File No. 101547 Committee Item No. _____
Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date** January 11, 2011

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
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☐	☐	**Legislative Digest**
☐	☐	**Budget Analyst Report**
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☐	☐	**Application**
☐	☒	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☐	☒	Appeal of Determination of Exemption from Environmental Review for 134-136 Ord Street
☐	☒	Planning Department's Appeal Response
☐	☐	

Completed by: Andrea Ausberry **Date** January 5, 2011
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.c

December 9, 2010

Honorable David Chiu, President
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RE: Appeal of Exemption/Exclusion from Environmental Review
136 Ord Street –Block 2657, Lot 004
Permit Nos: 2008.1188E; 2009.07.14.2604

Dear President Chiu and Members of the Board:

On behalf of the Corbett Heights Neighbors, I am writing to appeal the above-referenced Determination of Exemption/Exclusion from Environmental Review a copy of which is attached as Exhibit A. Exemption from the protections of the California Environmental Quality Act (CEQA) cannot be allowed for this project because there is substantial evidence before the City sufficient to support a "fair argument" that the construction of a new building may materially impair and have an adverse effect on off-site historic resources such as the adjacent historic properties including a historic adjacent formal garden.

Among other things, the Environmental Review Officer misapplied CEQA's categorical exemption after the project was changed from an alteration of an existing structure (Class 1) to construction of a new single family home (Class 3) on the front of a lot with an existing residence. The project sponsor was asked to submit an Historic Resource Evaluation form for the original alteration project and was eventually given an exemption under Section 15301, Class 1 (e)(i) for an addition to an existing structure that measures less than 2,500 square feet. (Attached as Exhibit B) However, when the project was changed by the project sponsor to new construction, the Department failed to undertake the mandatory environmental evaluation for the new project, and did not consider this project's potentially significant cumulative impacts on adjacent historic resources.

Background. The adjoining property immediately south is a significant historic resource. The property at 140 Ord Street is a San Francisco Victorian residence built in the 1870's and is considered Architecturally Significant by the City's 1976 survey. Further, the building appears in the book *Here Today* and is described as follows:

> "This flat-front Italianate cottage, beautifully restored and painted to enhance the detailing of the brackets and molding, has a formal front garden." (emphasis added)

In fact, this historic block of Ord Street has, as its distinctive, unique and unusual characteristic *front* gardens. The subject site has a front garden next to the historically significant front garden at 140 Ord Street and the adjacent building to the north (130 Ord Street) of the subject site also has a front garden and the building at 142 Ord Street also has a front garden. The four center lots of the total seven lots on this block have significant set-backs and front gardens.

David Chiu, President
San Francisco Board of Supervisors

December 9, 2010

Project Description. As set forth above, the project has changed from its original application for a minor alteration to the existing building on the lot and is now new construction of a three story single family home on the front of the lot at 136 Ord Street. The front garden there now will be covered with the new building. The proposed project is to construct a new single-family home at the front of the subject lot on Ord Street. The proposed new residence would be constructed on a parcel that is currently developed with a single family home located at the rear of the lot. A shared courtyard will be provided between the two structures that will provide a minimum and mostly paved "yard." The proposed new dwelling will have a height of approximately 30' above grade, with two-stories above a partially below-grade garage. Parking for both residential units would be provided in the proposed new front structure.

CEQA Issues. The proposed project constitutes a major intervention into the existing historic fabric of this block. In this instance, the Environmental Review Officer mistakenly reviewed the project as an alteration of an existing structure, (which it is not) and failed to conduct any review of the potential adverse impacts the project will have on off-site historical resources and specifically, the adjacent historic property. This important resource is, at least in part, an historic resource because of the front garden. The failure to do any review of the new project and its impact on the historic garden is a violation of CEQA. The Department had an obligation to review this project to see if it might create a "substantial adverse change" to the historic resource (the garden and home at 140 Ord Street) next door. A substantial adverse change is defined as the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired." Obviously constructing a new three story building in what is now the middle of a four lot "garden" area may significantly alter the appearance and significance of the historic resource.

If the Department had correctly reviewed the project and even used its own form (Historic Resource Evaluation Response) it would have answered that question and done the mandatory review. The HRER specifically queries "6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties." This project will disrupt the historic and visual harmony which now exists on the block. There is a thematic context present on this block which is utterly unique in San Francisco--- front gardens. As noted above, the garden directly adjacent to the proposed project is a specific and identified historic resource which the Department mistakenly neglected to take into account or even mention in its review of the project. The front yards are the character defining and historic feature of this block.

The CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) provide that a categorical exemption, which is a rebuttable presumption, "shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Section 15300.2(f). There is also another significant historic resource on this same block at 126-128 Ord Street which was also not considered in the Department's analysis. Based on this exception, the subject permit cannot be exempt from the requirements of CEQA.

Further, the use of a categorical exemption is inappropriate in this instance because of "unusual circumstances" and the obvious cumulative impacts the project will entail. This block is obviously an "unusual circumstance" in San Francisco. There are currently four buildings in the center of this block set back from the street from 30 to 90 feet. The front yards and gardens are all adjacent to one another and form a large green and open space at the mid-block area. At least one of the gardens is also a significant element of a historic resource. This configuration of the front yards and gardens constitutes a unique and unparalleled physical and environmental circumstance. Accordingly, it is inappropriate to use a categorical exemption because this project will place a new three story building in the middle of this four yard configuration. Section 15300.2(c) states: "Significant Effect. 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."

Finally, a categorical exemption is inappropriate because of the unique circumstance and the obvious "cumulative" impacts that will follow. With the approval of this project, it is undeniable and predictable that each owner will seek to construct a new building on the front of each lot that now has a front garden. Section 15300.2(b) holds that a categorical exemption may not be used in such a circumstance. It states: "Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

Conclusion. Thus, we request that the Board of Supervisors order that a proper CEQA review be done. Planning did not properly apply CEQA to this project and failed to apply it at all, which is mandatory for the issuance of any permit. The City cannot rely on a categorical exemption under Class 1 (e) (minor alteration of existing structures) because this is new construction and because of its potentially significant impacts on the adjacent historic resources.

Appellant respectfully request that the Board set aside the categorical exemption and mandate environmental review of this proposed project.

Sincerely,

Stephen M. Williams,
On behalf of the Corbett Heights Neighbors

Exhibit A

SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review Analysis

HEARING DATE APRIL 15, 2010

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	April 8, 2010
Case No.:	2009.1124DDV
Project Address:	**136 Ord Street**
Permit Application:	2009.07.14.2604
Zoning:	RH-2 (Residential House, Two-Family) 40-X Height and Bulk District.
Block/Lot:	2657/004
Project Sponsor:	John Moroney P.O. Box 14092 San Francisco, CA 94114
Staff Contact:	Sophie Hayward – (415) 558-6372 sophie.hayward@sfgov.org
Recommendation:	**Do not take DR and approve project as proposed.**

PROJECT DESCRIPTION

The proposed project is to construct a new single-family home at the front of the subject lot on Ord Street. The proposed new residence would be constructed on a parcel that is currently developed with a single-family home located at the rear of the lot. A shared courtyard will be provided between the two structures that will measure approximately 34' in length. The proposed new dwelling will have a height of approximately 28'6" above grade, with two-stories above a below-grade garage. Parking for both residential units would be provided in the proposed new structure.

Two Discretionary Review Applications (Case No. 2009.1124DD) were filed by one adjacent neighbor and one neighborhood group:

1. Corbett Heights Neighbors, c/o Alison Freeman;
2. Sarah Sobel, adjacent neighbor to the north at 130 Ord Street.

VARIANCE

As proposed, the project requires a Variance from the Front Setback requirement of the Planning Code. Pursuant to Section 132 of the Planning Code, the proposed project is required to maintain a front setback that measures 15' in length. Any bay window that extends into the required front setback must provide a minimum of 7'6" of clearance between the bottom of the bay window and grade. As proposed, the bay window projects into the required front setback and provides only 3' of clearance above natural grade.

SITE DESCRIPTION AND PRESENT USE

The Property at 136 Ord Street is located on the west side of Ord Street, between Corbett Avenue and Market Street, in the Upper Market Neighborhood. The Property is located within an RH-2 (Residential, Two-Family) Zoning District with a 40-X Height and Bulk designation. The Subject Property has

approximately 28' of street frontage along Ord Street, and measures approximately 136' in depth west toward Hattie Street

The Subject Property currently contains a one-story-over-garage, single-family dwelling that measures approximately 625 square feet according to records from the City Assessor's Office. The County Assessor's records indicate that the building was constructed in 1900; Spring Valley water records indicate that the building was connected to the City's water system in 1905. Based on a review of historic Sanborn Fire Insurance Survey maps, it appears that the building that currently occupies the lot at 136 Ord Street was moved to its current location after 1905 and prior to 1913, at approximately the same time that Market Street was extended to include the south end of what is now known as Ord Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Subject Property is located in the Upper Market neighborhood, on the west side of Ord Street between Corbett Avenue and Market Street. The subject block consists primarily of one- and two-family residential structures that are one- and two-stories in height above grade. Three of the five houses on the West side of Ord Street at this location – including the subject building, the adjacent property to the north, and a parcel further down the block to the north – have unusually deep front setbacks. Buildings on the opposite side of Ord Street appear to have been constructed after the Market Street extension, and are built up to the front property line.

RH-2 Zoning Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, group housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	March 27, 2010	March 26, 2010	21 days
Mailed Notice	10 days	April 5, 2010	April 5, 2010	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1	1
Other neighbors on the block or directly across the street	5	7	12

Neighborhood groups		2	

At the time of this report, Staff has received 26 letters in support of the project as proposed and 51 letters in opposition to the project as currently proposed. In addition to the Corbett Heights Neighbors Association, the Eureka Valley Neighborhood Association is also in opposition to the proposed project.

DR REQUESTOR

Two DR applications were filed, as noted above. The two DR requestors are:

1. Corbett Heights Neighbors, a local neighborhood organization registered as such with the Planning Department;
2. Sarah Sobel, adjacent neighbor to the north at 130 Ord Street.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

As noted above, two applications for Discretionary Review were filed for the proposed project. One application was filed by the adjacent neighbor to the north; the second application was filed by a neighborhood organization by the name of Corbett Heights Neighbors. Please see the attached DR applications, as well as the two amendments to the DR applications, for the full text of each submittal. A summary of the reasons for their requests for Discretionary Review is provided below:

Issue 1: A concern highlighted in the DR application filed by Sarah Sobel is that the proposed project will impact access to light, air, and privacy by adjacent neighbors. Specifically noted in the submitted DR application is access to privacy and light, "as the rear bedroom windows of the new building would face directly into the existing living room of the adjacent property." In addition, the submitted DR application states, "130 Ord currently receives sun exposure that supports a garden of fruit trees and established roses as well as solar path lights."

Response: The subject property and the adjacent property to the north at 130 Ord Street each have a front setback that measures approximately 91' in length. These front setbacks are exceptionally deep. With the proposed new building at the front of the lot, an open space that measures approximately 34' in length will be maintained between the existing structure at the rear of the lot and the new building. While the rear bedroom windows of the new building would face directly into the existing living room of the adjacent building, there would be a distance of 34' between the two structures. This 34' distance should be adequate to protect the privacy of the adjacent structure. As proposed, the placement of the new building on the lot provides the maximum amount of open space between the new building and that of the adjacent neighbor at 130 Ord Street, while still maintaining the 15' front setback required by the Planning Code. As proposed, the placement of the subject building minimizes new shadows on the deep front setback of the adjacent property to the extent possible allowed by the Planning Code.

Page 21 of the Residential Design Guidelines addresses the condition of cottages located at the rear of the lot and states:

> Buildings located in rear yards are non-complying structures under the Planning Code and may themselves have an impact on the rear yard open space. However, when a proposed project is adjacent to a lot that has a cottage used as a dwelling unit at the rear of the lot, modifications

> to the building's design may be necessary to reduce light impacts to that cottage specifically.

The proposed new building has specifically been designed to minimize impacts to the property line windows of the adjacent neighbor to the south (140 Ord Street), and maintains an open space that measures 34' in length between the existing building on the lot and the proposed new structure. Similarly, the proposed new building is located as far forward as possible while maintaining the required 15' front setback in order to minimize impacts to the adjacent property to the north (130 Ord Street). No rear projections, such as a rear deck, have been proposed for the new building in order to minimize impacts such as access to light, air, and privacy by the adjacent building at 130 Ord Street or the existing building at the rear of the subject lot.

Issue 2: Each of the two DR applications filed asserts that the proposed project would have a negative impact on the overall character of the neighborhood, and that it conflicts with Policies 1.2, 1.3, and 1.5 of the Urban Design Element of the General Plan. Specifically, the DR Application filed by the Corbett Heights Neighbors states:

> Policy 1.2 in general speaks to the importance of recognizing existing street patterns and working within them, in this case all the properties in the mid block have large front setbacks. The policy 1.2 specifically addresses that "new and remodeled buildings should maintain the existing façade lines." Policy 1.3 talks about each building and remodel should produce a total effect that characterizes the district. In this case the project would form a visual barrier in the middle of the block dividing a large swath of open space in the mid block. Policy 1.5 of the Urban Design Element of the General Plan also speaks to the importance of conserving and maintaining open space and landscaping "for private properties" to "emphasize the distinctive nature of districts and neighborhoods" which this project should it be built as currently planned would permanently destroy.

