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From: Kimberly D. Schultz [KSchultz@hansonbridgett.com]
Sent: Friday, April 03, 2015 11:53 AM
To: BOS Legislation, (BOS)
Cc: Brett Gladstone
Subject: Appeal of Approval and Categorical Exemption Determination of 53 States Street Demolition and Construction Project, San Francisco, CEQA Categorical Exemption Case No. 2014.0177E
Attachments: 53 States Street Letter to Board of Supervisors April 2 2015.pdf

Dear Sir or Madam:

Please see attached letter which was hand delivered to the Board this morning. Thank you.

Sincerely,

Kimberly D. Schultz
Legal Secretary
Hanson Bridgett LLP
(415) 995-5136 Direct
(415) 541-9366 Fax
KSchultz@hansonbridgett.com



HansonBridgett

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San Francisco, CA 94105

San Francisco | Sacramento | North Bay | East Bay



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The foregoing applies even if this notice is embedded in a message that is forwarded or attached.



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

**RECEIVED AFTER THE ELEVEN-DAY
 DEADLINE, BY NOON, PURSUANT TO ADMIN.
 CODE, SECTION 31.16(b)(5)**
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April 2, 2015

BY EMAIL AND HAND DELIVERY

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

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

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

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

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

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

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

Description of the Parties Who Are Developing This Lot.

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

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

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

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

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

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

I. Project Description.

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

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

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

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

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

III. History of this Project.

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

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

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

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

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

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

V. The Categorical Exemption is Appropriate for the Project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Very truly yours,



M. Brett Gladstone

Enclosures

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

LAND APPRAISAL REPORT

File No.: 53States09-2014

(This area is intentionally left blank for the appraiser's notes and analysis.)

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

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

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

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


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

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

- Limiting cond./Certifications
- Narrative Addendum
- Location Map(s)
- Flood Addendum
- Scope of Work
- Photo Addenda
- Parcel Map
- Hypothetical Conditions
- Extraordinary Assumptions
- Income/Expense Analysis

Client Contact: _____ Client Name: Marvin Tien

E-Mail: marvin.tien@nantaicapital.com Address: 3796 16th St, Suite 3585, San Francisco, CA 94114

<p>APPRaiser</p> <p style="text-align: center;"></p> <p>Appraiser Name: <u>Paula L. