February 9, 2015

To: Clerk of the Board of Supervisors
#1 Dr. Carlton B. Goodlett Place, Room #244
San Francisco, CA 94102

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

Please take notice that I wish to appeal the decision of the San Francisco Planning Commission that occurred at the January 8, 2015 hearing regarding 53 States Street. The basis for my appeal, in part, is that that the Planning Commission's CEQA determination failed to consider, among other things, the cumulative and potentially piecemeal impacts of this project with other ongoing projects along States Street and nearby neighborhoods.

Hector Martinez — Date 2/9/15

HectorMARZ@hotmail.com

SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review Action DRA-0399

HEARING DATE: JANUARY 8, 2015

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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

PREAMBLE

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

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

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

project's compatibility with the neighborhood, including the removal of the proposed stair penthouse and roof deck, and the reduction in scale and massing of the overall structure.
The following changes were made to the project:

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

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

ACTION

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

BASIS FOR RECOMMENDATION:

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

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

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal the decision for this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is approved. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street #304, San Francisco, CA 94103-2481.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the project as referenced in this action memo on January 8, 2015.

Jonas P. Ionin
Commission Secretary

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

NAYS:

ABSENT: Commissioner Wu

ADOPTED: January 8, 2015.

SAN FRANCISCO
PLANNING DEPARTMENT

DOCKET COPY
DO NOT REMOVE
2014.0177E-5b 1/14

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
53 States St		2623/074	
Case No.	Permit No.	Plans Dated	
2014.0177E		1/31/14	
☑ Addition/ Alteration	☐ Demolition (requires HRER if over 50 years old)	☐ New Construction	☐ Project Modification (GO TO STEP 7)

Project description for Planning Department approval.

Demolition of a single-family dwelling and new construction of a two-residential-unit building with parking.

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? *(refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)*
☐	**Hazardous Materials:** Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

☐	**Soil Disturbance/Modification:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Noise:** Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or on a lot with a slope average of 20% or more? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)*
☐	**Slope = or > 20%: :** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? *Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Landslide Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Liquefaction Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required**
☐	**Serpentine Rock:** Does the project involve any excavation on a property containing serpentine rock? *Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)*
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an *Environmental Evaluation Application* is required.</u>	
☑	**Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.**
Comments and Planner Signature (*optional*): Jean Poling	

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

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☒	**Category B:** Potential Historical Resource (over 50 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 50 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PRESERVATION PLANNER

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

☐	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):
☒	9. **Reclassification of property status** to Category C. (*Requires approval by Senior Preservation Planner/Preservation Coordinator*) a. Per HRER dated: _____ (*attach HRER*) b. Other (*specify*): per PTR form dated 5/16/2014
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
☒	**Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**
Comments (*optional*): Gretchen A. Hilyard 5-28-2014	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either (*check all that apply*): ☐ Step 2 – CEQA Impacts ☐ Step 5 – Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***
☒	**No further environmental review is required. The project is categorically exempt under CEQA.**

Planner Name: Gretchen A. Hilyard	**Signature or Stamp:** Gretchen A. Hilyard 5-28-2014
Project Approval Action: Select One CPC Action *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

SAN FRANCISCO
PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion	5/16/2014

PROJECT INFORMATION:		
Planner:	Address:	
Gretchen Hilyard	53 States Street	
Block/Lot:	Cross Streets:	
2623/074	Castro Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	n/a	2014.0177E

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
◉ CEQA	○ Article 10/11	○ Preliminary/PIC	◉ Alteration	○ Demo/New Construction

DATE OF PLANS UNDER REVIEW:	1/31/2014

PROJECT ISSUES:	
☒	Is the subject Property an eligible historic resource?
☐	If so, are the proposed changes a significant impact?
	Additional Notes:

Submitted: Supplemental Information Form prepared by Tim Kelley Consulting (dated November 2013).

Proposed project: demolition of existing single-family residence and construction of a two-unit residential building with parking.

