RESIDENTIAL, LIVING, BEDROOMS, KITCHEN AND BATHROOMS.

Address: 51 BERNARD ST 94133

Further Info:

[Related Documents](#)

[Project Features](#)

[Accela Citizen Access](#)

Related

Records:

2014-

001405PRJ

-2013.1452

-2013.1452D

-2013.1452E

201410280072



5/1/13
S/1/13
▼ HIDE DETAILS

2013.1452 Project Profile (PRJ) 51 BERNARD ST

→ **Opened:** 10/10/2013 ←

Status: Closed 5/9/2016

Assigned Planner: Planning counter:
pic@sfgov.org / 628.652.7300

▼ HIDE DETAILS

Demo single family structre and construct new 4 story over basement single family structure.

Address: 51 BERNARD ST, SAN FRANCISCO, CA 94133

Further Info:

Related Records:

Related Documents

2014-

Project Features

001405PRJ

Accela Citizen Access ↗

-2013.1452

-2013.1452D

-2013.1452E

2013.1452D Discretionary Review - Mandatory (DRM) 51 BERNARD ST

→ **Opened:** 6/30/2014 ←

Status: Closed - Withdrawn 11/18/2014 ←

Assigned Planner: KBURNS: pic@sfgov.org / 628.652.7300

▼ HIDE DETAILS

Demo single family structure and construct new 4 story over basement single family structure.

Address: 51 BERNARD ST, SAN FRANCISCO, CA 94133

Further Info:

Related Records:

Related Documents

2013.1452

#3

Project Coordination Agenda – LITE
Monday, September 15, 2014, 11:00 p.m. – 12:00 p.m. - Director of Current Planning Office

Planners/Addresses/Zoning/Height District

Background/Issues/Recommendation

TIME: 15 MINUTES

STAFF PRESENT:
Joslin, S. Sanchez, Teague, Watty, Burns

PROJECT: 2013.1452D
Address: 51 Bernard Street
Cross Streets: Jones and Taylor Streets
Block/Lot: 0157/029
Zoning: RH-3/65-A
Planner: Kanishka Burns

Given lot size we could recommend approval of a 1 bed unit added

PROJECT DESCRIPTION: Demo of one-story over basement, 924 sqft, single-family home and new construction of four-story over basement, 3,839 sqft single-family home. Existing structure was reclassified as a Category C building. The new structure will include 2 off-street parking stalls and a new curb cut.

ISSUES TO BE DISCUSSED:

- Purchased in August 2013 for \$925,000, dwelling is likely not unaffordable/financially inaccessible. In response to Demo criteria, sponsor cites 633 sqft of living space to produce a cost per square foot of \$1,461.
- Project sponsor does not believe the property would be found to be unsound.
- SF homes are not subject to rent control, however, replacement of small older home with a new significantly large home is the loss of an affordable unit.

PLANNER'S RECOMMENDATION: Given the housing crisis, demo of a "naturally affordable" SF dwelling in an RH-3 to be replaced with a larger, unaffordable SF dwelling is not supportable. If the replacement structure met the density, the project could be supportable. The property is located in a dense urban neighborhood that can support 3 units at the project site.

TIME: 15 MINUTES

STAFF PRESENT:
Joslin, S. Sanchez, Teague, Watty, Luellen, Conner, Small

PROJECT: 2012.10.31.3210; 2013.0915V
Address: 1469 Pacific Avenue
Cross Streets: Hyde Street, Larkin Street
Block/Lot: 0185/029
Zoning: Pacific Avenue NCD

PROJECT DESCRIPTION: The proposed project is the construction of a new 4-story, 9-unit residential building over a ground floor lobby, parking, and a commercial tenant in a Pacific Avenue NC-D / 40-X district. This project requires a Variance for the rear yard and potentially open space.

ISSUES TO BE DISCUSSED: UDAT recommended reconfiguring the massing by eliminating the units located in a separate structure in the rear yard and consolidating those units instead into a mass that comes from the back of the front structure with notches on either side for exposure. This reduction of the rear portion would extend to grade eliminating part of the parking in the ground level and would have the effect of providing a rear yard and common open space for the residents and opening up the mid-block open space for the adjacent properties. The sponsor is unwilling to reduce the mass at the rear and this will likely result in a DR.