Response: The proposed new building on the subject lot is designed in a manner that is consistent with the surrounding neighborhood in terms of its size, scale, cladding, architectural detail, and massing. As noted in the August, 2009 comments on the proposed project by the Planning Department's internal Residential Design Team (RDT), the existing block pattern is mixed with regard to siting and front setback. While the subject property and the adjacent property to the north have strikingly deep front setbacks, the property to the south has a more moderate front set back that measures approximately 34' in length. The property two lots south of the subject property (142 Ord Street) also has a very deep front setback, while the two southernmost lots on the west side of Ord Street at this location, as well as the northernmost lot have more minimal and standard front setbacks. Houses on the east side of Ord Street at this location are constructed to the front property line, without significant front setbacks.

The Department's position is that, as proposed, the new building is consistent with the general pattern of development in the neighborhood, which is characterized by a range of setbacks in both the front and rear. There is neither a defined pattern of front setbacks, nor is there a defined pattern of existing mid-block open space on the subject block. The proposed new building, including its location on the subject lot, respects the varied character of the existing rhythm of front setbacks in the immediate neighborhood.

Issue 3: In the Amendment to the Discretionary Review filed by the adjacent neighbor at 130 Ord Street, additional concerns regarding the impact of new shadows were raised. The submitted statement notes that "during the winter months there will be significant loss of light to both the main structure of my house as well as to my entire property."

Response: As noted above, both the subject property at 136 Ord Street and the adjacent property at 130 Ord Street have unusually deep front setbacks, measuring approximately 91' in length. Any expansion within the buildable area of the subject lot would increase shadow during portions of the day on the adjacent lot to the north. As proposed, the new building is placed as far forward on the subject lot as possible in order to minimize shadow impacts to the adjacent neighbor to the north.

Proposed Alternatives: Each of the two DR filers has offered the following compromise:

- Build no further forward than that of the front building wall of the adjacent property at 140 Ord Street; therefore, providing a front setback that measures approximately 34'. This would require a Variance from the rear yard requirements outlined in Section 134 of the Planning Code. Both of the DR filers have indicated that they would support such a Variance.

PROJECT SPONSOR'S RESPONSE

See attached *Response to Discretionary Review.*
To summarize the project sponsor's response to the DR applications:

- Based on pre-application neighborhood outreach meetings held with neighbors in the spring of 2009, two specific design modifications were made to the original proposal:
  1. The height of the proposed new building was lowered by 7' to a height of 28'6". This was achieved through excavating the garage level, reducing floor-to-ceiling heights, and minimizing the height of the roof parapet;
  2. The removal of a bay window on the north elevation of the proposed new structure, in order to preserve the privacy of the adjacent neighbor to the north and to preserve a 4' side setback at all levels.
- The project sponsor and the two DR filers participated in the mediation process offered by the Community Boards on March 19, 2010. The session did not result in a compromise that was amenable to both sides.

PROJECT ANALYSIS

The Subject Property is a rectangular lot that measures approximately 28' along Ord Street and 136' deep west toward Hattie Street. The existing building located at the rear of the subject lot is a one-story-over-basement, wood frame, flat front, single-family dwelling clad in brick. As noted above, the proposed project is to construct a second single-family home at the front of the subject lot.

As proposed, the new building is summarized below:

- The building is set back 15' from the front property line, and includes a two-story front bay window that extends into the required 15' front setback. Due to the front bay window, the proposed project requires a Variance from the front setback requirement of the Planning Code.
- The proposed new building measures 28'6" above grade, and 42' deep.

- As proposed, the project includes an open courtyard between the new building and the existing building that measures approximately 34' in length.
- As proposed, the exterior of the proposed new building is clad in horizontal wood shingles, with wood, double hung windows.

The Project proposes to add a second dwelling unit to the existing lot which is zoned RH-2. As noted in the attached comments from the Department's Residential Design Team (RDT), the proposed project appears to be consistent and compatible with the surrounding area.

The subject lot and that of the adjacent neighbor to the north, 130 Ord Street, have unusually deep front setbacks, each measuring over 90' in length. Although development at the rear of lots is addressed in general in the Residential Design Guidelines, as noted above, the Guidelines do not give specific or detailed direction regarding development on lots adjacent to those with cottages constructed at the rear. These projects are evaluated on a case-by-case basis by the Residential Design Team in order to evaluate whether the proposal provides an appropriate balance between preserving access to light, air, and privacy of the adjacent parcel with the development rights of the project sponsor and the existing neighborhood character.

As proposed, the new building on the lot will maintain a front setback that measures approximately 15' in length, with a front bay window that extends two additional feet into the front setback for the width of the bay window. With the proposed new construction, a shared courtyard between the new and existing structure will measure approximately 34' in length. The courtyard will also provide 34' of distance between the rear windows of the proposed new building and the front windows of the existing building at the rear of the adjacent lot. As proposed, the placement of the new building would maintain the privacy, as well as access to light and air by the adjacent property, while maintaining a front setback that is consistent with the neighborhood character.

The DR Requestors expresses concern regarding the impact of the proposed project to the overall neighborhood character.

As proposed, the new structure is compatible with the surrounding neighborhood in its size, scale, cladding, and form. The proposed new structure is modest in scale, is clad in wood shingles, and provides a traditional fenestration pattern with wood, double hung windows that are consistent with the neighborhood character.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

The request(s) for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). The Residential Design Team's specific comment on the proposed project read, "DR not exceptional or extraordinary. Development of pattern along block face is mixed [sic]. Proposed

development follows standard pattern of development and is also consistent with the residential design guidelines."

The RDT supports the project as proposed.

Under the Planning Department's proposed DR Reform Policy, this project would be referred to the Planning Commission as this project involves both new construction and an existing cottage at the rear of the lot.

BASIS FOR RECOMMENDATION

The Department believes the project does not have exceptional or extraordinary circumstances for the following reasons:

- The proposed project is consistent with the existing neighborhood character.
- As proposed, the project maintains a 15' front setback as well as sufficient privacy and access to light and air for the rear cottage on the subject property and the rear cottage on the adjacent lot.

RECOMMENDATION:	**Do not take DR and approve project as proposed.**

Exhibit B

Supplemental Information Form for Historical Resource Evaluation

Potential Resource - Demolition - Alteration

Proposed project is: ☐ Demolition (DBI form 6) *or* ☒ Alteration (DBI form 3/8)

Please be complete in your responses to the questions on this form. Submittal of incomplete or inaccurate information will result in an additional request for information from you and potentially delay your project. If you have problems in completing this form, we would recommend that you consult with a qualified historic preservation professional.

Address: 136 Ord Street

Block No. 2657 Lot No. 4

Date of Construction: 1905 Check one: ☐ Actual ☒ Estimated

- Source for date, or basis for estimate: Sanborn Maps, Block Book, Water tap records

Architectural Style: Italianate

Architect and Builder: unknown

Original Owner: Patrick Campbell, ~1905-1916

Subsequent Owners (Dates of Ownership): John B. Campbell, 1916-1932; Thomas H. Campbell, 1932-1950; John Spence, 1950-1973; Verna Weaver, 1973-2008

Historic Name: Common Name:

Original and Subsequent Uses: Single family home

Has the building been moved? If yes, provide date: No

- Original Location:

ON A SEPARATE SHEET(S), PROVIDE THE FOLLOWING INFORMATION:

Property Description / Construction History

- Provide a written description of the property, describing its architectural form, features, materials, setting, and related structures.
- Provide a written description of all alterations to the property. Attach copies of all available buildings permits.
- Provide current photographs showing all facades, architectural details, site features, adjacent buildings, the subject block face, and facing buildings.

History

- Provide a written description of the history of the property, including any association with significant events or persons. See Preservation Bulletin No. 16, section entitled *How to Document a Building's History*, for assistance.
- For reference, check for neighborhood and/or city-wide historic context statements. Some contexts are available at the Planning Department, alongside the Landmark and Historic District files.
- A chain of title can identify persons associated with a property, and city directories can identify if the owners were residents of the building, and what their occupation was. When cross-referenced with the Biographical catalog of notable San Franciscans at the Main Library's 6th Floor History room, this research can provide further valuable information.

Other Information

- Attach available documents that may provide information that will help to determine whether the property is or is not an historic resource such as historic Sanborn Maps, drawings, newspaper articles, and publications.

Historic Survey Information

The Property is *(check all that apply)*:

- ☐ Over fifty (50) years of age and proposed for demolition, or major alteration
- ☐ Listed in the 1976 Architectural Survey
- ☐ Listed in the 1968 Junior League Survey (the basis for *Here Today)*
- ☐ Listed in a San Francisco Architectural Heritage Survey and more than 50 years old
- ☐ Listed in the Unreinforced Masonry Building (UMB) Survey
- ☐ General Plan Referenced Building
- ☐ National Register and California Register Status Code of 7
- ☐ Listed in the North Beach Survey, Local Survey Codes 4, 5, or 6
- ☐ Rated NRSC 6 or CHRSC 6 and was surveyed prior to year 2000
- ☐ Is there an existing, proposed, or potential historic district to which the subject building would be a contributor?
- ☐ Other informational survey
  - Name of survey:
- ☐ Other, please list:

If you have been referred to MEA by staff, please enter name: Sophie Middlebrook

Building Permit number (if any): none

Form prepared by: John F. Moroney (owner) Date: October 16, 2008

Address: PO Box 424971, SF, CA 94142 Phone: 415-987-1754 E-mail address: jfmoroney@usa.net

What sources did you use to compile this information? Please list; use additional sheet(s) if necessary.

Aerial photograph of 136 Ord Street from recent times, Google Maps

Microfilm Record Request, SF Department of Building Inspection

Certificate of No Record, SF Department of Building Inspection

3R Report, SF Department of Building Inspection

Historical photographs from collection at San Francisco History Room, 6th Floor of the Main Branch of the San Francisco Public Library

Sanborn Fire Insurance Maps; 1899-1900; 1900, updated to 1905 (photocopy); 1900, updated to 1905 (digital photograph); 1900, updated to 1905 (digital photograph with detail of 136 Clara Avenue, now Ord Street, lot); 1913-1915;1913-1928, corrected to 1950

Drawings and description from "Report of Market Street Extension Rapid Transit Tunnel Under Twin Peaks Ridge" by Bion J. Arnold, Consulting Engineer, Submitted October 7, 1912

The Block Book from 1901 and 1909

Spring Valley Water Company tap records

City Guides

San Francisco Property Tax Records

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

Categorically Exempt: Class 1 (e)(1) addition to an existing structure that measures less than 2,500 ft².

12.31.08

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

SAN FRANCISCO
PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- ☐ Conditional Use Authorization Appeals to the Board of Supervisors
- ☒ Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- ☐ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☒ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]

Name of Applicant: tephen Williams for Corbett Heights Neighbors	Address of Project: 136 Ord Street
Neighborhood Organization: same	Planning Case No: 2009.07.14.2604
Applicant's Address: 78 Mars Street	Building Permit No: 2008.1188E
Applicant's Daytime Phone No: 292-3656	Date of Decision: April 15, 2010
Applicant's Email Address: smw@stevewilliamslaw.com	

DCP STAFF USE ONLY

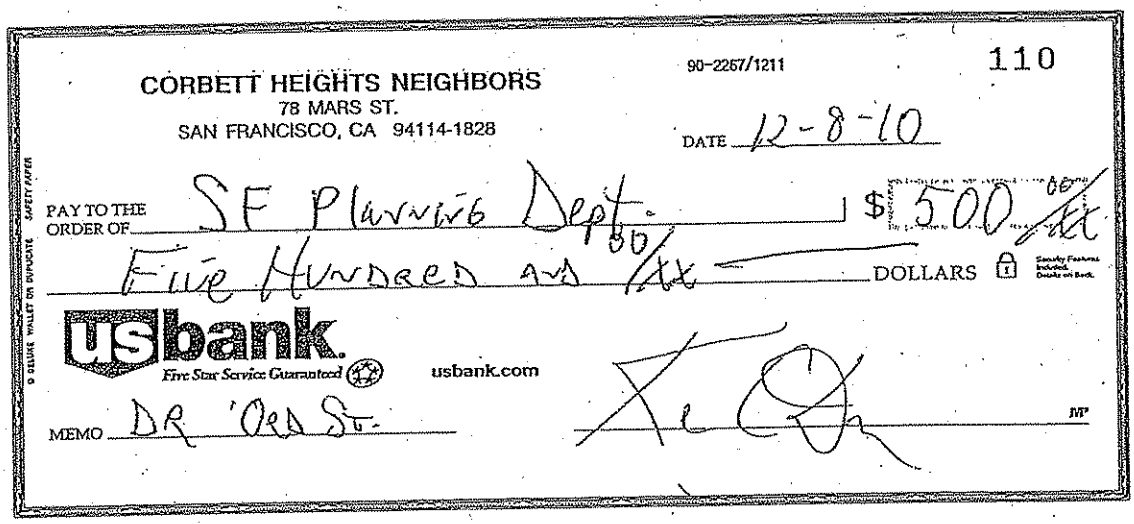
- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature:

☐ WAIVER APPROVED ☐ WAIVER DENIED



CORBETT HEIGHTS NEIGHBORS
78 MARS ST.
SAN FRANCISCO, CA 94114-1828

90-2257/1211

110

DATE 12-8-10

PAY TO THE ORDER OF SF Planning Dept. $ 500.00

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SAN FRANCISCO
PLANNING DEPARTMENT

MEM

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Information:
415.558.6377

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BOARD OF SUPERVISORS
SAN FRANCISCO

APPEAL OF CATEGORICAL EXEMPTION
136 Ord Street

DATE:	January 4, 2011
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Bill Wycko, Environmental Review Officer – (415) 558-9048
	Tina Tam, Senior Preservation Planner – (415) 558-6325
RE:	File No. 10-1547, Planning Case No. 2009.1124E Appeal of Categorical Exemption for 136 Ord Street
HEARING DATE:	January 11, 2011
ATTACHMENTS:	A – Categorical Exemption from Environmental Review and Historic Resourced Evaluation Response B – Project drawings and plans, dated Revised July 19, 2010
PROJECT SPONSOR:	John Moroney, Property Owner
APPELLANT:	Stephen Williams on behalf of Corbett Heights Neighbors

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 a project at 136 Ord Street (the "Project").