PRESERVATION TEAM REVIEW:			
Historic Resource Present	○ Yes	◉ No *	○ N/A

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ○ Yes ◉ No	Criterion 1 - Event: ○ Yes ◉ No
Criterion 2 -Persons: ○ Yes ◉ No	Criterion 2 -Persons: ○ Yes ◉ No
Criterion 3 - Architecture: ○ Yes ◉ No	Criterion 3 - Architecture: ○ Yes ◉ No
Criterion 4 - Info. Potential: ○ Yes ◉ No	Criterion 4 - Info. Potential: ○ Yes ◉ No
Period of Significance:	Period of Significance:
	○ Contributor ○ Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	○ Yes	○ No	◉ N/A
CEQA Material Impairment:	○ Yes	◉ No	
Needs More Information:	○ Yes	◉ No	
Requires Design Revisions:	○ Yes	◉ No	
Defer to Residential Design Team:	◉ Yes	○ No	

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

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information Form for Historic Resource Determination prepared by Tim Kelley Consulting (dated November 2013) and information found in the Planning Department files, the subject property at 53 States Street contains a 1-story-over basement; wood frame single-family residence constructed in 1911 in a Vernacular architectural style. The original architect is unknown. Known alterations to the property include: recladding the front with wood shingles (1956), foundation work (2008, 2009), retaining wall work (2009), and convert existing storage space on lower level to living space, new windows (2009). Unpermitted alterations include: enclosure of the entry porch (unknown date), construction of a rear addition (between 1913 and 1938).

No known historic events occurred at the property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject building has been altered from its original appearance and represents a vernacular single-family residence. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.

The subject property is not located within the boundaries of any identified historic districts. The subject property is located within the Castro/Upper Market and Corona Heights neighborhood on a block that exhibits a great variety of architectural styles, construction dates, and subsequent alterations that compromise historic integrity. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings.

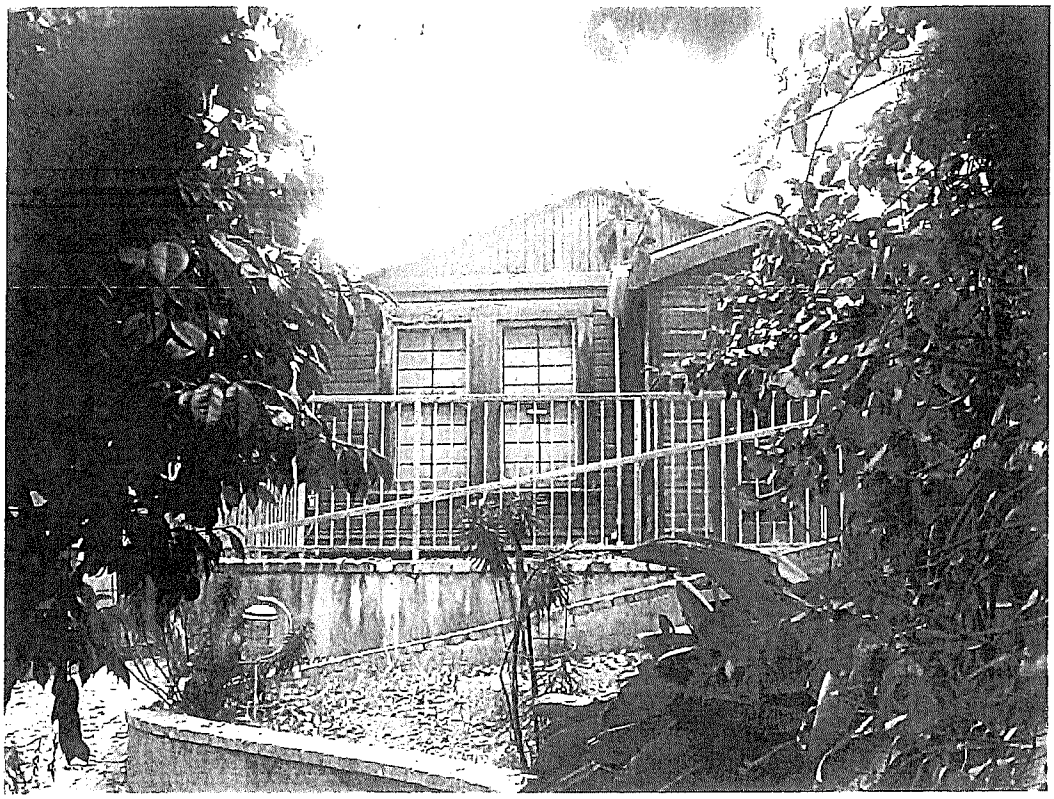
Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Mada	5-23-14

Part I Historical Resource

53 States Street

San Francisco, California



Tim Kelley Consulting, LLC

Historical Resources

2912 Diamond Street #330

San Francisco, CA 94131

415.337-5824

tim@timkelleyconsulting.com

HISTORICAL LIST
UPDATED 4/2/2014
(DO NOT SEND EIRs UNLESS SPECIFIED BY CONTACT PERSON)