#4

Burns, Kanishka (CPC)

From: [REDACTED]
Sent: Tuesday, November 18, 2014 8:31 AM
To: Burns, Kanishka (CPC)
Cc: [REDACTED]
Subject: Re: 51 Bernard Status

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kanishka,

As we have withdrawn the application for demolition for 51 Bernard Street, please withdraw our applicator for the DR filed for the project. If there are forms to sign for the refund, please e-mail to the owner, ~~Frank Meane~~, copied on this e-mail.

Thank you,

[REDACTED]
[REDACTED] architects
[REDACTED]

Sent from my iPhone

On Nov 17, 2014, at 8:29 AM, "Burns, Kanishka (CPC)" <kanishka.burns@sfgov.org> wrote:

Hi [REDACTED]

I received it on Friday and I am treating as a revision rather than a new project so there is one project ahead of it. I should be able to get to it within 2 weeks. However, I need you to withdraw the DR case as I've requested in past so we can move forward with the alteration permit.

Thanks,

Kanishka Burns, AICP
PLANNER
www.sfplanning.org | 415.575.9112

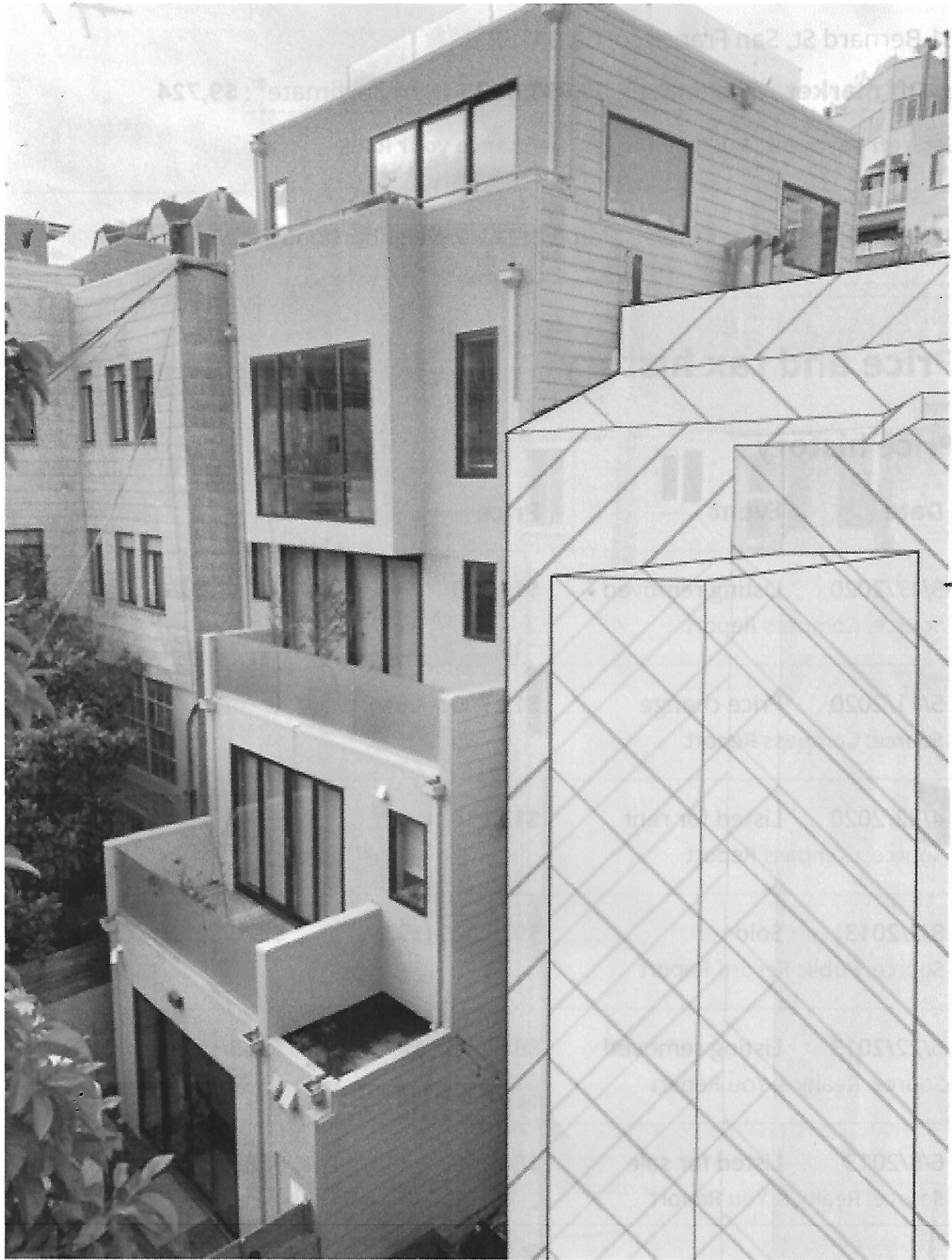
From: [REDACTED]
Sent: Friday, November 14, 2014 3:04 PM
To: Burns, Kanishka (CPC)
Cc: [REDACTED]
Subject: 51 Bernard Status