The Department, pursuant to CEQA (Public Resources Code Sections 21000 *et seq.*) and the CEQA Guidelines (Title 14 California Code of Regulations Sections 15000 *et seq.*), issued a Categorical Exemption for the project at 136 Ord Street on December 31, 2008, finding that the project met the criteria for an exemption under CEQA Guidelines Section 15301(e). Because the original stamp issued on December 31, 2008 referenced a Class 1 exemption (which is more appropriate for an addition to an existing structure), the Department issued a corrected stamp on December 22, 2010 to clarify that the proposed project is exempt under CEQA Guidelines Section 15303 (Class 3) for construction of a second dwelling unit on the property. Although Class 3 is the more appropriate category of exemption for the proposed project, the underlying determination that the proposed project is exempt from further environmental review remains the same. Most significantly, the Department has not changed its determination that the existing building is not an historic

resource and the proposed project would not have an adverse impact to a historic resource[1], therefore, the project is exempt from environmental review under CEQA.

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.

SITE DESCRIPTION & PRESENT USE:

136 Ord Street is located on the west side of Ord Street, between Corbett Avenue and Market Street, in the Upper Market Neighborhood. The property is located within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The property has approximately 28 feet of street frontage along Ord Street, and measures approximately 136 feet in depth west toward Hattie Street.

The subject property currently contains a one-story-over-garage, single-family dwelling that measures approximately 625 square feet according to records from the City Assessor's office. The County Assessor's records indicate that the building was constructed in 1900; however, Spring Valley water records indicate that the building was connected to the City's water system in 1905. Based on a review of historic Sanborn Fire Insurance Survey maps, it appears a different building occupied the lot prior to 1900 and that the building that currently occupies the lot at 136 Ord Street was moved to its current location after 1905, at approximately the same time that Market Street was extended to include the south end of what is now known as Ord Street.

The subject property is not a designated San Francisco Landmark. It is not located within a designated local historic district pursuant to Article 10. It has not been listed nor been determined eligible for listing on the National Register of Historic Places or California Register of Historical Resources. The building is considered a Category B property (Property Requiring Further Consultation and Review) for the purposes of the Planning Department's CEQA review procedures.

PROJECT DESCRIPTION:

The proposed project is to construct a new two-story-over-garage, single-family dwelling near the front of the subject property on Ord Street. There is no change proposed for the existing cottage at the rear. A shared courtyard will be provided between the two dwellings that will measure approximately 24 feet 6 inches in length. The proposed new dwelling will have a height of approximately 28 feet 6 inches above grade. Parking for both dwelling units would be provided in the proposed new dwelling. A Rear Yard Variance is required pursuant to Section 134 of the Planning Code for proposing a courtyard between the two dwellings that measure less than 34 feet.

BACKGROUND:

2008 – Environmental Evaluation Application Filed and Historic Resource Evaluation Conducted

[1] California Code of Regulations, Title 14, Sections 15301 and 15303.

The project sponsor first submitted an environmental evaluation application on October 15, 2008. The original scope of work in 2008 was to raise the existing cottage at the rear of the property 3 to 4 feet in order to create habitable living space at the ground level, reconfigure the existing raised entrance in order to provide a primary entrance at the ground level, and remove the existing brick veneer siding and replace it with wood siding. Due to the age of the building (over 50 years of age) and the scope of work proposed, Department staff conducted an historic resource evaluation and concluded that the existing cottage is not a historic resource nor is the subject property located in a potential historic district. After preparing a Historic Resource Evaluation Response (HRER) dated December 29, 2008, the Department issued a Categorical Exemption stamp on December 31, 2008 citing Categorical Exemption under Class 1 (addition to an existing structure) of the CEQA Guidelines.

In 2009, when the project sponsor submitted his building permit application, he changed the scope of work from altering the existing cottage at the rear to constructing a new dwelling near the front of the property, leaving the existing rear cottage intact. Since the Department had already conducted an historic resource evaluation in 2008 and concluded there is no historic resource or a potential historic district present, there was no need to conduct another evaluation. The project remains exempt from further environmental review, and, other than to change the exemption classification (from Class 1 to Class 3), there was no need to issue a new CEQA exemption determination. Both projects (original and currently proposed) would not have a significant impact to historic resources and thus both projects were found to be categorically exempt from CEQA by the Department. To reflect the change in scope of work, the Department issued a correction to the file citing the project is categorically exempt under Class 3 (construction of a second dwelling unit) of the CEQA Guidelines.

2009 – Neighborhood Notification and Discretionary Review Filed

Pursuant to Section 311 of the Planning Code, a 30-day *Notice of Building Permit Application* with a description of the project was mailed to neighbors within a 150' radius of the project, as well as posted on the site, on November 3, 2009.

In late November and early December of 2009, discretionary Review ("DR") was filed by two requestors:

- Corbett Heights Neighbors, c/o Alison Freeman (owner and resident of 143-145 Ord Street)
- Sarah Sobel, adjacent neighbor to the north at 130 Ord Street

The issues raised by the DR Requestors focused on light, air, and privacy impacts to the adjacent neighbors as well as the lack of design conformity with the surrounding neighborhood character.

2010 - Discretionary Review Hearing and Action

At the April 15, 2010 the Planning Commission hearing, the Planning Commission did not take a final action, but rather continued the item to the May 27, 2010 public hearing. At the request of Commissioner Moore at the May 27, 2010 hearing, the item was further continued to July 8, 2010.

At the April 15, 2010 hearing, Commissioners discussed various modifications to the proposed project that could be made in order to reduce the impact of the proposed project on the existing neighborhood character. Of particular concern was the existing landscaped front setback of the subject property, which measures approximately 91 feet in length and the impact of the new dwelling proposed to be located within the existing front yard. As originally proposed, the project included a 15-foot front setback and an open courtyard between the new and existing buildings that measured approximately 34 feet in length.

After the April 15, 2010 hearing, the project sponsor modified the proposed project by moving the new dwelling further back from the front of the property, resulting in a front setback that measures approximately 24 feet 6 inches in length and an open courtyard between the new and existing dwellings that measures approximately 24 feet 6 inches in length.

At the July 8, 2010 hearing, the Commission voted 4 to 3 to not take Discretionary Review and to approve the project. The Commission determined that no additional modifications to the project were necessary and instructed staff to approve the project on file with the Planning Department. The Commission took this action because it determined the proposal complies with the General Plan and conforms to the Residential Design Guidelines.

2009 - Building Permit Application and Variance Decision Appealed
On October 20, 2010, Sarah Sobel appealed the issuance of the building permit (Appeal No. 10-115) to the Board of Appeals. The item was continued to February 9, 2011 at the December 15, 2010 hearing to await a decision on the Categorical Exemption appeal pending before the Board of Supervisors.

CEQA GUIDELINES:

Section 21084 of the California Public Resources Code[2] 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,[3] do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA Guidelines Section 15303(a) or Class 3, provides an exemption from environmental review for new construction of a single-family residence or a second dwelling unit in a residential zone. The proposed project would involve constructing a second dwelling unit on the property. Therefore, the proposed project would be exempt under Class 3.

Although the CEQA Guidelines provide a list of classes of projects that are exempt from further environmental review, neither CEQA nor the CEQA Guidelines require public agencies, such as the City, to identify which class is being used when a determination is made that a project is exempt. Where a class has been identified, but then changed over the course of the proposed

[2] 21084. Guidelines shall list classes of projects exempt from this Act.
[3] California Code of Regulations, Title 14, Chapter 3.

project's application, use of a different class in and of itself does not trigger additional environmental review or analysis. As long as the proposed project remains exempt from further environmental review, it is exempt, regardless of the "class" of exemption identified.

CEQA Guidelines Section 15300.2(f) does not allow a categorical exemption to be used for a project that may cause a substantial adverse change in the significance of a historic resource. Accordingly, the Department evaluated whether the existing building would be considered a historic resource. If it were considered a historic resource, the Department would be required to consider whether the Project would result in a substantial adverse change to the building's significance as a historic resource.

With regard to historic resource review under CEQA, the first step in the evaluation process is to determine whether a historic resource is present. Public Resources Code Section 21084.1 (Historical Resources) and CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts on Historical and Unique Archaeological Resources) detail what qualifies as a historic resource under the CEQA.

The second step (if necessary) in the CEQA review process is to determine whether the action or project proposed would cause a "substantial adverse change" to the historic resource. CEQA Section 15064.5 defines a substantial adverse change as one may have a significant effect on the environment.

> "Substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource of its immediate surroundings such that the significance of the historical resource would be materially impaired."[4]

Department Analysis of 136 Ord Street
After reviewing the environmental evaluation application (including the Supplemental Information Form for Historic Resource Evaluation) and additional material in the record, the Department determined that 136 Ord Street is not a historic resource nor is it located within a potential historic district. This is documented in the Historic Resource Evaluation Response prepared by a Preservation Technical Specialist in the Department, dated December 29, 2008.

For the purposes of CEQA, the term "historical resource" is used when the property meets the terms of the definitions in Section 21084.1 of the CEQA Statute and Section 15064.5 of the CEQA Guidelines. "Historical Resources" include the following:

- Properties listed in or formally determined eligible for listing in the California Register of Historical Resources; or
- Properties listed in an adopted local historic register. The term "local historic register" or "local register of historical resources" means a list of resources that are officially

[4] *Ibid.* 15064.5(b)(1): Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

designated or recognized as historically significant by a local government pursuant to resolution or ordinance; or

- Properties identified as significant in an historical resource survey meeting certain criteria; or
- Properties which are not listed but are otherwise determined to be historically significant, based on substantial evidence.

The Department believes that 136 Ord Street does not meet any of the definitions of a historical resource. In order for an unlisted property to be considered an historic resource, it must meet one of the following California Register criteria:

1. Event; or
2. Persons; or
3. Architecture; or
4. Information Potential.

Based upon existing data and research provided to the Planning Department, the subject property is not eligible for the California Register. The following is an analysis used in making this determination and references the Department's Historic Resource Evaluation Response, dated December 29, 2008.

Events – Not Eligible

The subject property is not associated with any event that has made a significant contribution to the broad patterns of local or regional history. The subject building appears to have been moved to its current location sometime between 1905 and 1913; the move may have coincided with the extension of Market Street and the reconfiguration of Ord Street, which had been formerly called Clara Street. The dwelling that appears on the 1899-1900 and 1900-1905 Sanborn Fire Insurance Maps does not appear to be the same structure that was illustrated on the 1913 map; it appears that the earlier dwelling was demolished or relocated. By 1913, Market Street has been extended and both sides of what is now called Ord Street had been fully developed. As noted in the documentations in the environmental evaluation application, there is no clear pattern of development on the west side of Ord Street at this location. Like most of the buildings in the neighborhood, the existing cottage is associated with the early development of its surrounding residential neighborhood. However, that association is not significant or specific enough to qualify it for listing on the California Register of Historic Resources.

Persons – Not Eligible

The subject property is not associated with any person of known historical significance. Information from the Spring Valley water records provided by the project sponsor indicates that the first known owner of the subject property was Patrick Campbell, and that the subject property remained in the Campbell family through the mid twentieth century. No person of known historical significance was found to have been associated with the Campbell family.

Architecture – Not Eligible

The subject property does not have any architectural features that are distinctive of a type, period, region, or method of construction. The existing building is a one-story-over-basement, wood frame, flat front, single-family dwelling, clad in brick. It appears likely that the exterior

brick was applied over wood siding. Elements of the form of the building suggests the Italianate architectural style of the late nineteenth century, while features such as the wood, double-hung windows appear to be based on a modified craftsman architectural style of the early twentieth century. The subject building has a recessed primary entrance accessed from a flight of stairs that leads to the upper floor from the ground level in the front garden. Openings at the upper level are symmetrical with a window on either side of the main entrance. At the basement level, the front elevation is supported by a concrete foundation with a window on the north side and double doors on the south side. As an individual structure, the existing cottage appears to be a typical altered Italianate residential structure and does not embody the distinctive characteristics of a type, period, region, or method of construction, not does it appear to be the work of a master architect.

Information Potential – Not Eligible
It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

Since the subject property was determined to not be a historic resource nor located in a potential historic district, the second step in the CEQA review process of determining whether the action or project proposed would cause a "substantial adverse change" is therefore not necessary.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the December 9, 2010 Appeal Letter are cited in a summary below and are followed by the Department's responses.

Issue #1: The Appellant states that the Department failed to conduct proper historic resource review of the subject property and the proposed project.

Response #1: As stated in this report, the Department conducted an historic resource evaluation of the subject property in 2008. While the scope of the project changed in 2009 (from alteration to construction of a second dwelling unit), the evaluation performed in 2008 remains applicable—the Department's determination is that the subject property is not a historic resource and the subject property is not located in a potential historic district. While the change in work scope in 2009 did alter the exemption classification (no longer Class 1 for alteration, but rather Class 3 for construction of a second dwelling unit), the Department's determination that the project is categorically exempt from environmental review remains unchanged.

Issue #2: The Appellant claims the subject property is a historic resource because of the existing front garden. According to the Appellant, the existing front garden is an "unusual circumstance."