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1661 Pine Street, #1028
San Francisco, CA 94109

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Coalition for Adequate Review
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Regional Clearinghouse Coordinator
c/o ABAG
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Oakland, CA 94604-2050

Karin Flood
Union Square Business Improvement District (BID)
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San Francisco, CA 94102
Karin@unionsquarebid.com
415-781-7880

National Trust for Historic Preservation
5 Third Street, Suite 707
San Francisco, CA 94103

The Art Deco Society of California
100 Bush Street, Suite 511
San Francisco, CA 94104
zelda1927@artdecosociety.org
(Prefer to be notified via email)

Executive Director
San Francisco Heritage
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San Francisco, CA 94109
sfheritage.org
415-441-3015

Courtney Damkroger
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cdamkroger@hotmail.com
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San Francisco Documents Librarian
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ELEVATIONachitects
1099 23rd Street, Suite 18
San Francisco, CA 94107

Ellen Joslin Johnck, RPA
101 Lombard Street, 3rd Floor
San Francisco, CA 94103

CATEGORICAL EXEMPTIONS

Case #: 2014.0177E Date: 5.28.2014

"E" Planner's Name: Gretchen Hilyard

FOR HRER LOG:

Historic Resource Present: ☐ YES ☒ NO
Individual Resource: ☐ YES ☒ NO
Historic District: ☐ YES ☒ NO
Contributor ☐ Non Contributor ☐

FOR MAILING

☒ Attach to Cat Ex for closure

Copy and send to: ☒ Owner

Address: Marvin + Elisabeth Tien
3796 16th St, 94114

☒ Project Contact

Address: Jill Allen
3246 Fell St, 94110

☒ Planner/Other: Delvin Washington

☒ Historic Preservation List

☐ Board of Supervisors _____ (if action to be taken by the Board)

Close in Case Editing: ☒ Yes ☐ No

☐ Other instructions if any: _____

T Chang

Bridge to Bridge
REAL ESTATE
APPRAISERS

454 Las Gallinas Ave., Suite 111, San Rafael, CA 94903 415-640-0916 voice 800-499-1489 fax

January 8, 2015

Marvin Tien
3796 16th Street
San Francisco, CA 94114

RE: Appraisal – Residential Property
53 States Street
San Francisco, CA 94114
APN: Block 2623 Lot 074

Dear Mr. Tien:

In accordance with your recent request and authorization I have inspected and appraised the residential property located at 53 States in the city and county of San Francisco, California. The appraisal was made to provide you with an independent opinion of the market value of the fee simple interest on an as-is basis in the property. My recent exterior inspection was on January 6, 2015 and prior interior/exterior inspection was September 9, 2014. The purpose of the appraisal is to a determine current market value only. This appraisal is not for loan purposes.

The report which will follow on January 9, 2015, has been prepared to the standards addressed in the Uniform Standards of Professional Appraisal Practice (USPAP). It describes in summary fashion the area, neighborhood, site, improvements, highest and best use, and my appraisal. It contains pertinent data considered in reaching the valuation conclusions. Please note in particular, the Statement of Limiting Conditions and Assumptions found in the report.

The interior and exterior of the property was inspected and appraised by Paula Saling without significant professional assistance from any other persons. I performed a complete appraisal process and a report as described in USPAP.

Based on my inspection, investigation, and analyses undertaken, I have formed the opinion that as of January 6, 2015, and subject to the definition of value, assumptions, and limiting conditions, and certification herein, the subject property has a fee simple market value in its as-is condition as follows:

ONE MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS

$1,550,000

The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated. The above value estimate does not include any personal property, fixtures, or intangibles.

This letter is not intended to provide the data or conclusions. The report, which follows on January 9, 2015, must be read in its entirety to allow the user to fully comprehend the market data I relied on, my value conclusions, assumptions, and limiting conditions.

Respectfully submitted,

Paula Nowicki Saling
State of California
Certified General Real Estate Appraiser #AG016454

HECTOR R MARTINEZ
1939 Harrison Street, Suite 730
Oakland, CA 94612

9176
90/7162

DATE 2/9/15

PAY TO THE ORDER OF San Francisco Planning Dept $ 547.00

Five hundred forty seven and 00/100 DOLLARS

Security Features Included. Details on Back.

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO

MP