Hi Kanishka,

I wanted to check in to see when you might be reviewing this project. It was resubmitted on October 28 and routed to you. Thanks and have a great weekend!

[REDACTED]

#5





Single-Family Home
 51 Bernard Street
 San Francisco, CA

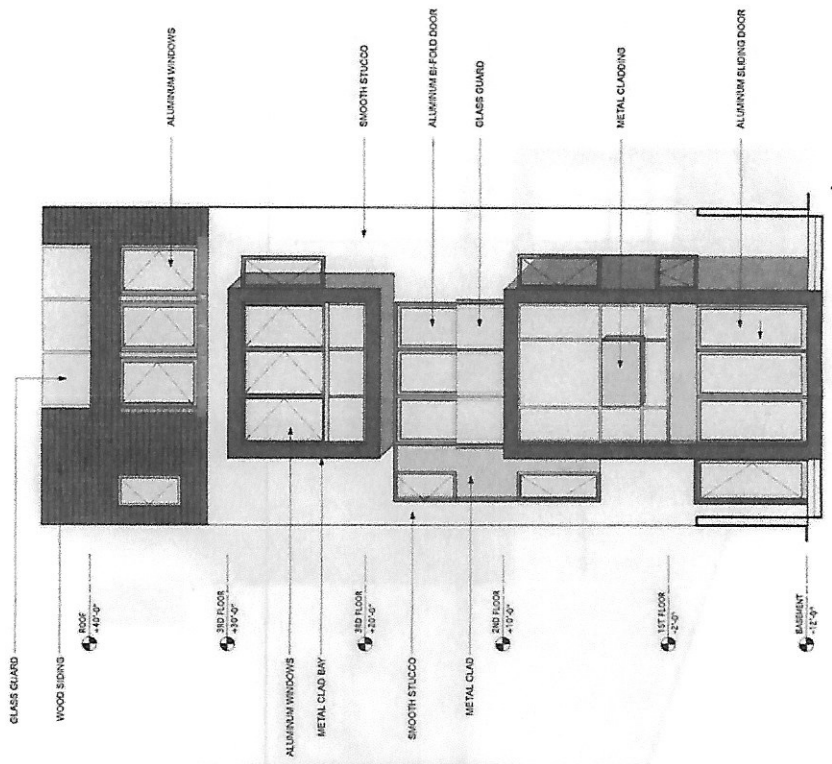
date issue
 EE SUBMITTAL 10.03.13

South Elevation

Project: 13.08
 Drawn by: JG
 Checked by:
 Date: 10.02.13
 Mark:

A-3.3

#5



⊕ SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

REAR ELEVATION
 SUBMITTED FOR DEMOLITION APPLICATION

2013



#6

DEMOLITION CALCULATIONS AS COPIED FROM 6/11/2015 ADDENDUM PLANS SHEETS A-2.01 AND SHEETS A-3.01 IN DBI RECORDS DEPARTMENT ON SEPTEMBER 9, 2022. BELOW IS THE TYPED VERSION COPIED FROM NOTES.