Response #2: The subject property is not a historic resource. There is no substantial and/or credible evidence provided by the Appellant or in the record to support the conclusion that 136 Ord Street is a historic resource. Development of small cottages at the rear of the property, and leaving the front as open space is a common occurrence throughout this same neighborhood as well as other parts of the city. It is typical for many owners to build small cottages at the rear

and wait until they are financially ready to build larger dwellings at the front of the property. Based upon the size of the existing cottage (625 in total square feet), the Department believes 136 Ord Street is one such case and therefore is not unique, exceptional, or unusual. As discussed in the Department's Historic Resource Evaluation Response dated December 29, 2008, 136 Ord Street is not eligible for listing on the California Register of Historical Resources, and therefore is not a historic resource for the purposes of CEQA.

Issue #3: The Appellant claims the subject property is located in a historic neighborhood developed with front gardens and that the proposed project will have a negative and "cumulative" impact to off-site historic resources.

Response #3: The subject property is not located in a potential historic district. There is no substantial and/or credible evidence provided by the Appellant or in the record to support the conclusion that 136 Ord Street is a potential contributor to a potential historic district. As stated above, development at the rear of the property, leaving the front for development in the future is a typical pattern of residential development in the City and does not represent a significant trend in local or regional history. From an architectural and/or urban design standpoint, the subject block lacks visual continuity with varying building sizes, building form and shape, and building front setback. While the Appellant claims four out the seven lots on the subject block have a substantial front setback, the Department believes that the development on these four lots are not consistent enough to form a strong visual expression from the street. There are varying fence heights, fence design, fence materials, and landscape features that disrupt and interfere with reading these four continuous lots as having one large green and open space at the mid-block area. Contrary to the Appellant's claims, developing near the front of the property is actually more consistent with the development pattern on the street as well as with overall development pattern of the residential neighborhoods in the City. Eligibility for listing on the California Register is required for a building to be considered a historic resource or for a neighborhood to be a historic district.

Issue #4: The Appellant claims the proposed new dwelling will have a significant impact on off-site historic resources, specifically 140 Ord Street located immediately south of the subject property.

Response #4: The building located at 140 Ord Street is a historic resource for the purposes of CEQA. As noted by the appellant, 140 Ord Street is listed in the book *Here Today*, an adopted local register. However, the proposed project would not have a substantial adverse impact on 140 Ord Street. In the book *Here Today*, 140 Ord Street is described as a "flat-front Italianate cottage, beautifully restored and painted to enhance the detailing of the brackets and molding, [and] has a formal front garden." Based upon this description, the Appellant concludes that the neighborhood is located within a historic district. The Appellant does not provide any information supporting this conclusion, nor any information supporting Appellant's claim that the surrounding neighborhood is a historic district. With a front setback of 34 feet, 140 Ord Street is the only property on the subject block that is neither located entirely at the front or the rear of the property. By providing a generous 24 feet 6 inches front setback (where only 15 feet is required), the proposed project will be more consistent with the development pattern on the street than the existing building. The Department maintains that the proposed project will not adversely impact the adjacent historic resource at 140 Ord Street nor will it adversely impact the

ability of 140 Ord Street to convey its historic significance as an excellent and well-preserved example of a flat front Italianate style residential structure.

CONCLUSION

The Appellant has not offered any credible or substantial evidence that is supported by specific facts to say the subject property and the immediate neighborhood are eligible for inclusion on the California Register. In contrast, the Department has provided a detailed analysis as to how the subject property and neighborhood do not meet the criteria for listing on the California Register. The Appellant has not provided any substantial evidence or expert opinion to refute the conclusion of the Department.

For the reasons stated above and in the December 29, 2008 Historic Resource Evaluation Response, the CEQA Determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review. The Department therefore recommends that the Board uphold the Determination of Exemption/Exclusion from Environmental Review and deny the appeal of the CEQA Determination.

SAN FRANCISCO
PLANNING DEPARTMENT

Supplemental Information Form for Historical Resource Evaluation

Potential Resource - Demolition - Alteration

Proposed project is: ☐ Demolition (DBI form 6) *or* ☒ Alteration (DBI form 3/8)

Please be complete in your responses to the questions on this form. Submittal of incomplete or inaccurate information will result in an additional request for information from you and potentially delay your project. If you have problems in completing this form, we would recommend that you consult with a qualified historic preservation professional.

Address: 136 Ord Street

Block No. 2657 Lot No. 4

Date of Construction: 1905 Check one: ☐ Actual ☒ Estimated

- Source for date, or basis for estimate: Sanborn Maps, Block Book, Water tap records

Architectural Style: Italianate

Architect and Builder: unknown

Original Owner: Patrick Campbell, ~1905-1916

Subsequent Owners (Dates of Ownership): John B. Campbell, 1916-1932; Thomas H. Campbell, 1932-1950; John Spence, 1950-1973; Verna Weaver, 1973-2008

Historic Name: Common Name:

Original and Subsequent Uses: Single family home

Has the building been moved? If yes, provide date: No

- Original Location:

ON A SEPARATE SHEET(S), PROVIDE THE FOLLOWING INFORMATION:

Property Description / Construction History

- Provide a written description of the property, describing its architectural form, features, materials, setting, and related structures.
- Provide a written description of all alterations to the property. Attach copies of all available buildings permits.
- Provide current photographs showing all facades, architectural details, site features, adjacent buildings, the subject block face, and facing buildings.

- Provide historic photographs, if available.

History

- Provide a written description of the history of the property, including any association with significant events or persons. See Preservation Bulletin No. 16, section entitled *How to Document a Building's History*, for assistance.
- For reference, check for neighborhood and/or city-wide historic context statements. Some contexts are available at the Planning Department, alongside the Landmark and Historic District files.
- A chain of title can identify persons associated with a property, and city directories can identify if the owners were residents of the building, and what their occupation was. When cross-referenced with the Biographical catalog of notable San Franciscans at the Main Library's 6th Floor History room, this research can provide further valuable information.

Other Information

- Attach available documents that may provide information that will help to determine whether the property is or is not an historic resource such as historic Sanborn Maps, drawings, newspaper articles, and publications.

Historic Survey Information

The Property is *(check all that apply):*

- ☐ Over fifty (50) years of age and proposed for demolition, or major alteration
- ☐ Listed in the 1976 Architectural Survey
- ☐ Listed in the 1968 Junior League Survey (the basis for *Here Today)*
- ☐ Listed in a San Francisco Architectural Heritage Survey and more than 50 years old
- ☐ Listed in the Unreinforced Masonry Building (UMB) Survey
- ☐ General Plan Referenced Building
- ☐ National Register and California Register Status Code of 7
- ☐ Listed in the North Beach Survey, Local Survey Codes 4, 5, or 6
- ☐ Rated NRSC 6 or CHRSC 6 and was surveyed prior to year 2000
- ☐ Is there an existing, proposed, or potential historic district to which the subject building would be a contributor?
- ☐ Other informational survey
  - Name of survey:
- ☐ Other, please list:

If you have been referred to MEA by staff, please enter name: Sophie Middlebrook

Building Permit number (if any): none

Form prepared by: John F. Moroney (owner) Date: October 16, 2008

Address: PO Box 424971, SF, CA 94142 Phone: 415-987-1754 E-mail address: jfmoroney@usa.net

What sources did you use to compile this information? Please list; use additional sheet(s) if necessary.

Aerial photograph of 136 Ord Street from recent times, Google Maps

Microfilm Record Request, SF Department of Building Inspection

Certificate of No Record, SF Department of Building Inspection

3R Report, SF Department of Building Inspection

Historical photographs from collection at San Francisco History Room, 6th Floor of the Main Branch of the San Francisco Public Library

Sanborn Fire Insurance Maps; 1899-1900; 1900, updated to 1905 (photocopy); 1900, updated to 1905 (digital photograph); 1900, updated to 1905 (digital photograph with detail of 136 Clara Avenue, now Ord Street, lot); 1913-1915;1913-1928, corrected to 1950

Drawings and description from "Report of Market Street Extension Rapid Transit Tunnel Under Twin Peaks Ridge" by Bion J. Arnold, Consulting Engineer, Submitted October 7, 1912

The Block Book from 1901 and 1909

Spring Valley Water Company tap records

City Guides

San Francisco Property Tax Records

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

Categorically Exempt: Class 1 (e)(i) - addition to an existing structure that measures less than 2,500 ft².

12.31.08

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

class 3 for construction of a 2nd dwelling unit on the property. 12-22-10

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

MEA Planner:	Brett Bollinger
Project Address:	136 Ord Street
Block/Lot:	2657/004
Case No.:	2008.1188E
Date of Review:	December 29, 2008
Planning Dept. Reviewer:	Sophie Middlebrook
	(415) 558-6372 ! sophie.middlebrook@sfgov.org

PROPOSED PROJECT ☐ Demolition ☒ Alteration

PROJECT DESCRIPTION

The proposed project includes raising the subject building 3-4 feet in order to create habitable living space at the ground level, reconfiguring the existing raised entrance in order to provide a primary entrance at ground level, and removing the existing brick veneer siding and to replace it with wood siding.

PRE-EXISTING HISTORIC RATING / SURVEY

The County Assessor's records indicate that the building was constructed in 1900; Spring Valley water records indicate that the building was connected to the City's water system in 1905. Based on a review of historic Sanborn Fire Insurance Survey maps, it appears that the building that currently occupies the lot at 136 Ord Street was moved to its current location after 1905 and prior to 1913, at approximately the same time that Market Street was extended to include the south end of what is now known as Ord Street. On the 1900-1905 Sanborn Map, the street currently known as Ord Street was called Clara Street, and a long, rectangular single-story dwelling with an open front porch was located on the subject property. By 1913, the Sanborn Map illustrates that Market Street had been extended, much of the south end of the block had been demolished in order to accommodate the street extension, Clara Street had become the truncated Ord Street, and the footprint of the dwelling on the subject property had significantly changed to become a smaller, square single-family dwelling that may have included a front porch. The subject building was not included on any historic surveys or registers; however, its recorded date of construction makes it a "Category B" building for the purposes of CEQA review by the Planning Department.[1]

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The subject building is located on the west side of Ord Street, between Corbett Avenue and Market Street within an RH-2 Zoning District and a 40-X Height and Bulk District, in the Upper Market neighborhood. The subject block consists primarily of one- and two-family residential structures that are one- and two-stories in height above grade. Three of the five houses on the West side of Ord Street at this location – including the subject building – have unusually deep front setbacks. Buildings on the opposite side of

[1] Please see "Preservation Bulletin #16," available online at: http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/PresBulletin16CEQA10_8_04.PDF (November 2, 2007)

Ord Street appear to have been constructed after the Market Street extension, and are built up to the front property line.

It does not appear that the subject property is located within a potential historic district for the purposes of CEQA.

---

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or	☐ Yes	☒ No	☐ Unable to determine
Persons: or	☐ Yes	☒ No	☐ Unable to determine
Architecture: or	☐ Yes	☒ No	☐ Unable to determine
Information Potential:	☐ Further investigation recommended.		
District or Context:	☒ Yes, may contribute to a potential district or significant context		

If Yes; Period of significance:

Notes: Below is an evaluation of the subject property against the criteria for inclusion on the California Register; it does not appear that the subject property is eligible for the Register.

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

As noted above, the subject building appears to have been moved to its current location sometime between 1905 and 1913; the move may have coincided with the extension of Market Street and the reconfiguration of Ord Street, which had been formerly called Clara Street. The dwelling that appears on the 1905 Sanborn Fire Insurance Map does not appear to be the same structure as that that is illustrated on the 1913 map; it appears that the earlier dwelling was demolished or relocated. By 1913, Market Street had been extended and both sides of what was now called Ord Street had been fully developed. As noted in the submitted Historic Resource Evaluation, there is no clear pattern of development on the west side of Ord Street at this location. Other than the typical pattern of establishing a residential development block the subject building does not appear to represent a trend or the collective history of the site or area. It does not appear that the subject building is associated with events that have made a significant contribution to the broad patterns of local or regional history.

Criterion 2: It is associated with the lives of persons important in our local, regional, or national past;

Information from the Spring Valley water records provided by the project sponsor indicates that the first known owner of the subject building was Patrick Campbell, and that the subject property remained in the Campbell family through the mid twentieth century. No persons of known historical significance appear to have been associated with the subject property.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

The subject building is a one-story-over-basement, wood frame, flat front, single-family dwelling clad in brick. It appears likely that the exterior brick was applied over – or perhaps replaced – coved wood siding. Elements of the form of the building suggest the Italianate architectural style of the late nineteenth century, while features such as the wood, double-hung windows appear to be based on a modified craftsman architectural style of the early twentieth century.

The subject building has a recessed primary entrance accessed from a flight of stairs that leads to the upper floor from the ground level in the front garden. Openings at the upper level are symmetrical, with a window on either side of the main entrance. At the basement level, the front elevation is supported by a concrete foundation with a window on the north side and double doors on the south side.

The subject building does not appear to have the distinctive architectural features that are distinctive of a type, period, region, or method of construction. The subject building does not appear eligible for inclusion on the California Register.

Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;

It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

---

2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location:	☐ Retains	☒ Lacks	**Setting:**	☐ Retains	☒ Lacks
Association:	☐ Retains	☒ Lacks	**Feeling:**	☐ Retains	☒ Lacks
Design:	☐ Retains	☒ Lacks	**Materials:**	☐ Retains	☒ Lacks
Workmanship:	☐ Retains	☒ Lacks			

Notes: It appears that the exterior form of the street-facing elevation has been minimally altered since its original construction. No permits indicate substantial alteration. It does appear, as noted above, that the exterior cladding onf the subject building is non-original. It appears that the extant brick cladding was added and may have replaced horizontal, coved wood siding

It does not appear that the subject property is a contributor to a potential historic district.

---

3. **Determination** Whether the property is an "historical resource" for purposes of CEQA

☒ No Resource Present *(Go to 6. below)* ☐ Historical Resource Present *(Continue to 4.)*

---

4. If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

☐ The project appears to meet the Secretary of the Interior's Standards. *(Go to 6. below)*
Optional: ☐ See attached explanation of how the project meets standards.

☐ The project is NOT consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. *(Continue to 5. if the project is an alteration)*

---

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

---

6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

☐ Yes ☒ No ☐ Unable to determine

Notes: As noted above, the subject building does not appear to be located in a potential historic district; as proposed, the addition will not have an adverse effect on off-site historical resources, such as adjacent historic properties.

PRESERVATION COORDINATOR REVIEW

Signature: _____ Date: 12-31-08

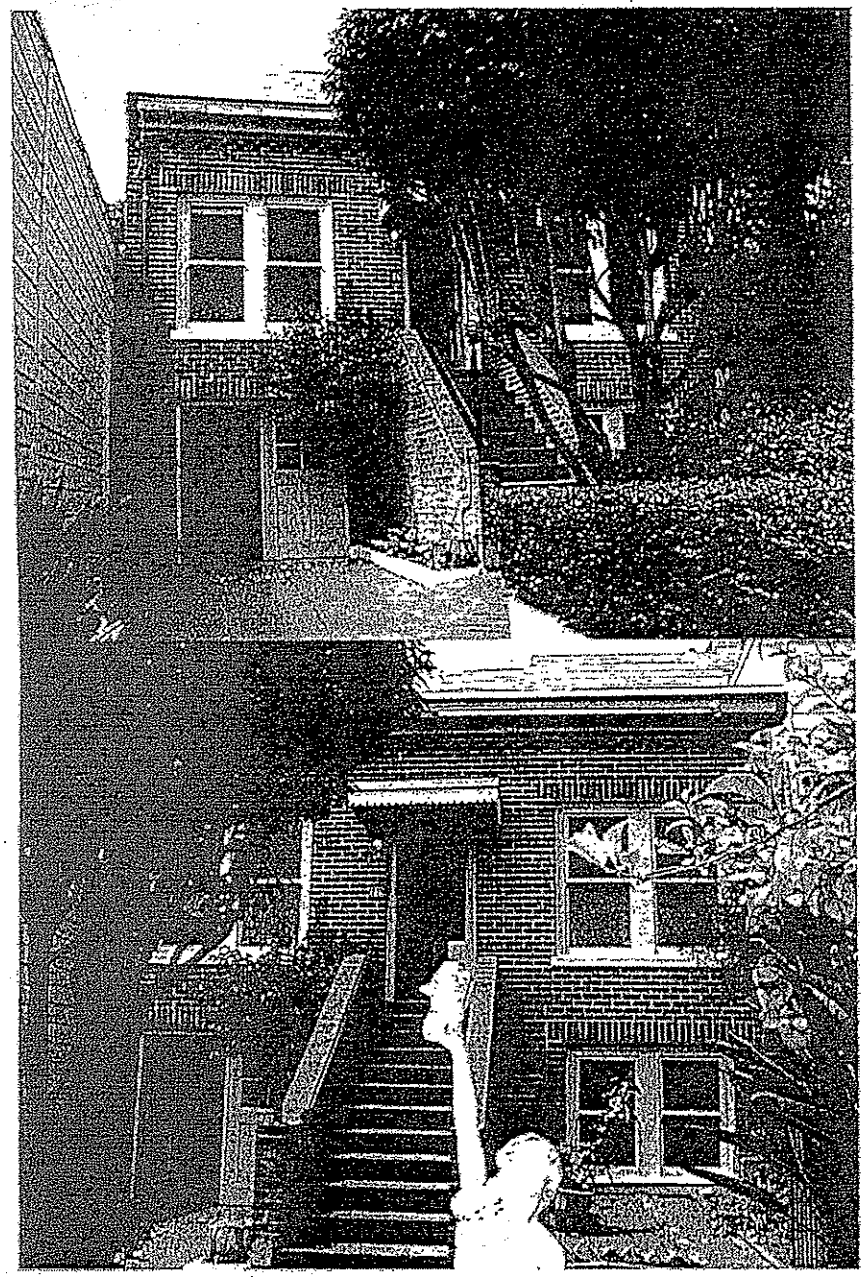
Mark Luellen, *Preservation Coordinator*

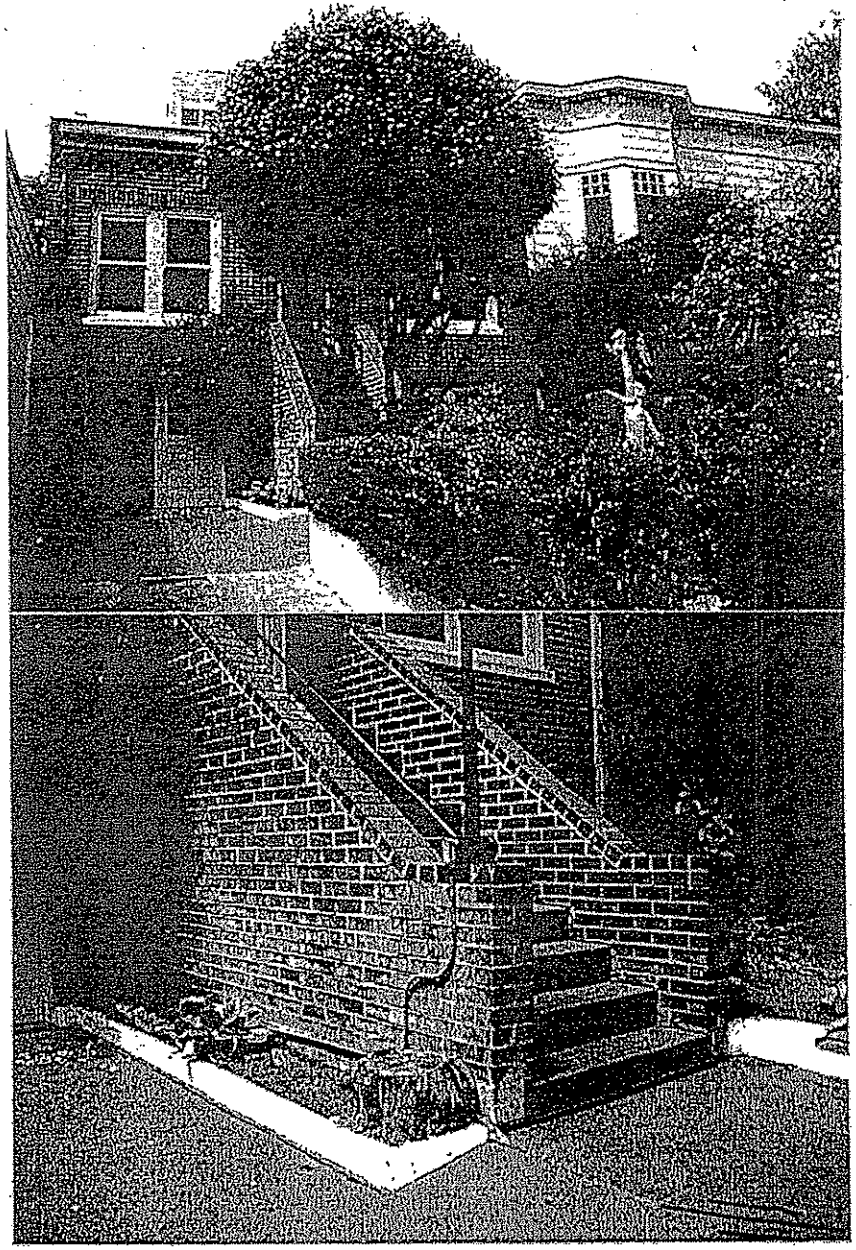
CC:

Sonya Banks, *Recording Secretary*, Landmarks Preservation Advisory Board
Virnaliza Byrd / Historic Resource Impact Review File

G:\DOCUMENTS\historic\136 Ord Street.doc

136 Ord Street, Facade





NEW CONSTRUCTION AT

134 ORD STREET

SAN FRANCISCO, CA 94114

DESCRIPTION

CONSTRUCT A NEW 2-STORY, SINGLE FAMILY DWELLING ABOVE A BASEMENT/ GARAGE AT THE FRONT OF THE LOT

PROJECT INFO

OWNER	JOHN MORONEY
DBI APP #	
YEAR BUILT:	1905 - 1913
BLOCK:	2657
LOT:	004
LOT SIZE:	28' X 136'
CONST. TYPE:	
OCCUPANCY:	SINGLE FAMILY DWELLING/ RH2 LOT

ARCHITECT:	PHIL MATHEWS,	415-647-2747
OWNER:	JOHN MORONEY,	415-987-1754
ENGINEER:		
G.P. RATER	PRUDENCE FERREIRA,	415-516-1368

STORY	(E) AREA	ADDED	(N) AREA
1	N/A	1075	1075 SQ .FT.
2	N/A	1118	1118 SQ. FT.
3	N/A	1128	1128 SQ. FT.
TOTAL	N/A	3321	3321 SQ. FT.
TERRACE	N/A	121	121 SQ. FT.

ARCHITECTURAL SYMBOLS

SECTION: SECTION NUMBER / SHEET NUMBER

DETAIL: DETAIL NUMBER / SHEET NUMBER

ELEVATION: ELEVATION NUMBER / SHEET NUMBER

DOOR NUMBER

WINDOW NUMBER

WALL KEY

1 HOUR WALL

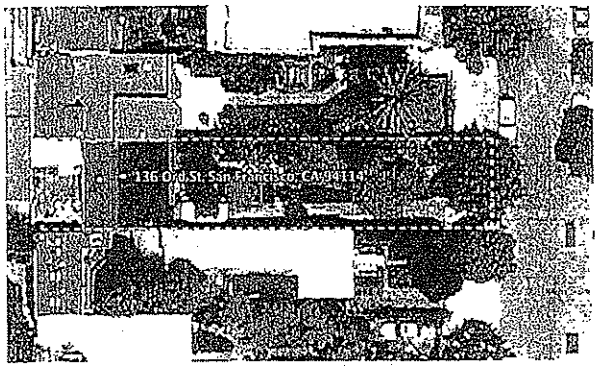
CONCRETE WALL

CONCRETE WALL 1 HR. RATED

ARCHITECTURAL INDEX

ABBREVIATIONS

A.B.	ANCHOR BOLT	LAV.	LAVATORY
A.F.F.	ABOVE FINISHED FLR.	MECH.	MECHANICAL
B./BD.	BOARD	MEMB.	MEMBRANE
BLDG.	BUILDING	MFR.	MANUFACTURER
BLK'G	BLOCKING	MIN.	MINIMUM
BM.	BEAM.	MISC.	MISCELLANEOUS
CL.	CENTERLINE	MTL.	METAL
CLG.	CEILING	MUL.	MULLION
CLR.	CLEAR	(N)	NEW
CLOS.	CLOSET	N.I.C.	NOT IN CONTRACT
COL.	COLUMN	NO.	NUMBER
CONC.	CONCRETE	P.	PLATE
CONT.	CONTINUOUS	P.L.	PROPERTY LINE
C.T.	CERAMIC TILE	P. LAM	PLASTIC LAMINATE
DTL.	DETAIL	PLAS.	PLASTER
DN.	DOWN	PR.	PAIR
DWG.	DRAWING	R.	RISER
(E)	EXISTING	R.D.	ROOF DRAIN
E.A.	EACH	REF.	REFRIGERATOR
EL.	ELEVATION	REINF.	REINFORCED
ELEC.	ELECTRICAL	REQ'D.	REQUIRED
ELEV.	ELEVATION (DWG.)	R.O.	ROUGH OPENING
EQ.	EQUAL	R.W.L	RAIN WATER LEADER
EQUIP.	EQUIPMENT	S.C.	SOLID CORE
EXP.	EXPOSED	SCHED.	SCHEDULE
EXT.	EXTERIOR	SECT.	SECTION
F.A.H.	FORCED AIR HEATER	S.F. or	
F.D.	FLOOR DRAIN	SQ. FT.	SQUARE FEET
FDN.	FOUNDATION	SHT.	SHEET
FLR.	FLOOR	SIM.	SIMILAR
F.O.C	FACE OF CONCRETE	SQ.	SQUARE
F.O.S.	FACE OF STUD	S.S.	STAINLESS STEEL
F.P.	FIREPLACE	STL.	STEEL
FTG.	FOOTING	STRUC.	STRUCTURAL
GA.	GAUGE	S.S.D.	SEE STRUC. DWGS.
GL.	GLASS	T.	TREAD
GYP.	GYPSUM	T & G	TONGUE & GROOVE
GYP. BD. or G.B.	GYPSUM BOARD	THK.	THICK
H.	HORIZONTAL	T.O.	TOP OF
H.B.	HOSE BIBB	TYP.	TYPICAL
H.C.	HOLLOW CORE	U.O.N	UNLESS OTHERWISE NOTED
H.W.H.	HOT-WATER HEATER	V.	VERTICAL
INSUL.	INSULATION	V.G.	VERTICAL GRAIN
JT.	JOINT	W/	WITH
KIT.	KITCHEN	W.C.	WATER CLOSET
LAM.	LAMINATE	WD.	WOOD
		W/O	WITHOUT