DEMOLITION CALCULATION

FLOOR AREA

EXISTING FLOOR AREA 830 SF
DEMOLISHED FLOOR AREA 231 SF
REMAINING FLOOR AREA 599 SF
REMAINING PERCENTAGE 72%

EXISTING ROOF AREA 883 SF
DEMOLISHED ROOF AREA 230 SF
REMAINING ROOF AREA 653 SF
REMAINING PERCENTAGE 74%

WALL AREA

WALL AREA CALCULATION

EXISTING EXTERIOR WALLS 144'11" LIN. FT
DEMOLISHED EXTERIOR WALLS 53'10" LIN. FT
REMAINING EXTERIOR WALLS 91' 1" LIN. FT
REMAINING PERCENTAGE 63%

EXISTING INTERIOR WALLS 59'9"
DEMOLISHED INTERIOR WALLS 28'7"
REMAINING INTERIOR WALLS 31'2"
REMAINING PERCENTAGE 52%

EXISTING NORTH ELEVATION 195 SF
DEMOLISH NORTH ELEVATION 60 SF
REMAINING NORTH ELEVATION 135 SF
REMAIING PERCENTAGE 69%

EXISTING SOUTH ELEVATION 230 SF
DEMOLISH SOUTH ELEVATION 93 SF
REMAINING SOUTH ELEVATION 137 SF
REMAINING PERCENTAGE 60%

EXISTING WEST ELEVATION 450 SF
DEMOLISH WEST ELEVATION 148 SF
REMAINING WEST ELEVATION 302 SF
REMAINING PERCENTAGE 67%

(END OF PAGE 1 OF COPIED DEMO CALCS WHICH WERE ON SHEETS A-2.01 AND A3.01)

CONTINUATION OF DEMO CALCS AS FOUND ON PLANS IN DBI RECORDS DEPT.

EXISTING EAST ELEVATION	450 SF
DEMOLISHED EAST ELEVATION	148 SF
REMAINING EAST ELEVATION	302 SF
REMAINING PERCENTAGE	67%

LINEAR WALL CALCULATION (THIS PORTION IS JUST ON SHEET A-3.01)

<u>EXISTING</u>	
NORTH (FRONT) FACADE	23'0"
SOUTH (REAR) FACADE	23'0"
EAST ELEVATION	39'4"
WEST ELEVATION	39'4"
TOTAL	124'8"

<u>PROPOSED</u>	
NORTH (FRONT) FACADE	8'0"
SOUTH (REAR) FACADE	12'4"
EAST ELEVATION	30'4"
WEST ELEVATION	30'4"
TOTAL	81'0"

81'0"/124'8" = 65% OF WALL RETAINED
35% OF WALL DEMOLISHED

DOES NOT MEET DEFINITION OF DEMOLITION CODE SEC. 317 (B) (2) (B)

Cover Sheet 4/9/14 plans 6/12/15 Addendum
7/17/15 Revision 2
8/7/15 Revision 3

Scope of Work:

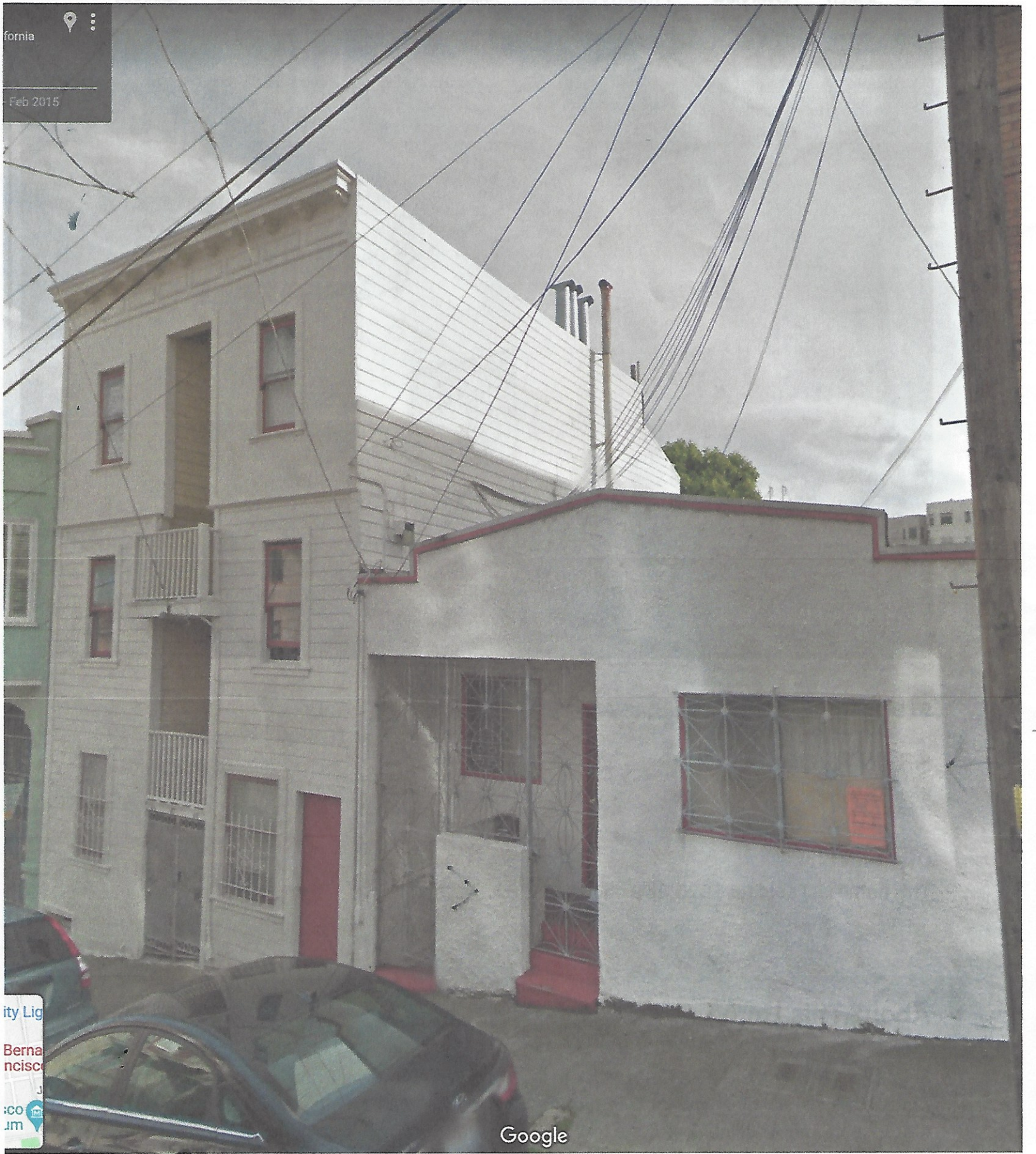
Remodel of Existing One Story Over Basement Single Family Residence
Addition: Basement Level with Guest Suite; 2nd Floor w/Living, Dining, Kitchen;
3rd Floor w/2 Bedrooms, 2 Bath; 4th Floor w/Family Room & Deck.



California
Mar 2022

Lig
erna
disc
J
on

Google



California
Feb 2015

City Lig
Bern
ncisc
co
m

Google

← Search

Overview

Property Details

Sale & Tax History

Public Facts

Schools

OFF MARKET



51 Bernard St, San Francisco, CA 94133



\$3,477,706

Redfin Estimate

2

Beds

1

Bath

—

Sq Ft



Off Market

This home last sold for \$925,000 on Aug 2, 2013.



About This Home


Single Family home on RH-3 Zone. Walk to Downtown/Chinatown. Prime location. Main Level -2beds/1ba, formal dining room, living room, kitchen. Lower level with separated side door entrance has high ceiling, 2 storage rooms. Please verify with SF Planning dept. for possibility to build 2 units or rebuilt a single home. Sale is Subject to tenant's right. Offer will be reviewed on 6/20/13.

3 bd | 3.5 ba | 3,348 sqft

#7

51 Bernard St, San Francisco, CA 94133

● **Off market** | Zestimate®: **\$3,091,600** | Rent Zestimate®: **\$9,724**

Est. refi payment: \$16,589/mo  **Refinance your loan**

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)

Price and tax history

Price history

Date	Event	Price	
5/17/2020	Listing removed	\$12,750	
Source: Compass Report			
5/11/2020	Price change	\$12,750 (-7.3%)	
Source: Compass Report			
4/22/2020	Listed for rent	\$13,750	
Source: Compass Report			
8/2/2013	Sold	\$925,000 (+9.1%)	\$276/sqft
Source: Public Record Report			
6/22/2013	Listing removed	\$848,000	\$253/sqft
Source: Realty & You Report			
6/8/2013	Listed for sale	\$848,000	\$253/sqft
Source: Realty & You Report			