1 AERIAL PHOTO OF SUBJECT LOT

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

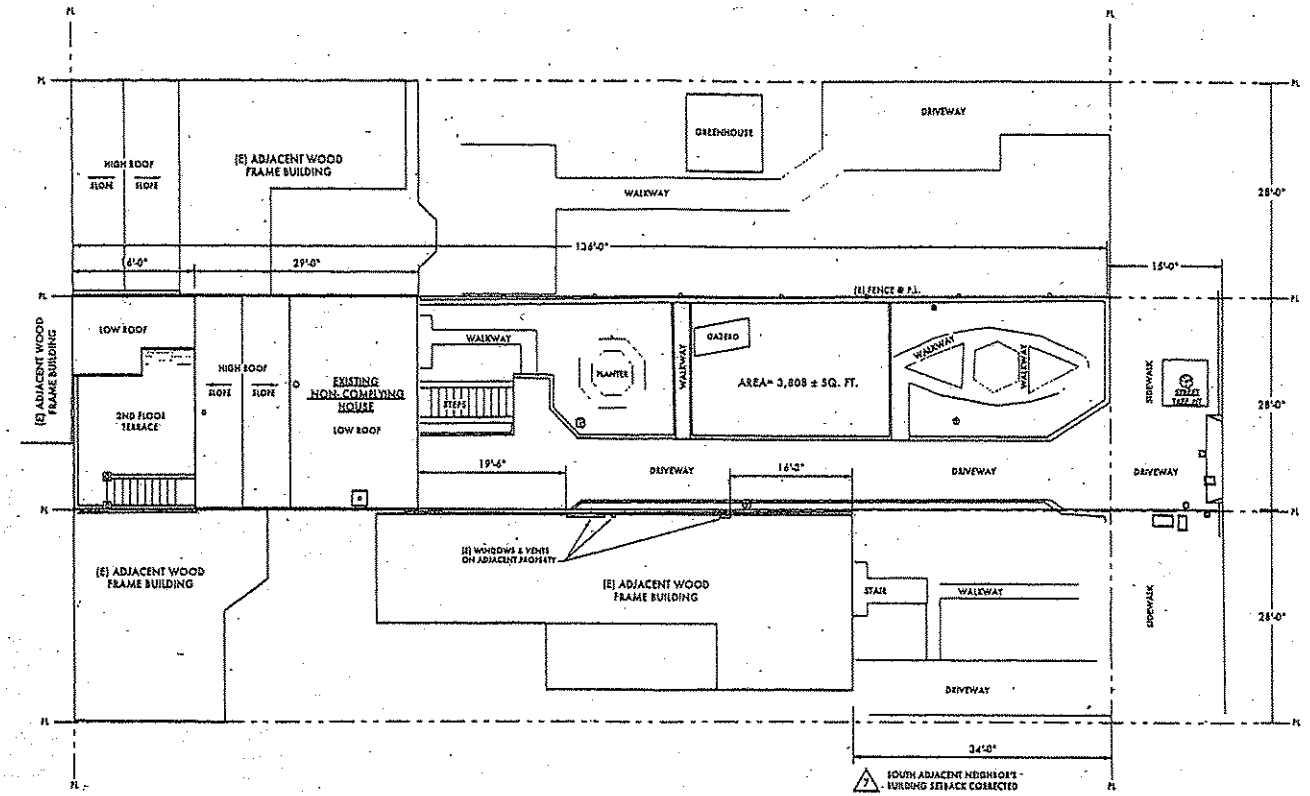
COVER

REVISION/ISSUE	DATE
	8/21/08
1	2/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/06/09 R.D.T. UPDATES
6	10/01/09 311-NOTICE
7	12/18/09 RESPONSE TO S.F.P.C. & NEIGHBORS
8	5/03/10 RESPONSE TO D.R. HEARING
9	7/19/10 BUILDING PERMIT APP. - REVISIONS

PHILIP MATHEWS ARCHITECT

4220 21ST STREET
SAN FRANCISCO, CA 94114
415-647-2747 phone/ fax
www.mathewsarchitect.com

A1



1 (E) SITE PLAN
SCALE: 1/8" = 1'

134 ORD STREET SAN FRANCISCO CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

EXISTING SITE PLAN

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/08/09 R.D.T. UPDATES
6	10/01/09 311 NOTICE
7	12/18/09 RESPONSE TO S.F.P.C. & NEIGHBORS
8	5/03/10 RESPONSE TO D.R. HEARING
9	7/19/10 BUILDING PERMIT APP'c - REVISIONS

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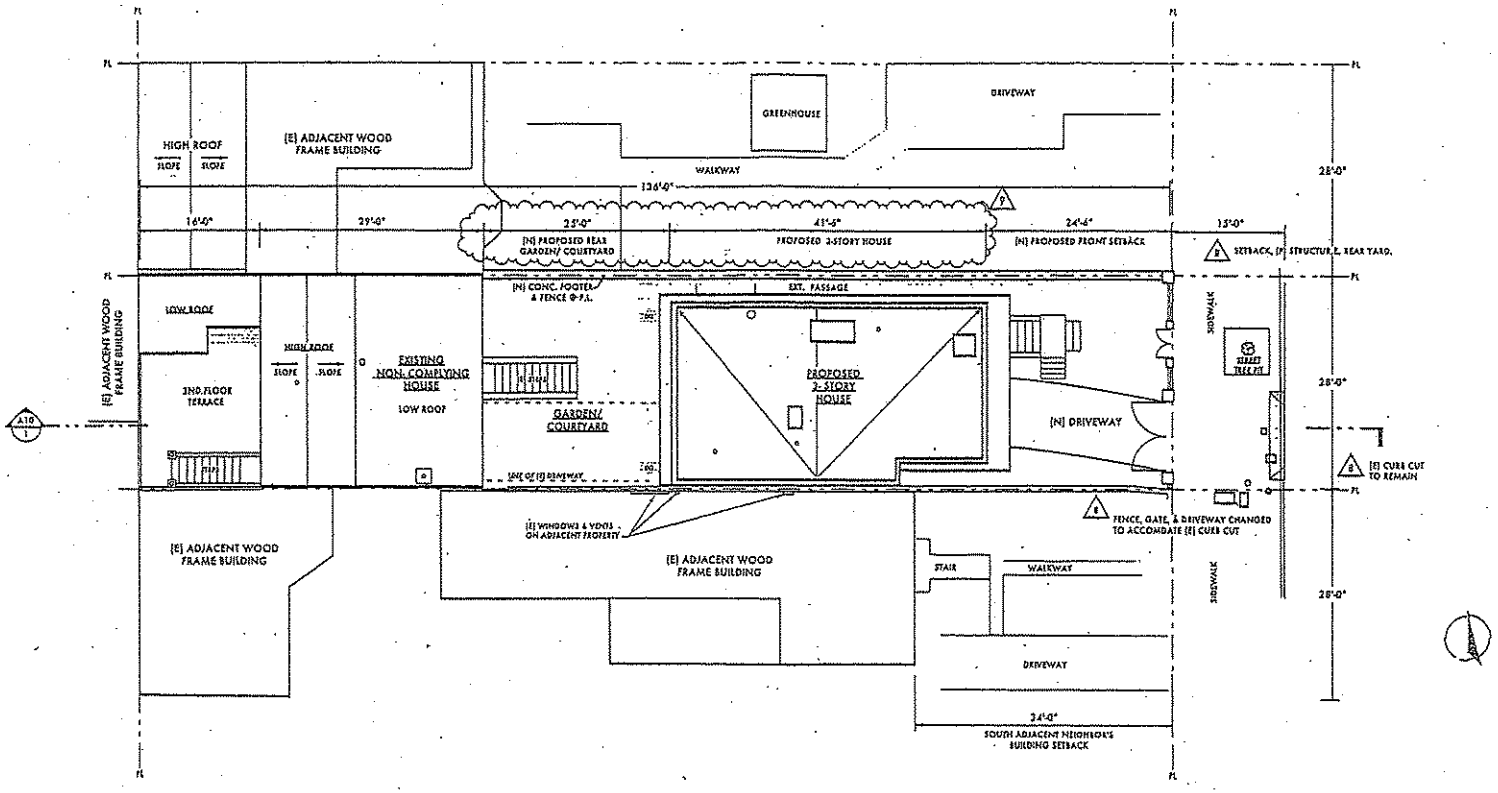
A2



1 PROPOSED SITE PLAN
SCALE: 1/8" = 1'

153

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

7 12/18/09 REVISIONS IN RESPONSE TO NEIGHBOI AND SF PLANNING COD:

PROPOSED SITE PLAN

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/08/09 R.D.T. UPDATES
6	10/01/09 311 NOTICE
7	12/18/09 RESPONSE TO S.F.P.C & NEIGHBORS
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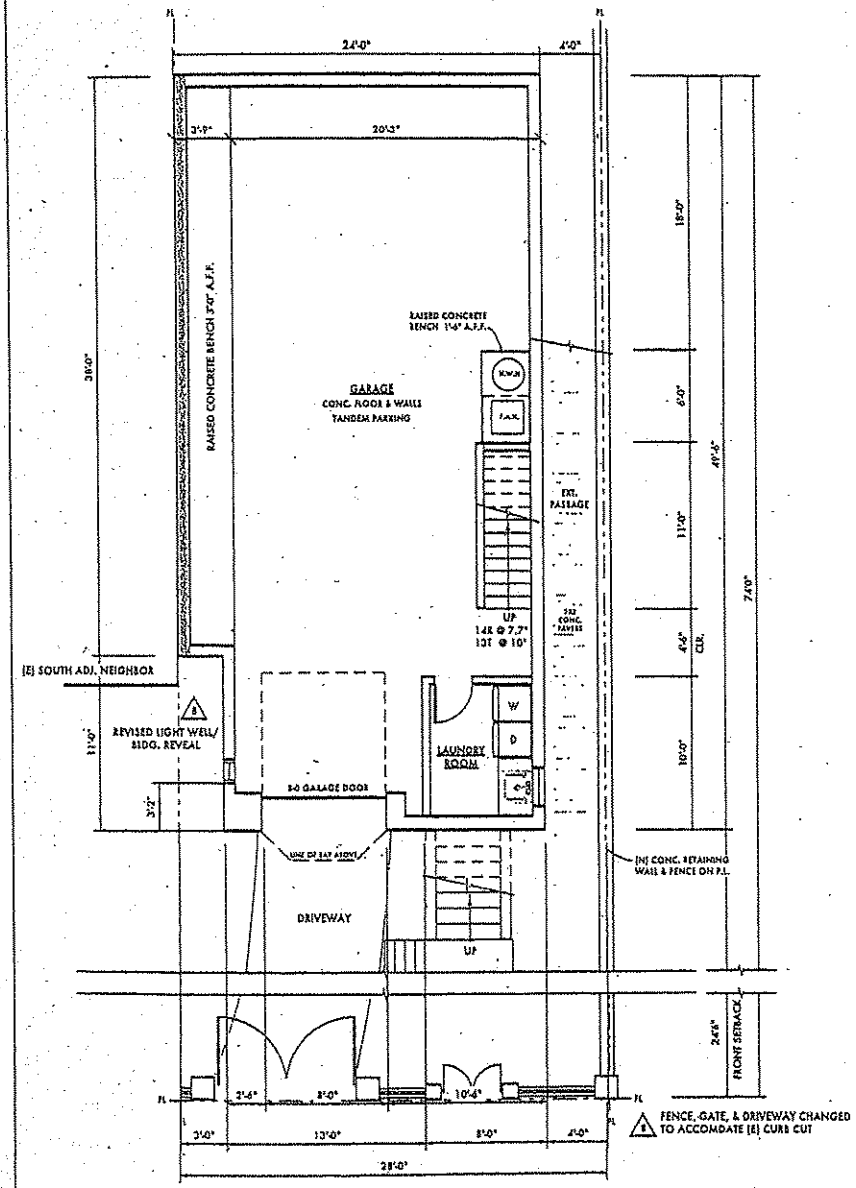
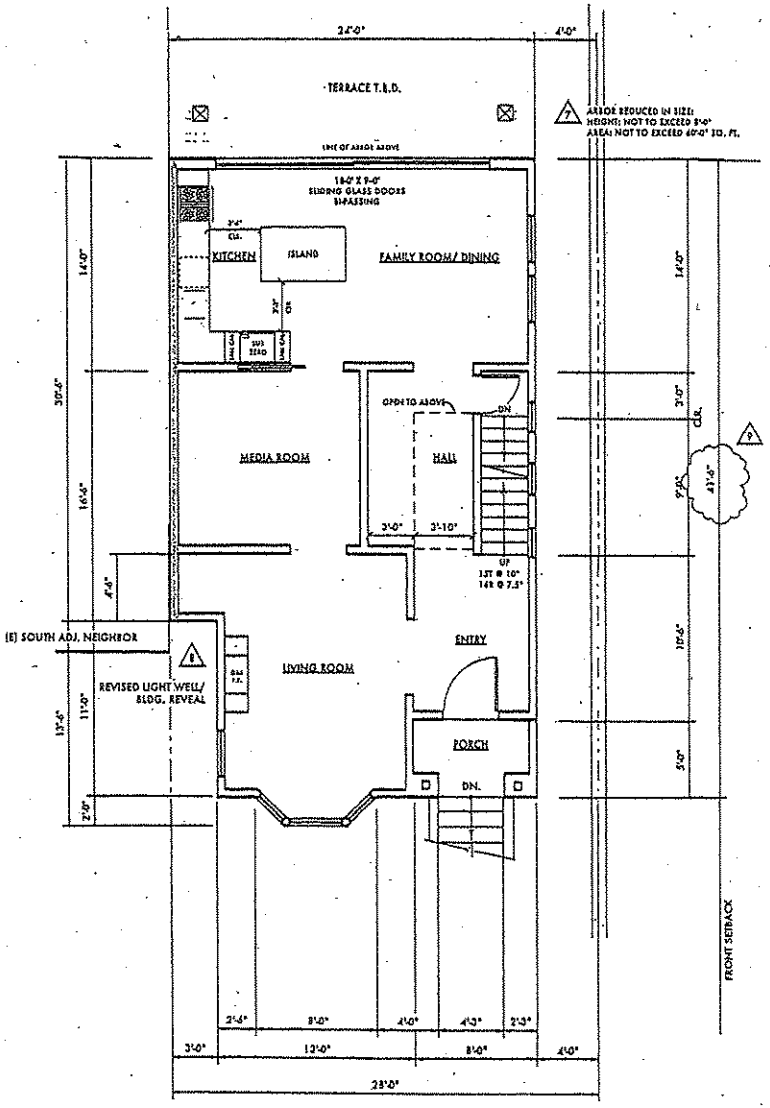
A3



1 PROPOSED 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

PROPOSED PLANS
1ST AND 2ND FL.

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/08/09 R.D.T. UPDATES
6	10/01/09 311 NOTICE
7	12/18/09 RESPONSE TO S.F.P.C. & NEIGHBORS
8	5/05/10 RESPONSE TO D.R. HEARING
9	7/19/10 BUILDING PERMIT APP. - REVISIONS

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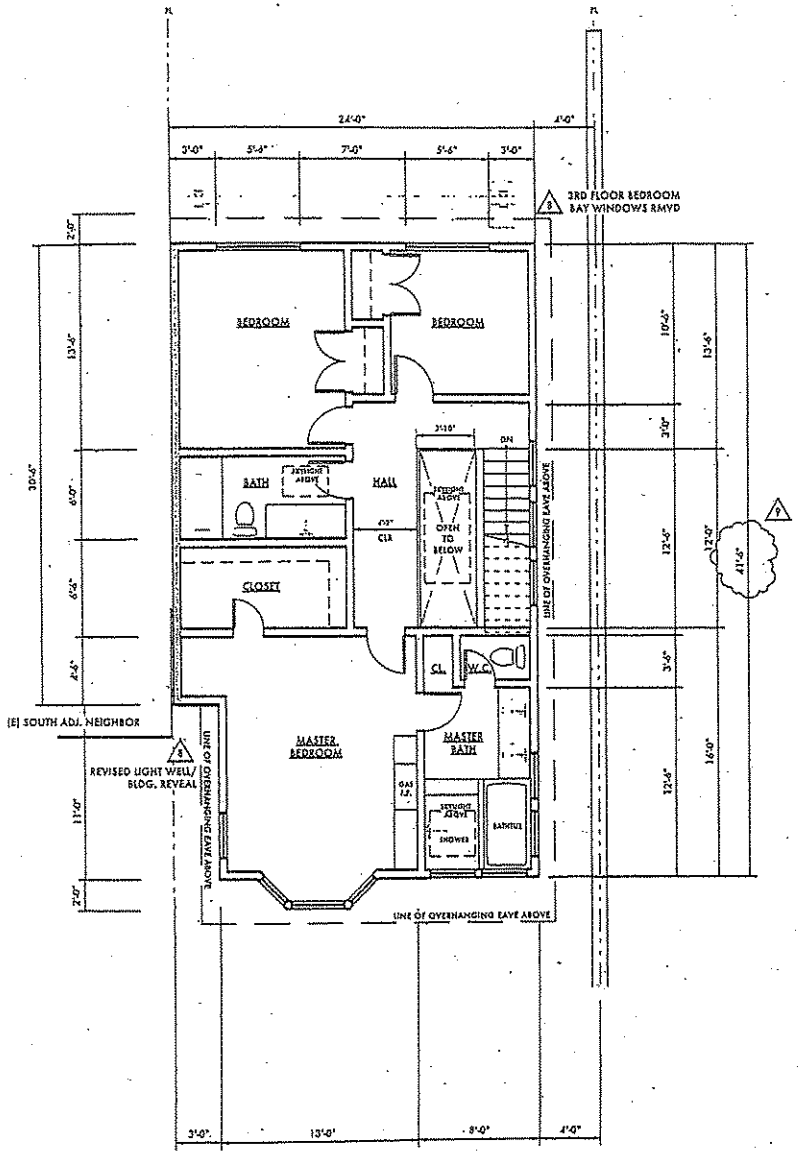
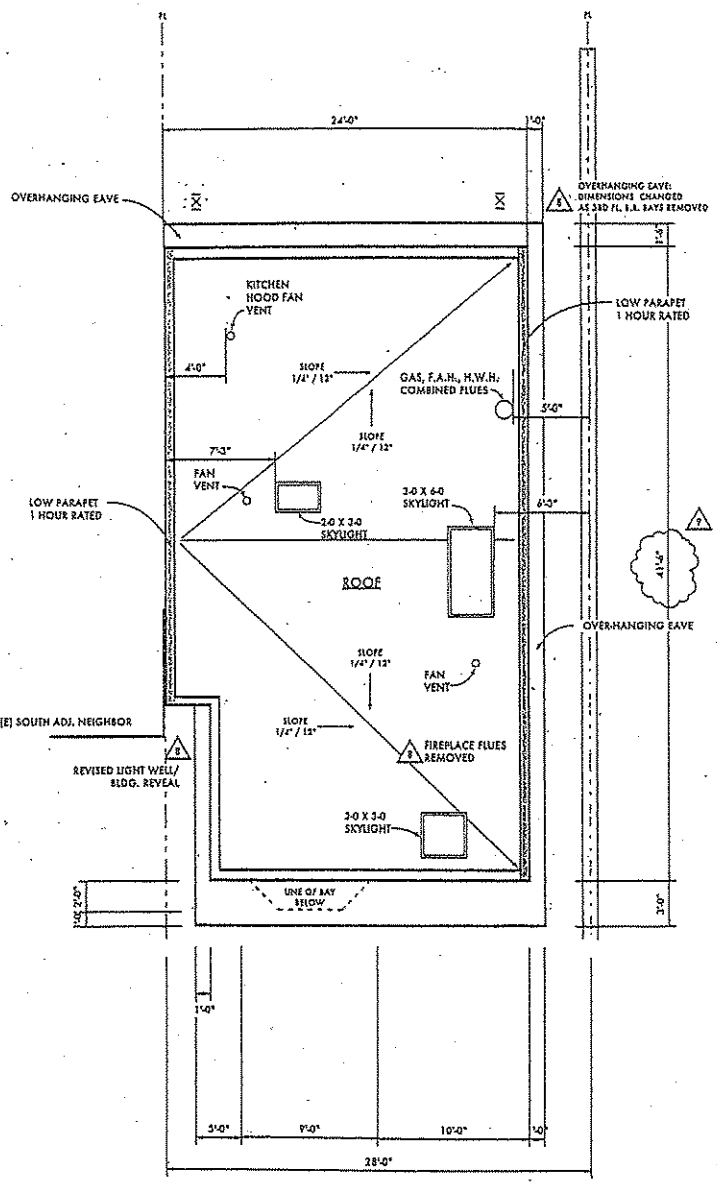
A4



1 PROPOSED 3RD FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"

155

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

PROPOSED PLANS
3RD FL & ROOF

REVISION/ISSUE	DATE
	3/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/08/09 R.D.T. UPDATES
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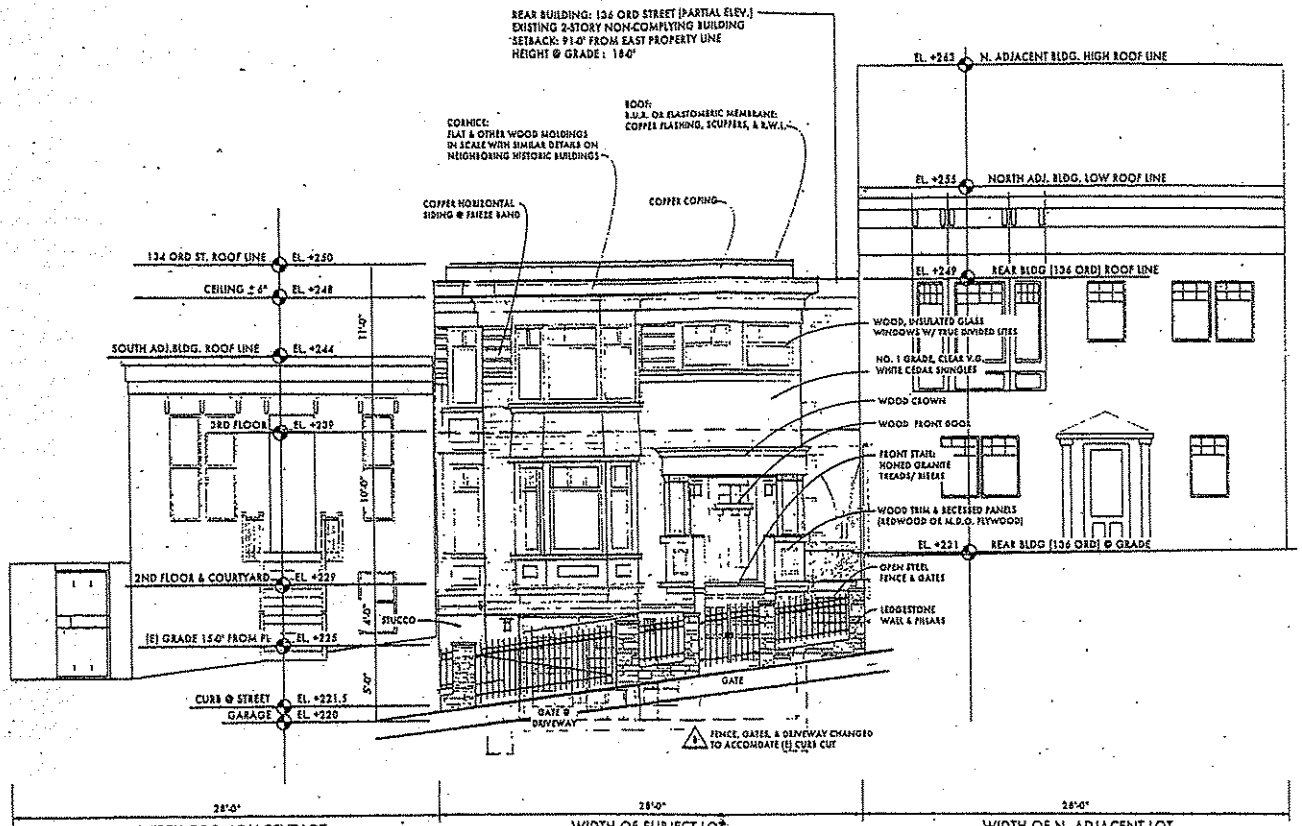
A5



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

156

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

PROPOSED
EAST ELEVATION

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 - DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
5	9/08/09 R.D.T. UPDATES
6	10/01/09 311 NOTICE
7	12/18/09 RESPONSE TO S.F.P.C. & NEIGHBORS
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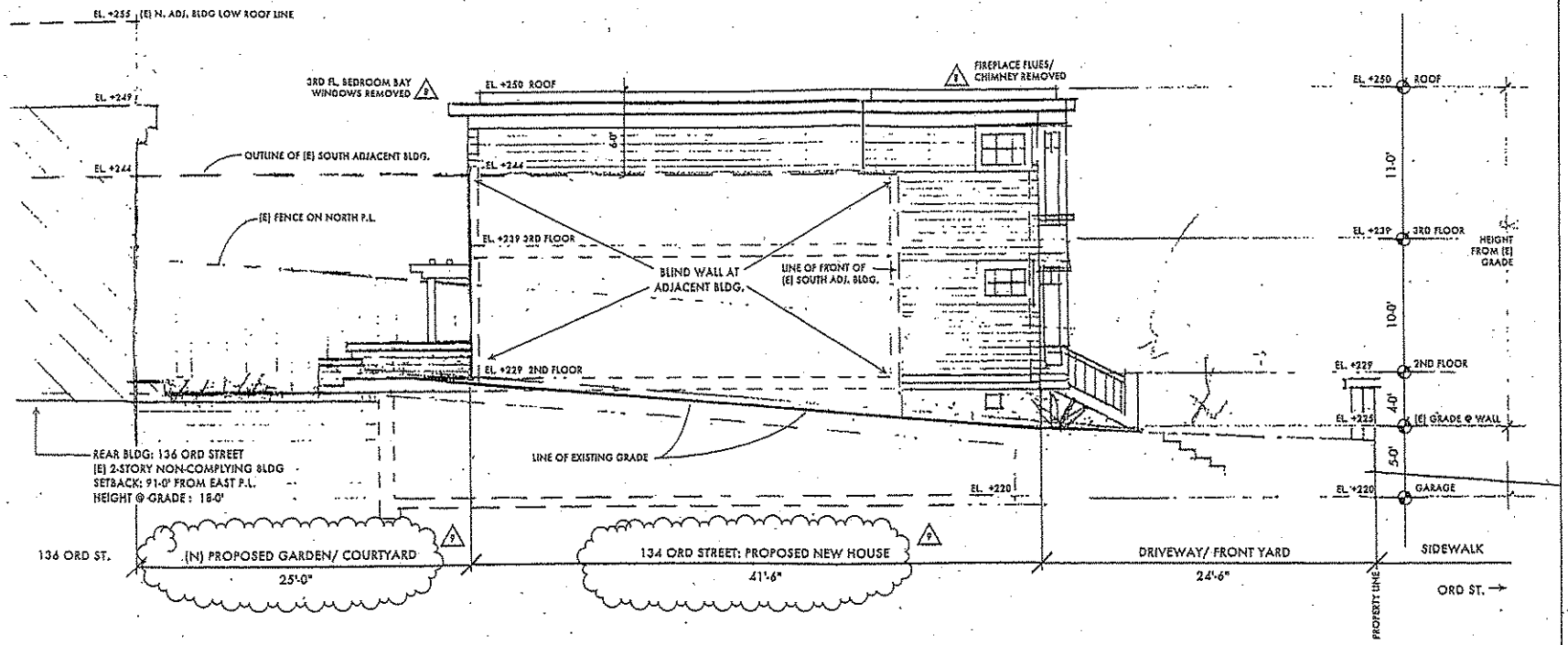
A6



1 PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

157

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

PROPOSED SOUTH ELEVATION

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
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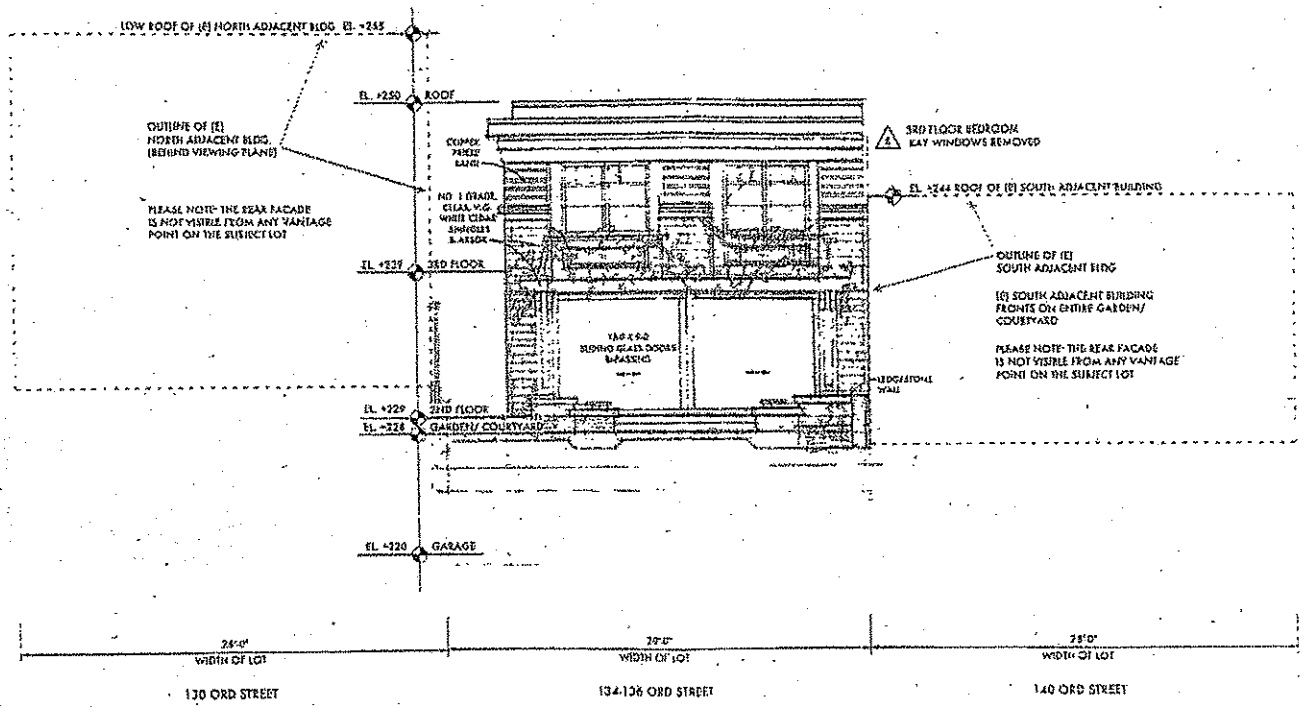
A7



1 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"

158

134 ORD STREET
SAN FRANCISCO
CA, 94114

BLK: 2657 LOT: 004

PROPOSED THREE STORY HOUSE

PROPOSED
WEST ELEVATION

REVISION/ISSUE	DATE
	8/21/08
1	3/10/09 DESIGN PHASE
2	4/29/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 R.D.T. REVIEW
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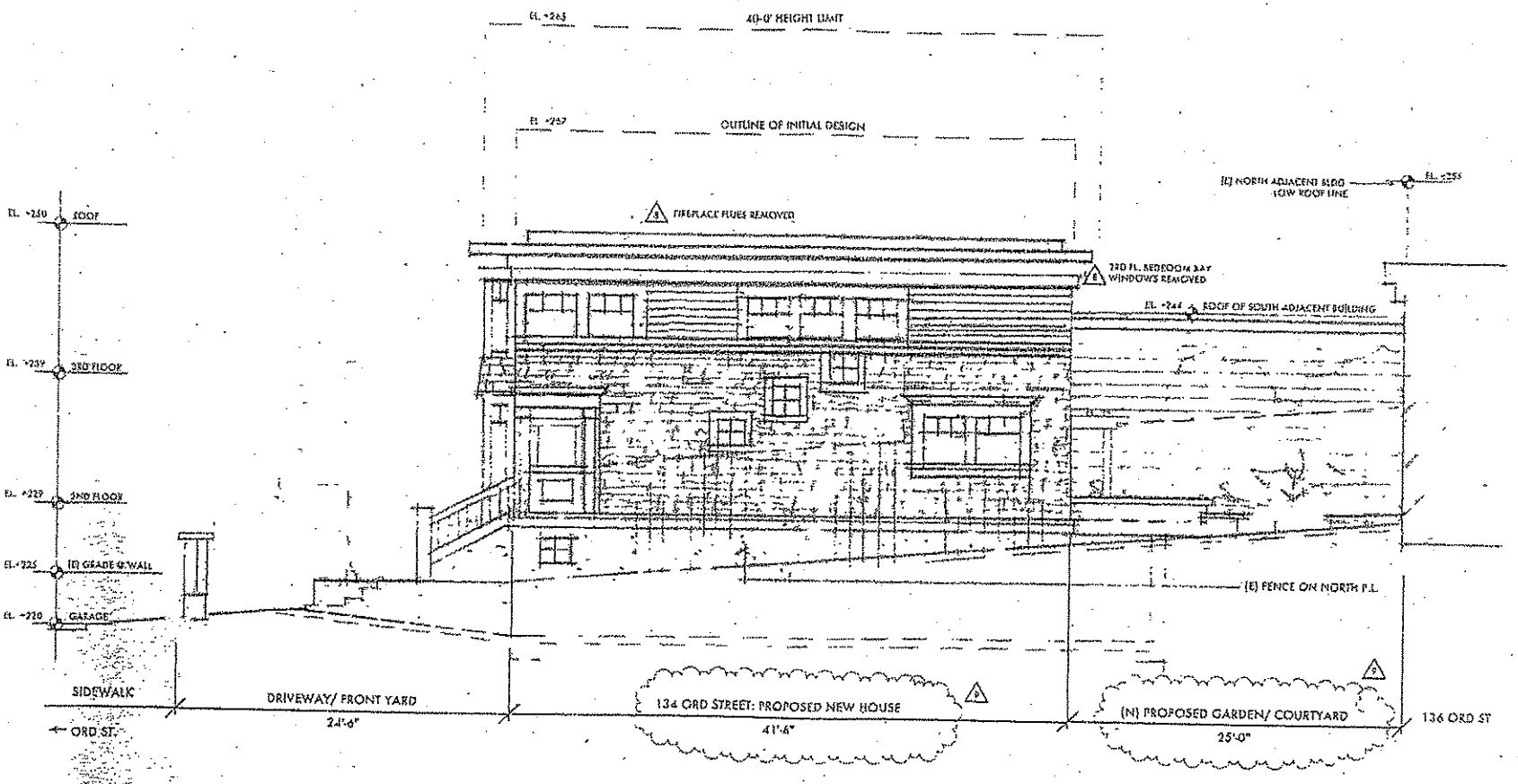
A8



1 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

134 ORD STREE
SAN FRANCISC
CA, 94114

BLK: 2657 LOT: 00

PROPOSED THREE STORY HOUSE

PROPOSED NORTH ELEVATION

REVISION/ISSUE	DATE
	8/21/08
1	3/18/09 DESIGN PHASE
2	4/25/09 DESIGN PHASE
3	7/07/09 SITE PERMIT SUBMIT
4	8/05/09 S.F.F. REVIEW
5	9/08/09 S.F.F. UPDATES
6	10/01/09 311 NOTICE
7	12/18/09 RESPONSE TO S.F.F. & NEIGHBORS
8	6/09/10 RESPONSE TO D.R. HEARING
9	7/19/10 BUILDING PERMIT APP. REVISIONS

PHILIP MATHEWS ARCHITECT
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SAN FRANCISCO, CA 94114
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www.mathewsarchitect.com

A9

BOS-11

John F. Moroney

December 31, 2010

Honorable David Chiu, President
Care of Clerk of the Board
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RE: Appeal of Exemption/Exclusion from Environmental Review
136 Ord Street—Block 2657, Lot 004
Permit Nos.: 2008.1188E; 2009.07.14.2604

Dear President Chiu and Members of the Board:

I am the owner, occupant, sponsor, and permit holder for the project at 136 Ord Street. I am writing to request a continuance of the hearing of the "Appeal of Determination of Exemption from Environmental Review for Project Located at 134-136 Ord Street", currently scheduled for January 11, 2011.

On October 20, 2010, the north neighbor at 130 Ord Street filed an appeal of the issuance of the site permit for my project with the Board of Permit Appeals (BOPA). The hearing date was initially set for January 12, 2011. Citing a work obligation that prevents me from being present for the hearing during any weekday in January, I was granted my request to reschedule the hearing to December 15, 2010 by the President of the Board of Permit Appeals when the BOPA Appellant (130 Ord neighbor) did not respond to my request. On October 23, 2010 when the BOPA Appellant and I met in an attempt to address her concerns, I shared with her the information that attendance at a hearing in January would present a hardship for me. I have the same circumstances here.

On December 9, 2010, Mr. Stephen M. Williams filed a brief on behalf of Corbett Heights Neighbors appealing my project's Exemption/Exclusion from Environmental Review (CEQA). It is noteworthy that the BOPA Appellant let pass the opportunity to file a brief with the BOPA due on the same day. I am concerned that these represent continued coordination of efforts by the Corbett

Heights Neighbors and the 130 Ord Street owner (both filed requests for Discretionary Review) to interfere with my plans to improve my property.

I remain unable to attend a CEQA Appeal hearing in January due to the out of state work commitment I have attempted to reschedule, without success, since late October. Proceeding as planned with a January 11 CEQA hearing represents a hardship, and I respectfully request continuance to February 1, 2011.

Sincerely,

John F. Moroney
Owner, Occupant, Sponsor, and Permit Holder; 136 Ord Street

cc: Susanne Kelly
Edward Gama
Stephen Williams

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 proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, January 11, 2011**

Time: **4:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **File No. 101547. Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorically Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which new building would be located in front of an existing building on the lot, Lot No. 004 in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors)**

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to

Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, January 6, 2011.

Madeleine Licavoli

for Angela Calvillo
Clerk of the Board

DATED: December 30, 2010

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

December 15, 2010

Stephen M. Williams, Attorney
Corbett Heights Neighbors
1934 Divisadero Street
San Francisco, CA 94115

Subject: Appeal of Determination of Exemption from Environmental Review for Project Located at 134 - 136 Ord Street.

Dear Mr. Williams:

The Office of the Clerk of the Board is in receipt of a memorandum dated December 15, 2010, (copy attached) from the City Attorney's office regarding the timely filing of an appeal of Determination of Exemption from Environmental Review for the property located at 134 - 136 Ord Street.

The City Attorney has determined that the appeal was filed in a timely manner.

A hearing date has been scheduled on **Tuesday, January 11, 2011 at 4:00 P.M.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing.

Please provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Andrea Ausberry at (415) 554-4442.

Very truly yours,

Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Acting Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Robin Mackey, 249 Bocana Street, San Francisco, CA 94110
Cynthia Goldstein, Executive Director, Board of Appeals
Victor Pacheco, Board of Appeals

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne
Deputy City Attorney MGB

DATE: December 14, 2010

RE: Appeal of Determination of Exemption from Environmental Review for Project Located at 134-136 Ord Street

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by Stephen M. Williams, on behalf of the Corbett Hill Neighbors, received by the Clerk's Office on December 9, 2010, of the Planning Department's determination that a project located at 134-136 Ord Street is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves construction of a new single-family home at the front of the subject lot, which new building would be located in front of an existing building on the lot. The Appellant provided a copy of the Planning Department's staff report ("Discretionary Review Analysis," dated April 8, 2010) for a hearing requesting that the Planning Commission take discretionary review, which report indicated that the Planning Department had determined that the proposed project was exempt from CEQA.

Although the Planning Commission's agenda for April 15, 2010 included consideration of a request that the Commission take discretionary review over the proposed project, the matter was continued. It was finally heard by the Commission on July 8, 2010, when the Commission voted not to take discretionary review and to approve the project as proposed. We are informed that a building permit was issued for the work on October 5, 2010 (Permit No. 2009.07.14.2604), which permit was then appealed to the Board of Appeals. The permit appeal hearing has been calendared for hearing on December 15, 2010 (Board of Appeal Case No. 10-115). Accordingly, the building permit for the proposed work is not final.

Because the building permit for the proposed work is not yet final, it is our view that the appeal is timely. Therefore, the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Francesca Gessner, Deputy City Attorney
John Rahaim, Director, Planning Department

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: December 14, 2010
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project Located at 134-136 Ord Street

Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Cynthia Goldstein, Board of Appeals

BOARD of SUPERVISORS

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

December 9, 2010

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira
Deputy Director

Subject: Appeal of Categorical Exemption from Environmental Review for Property Located at 136 Ord Street, Block 2657, Lot 004

An appeal of categorical exemption from environmental review issued for property located at 136 Ord Street, Block 2657, Lot 004, was filed with the Office of the Clerk of the Board on December 9, 2010, by Stephen M. Williams on behalf of the Corbett Heights Neighbors.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions #5, I am forwarding this appeal, with attached documents, to the City Attorney's office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Nannie Turrell, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department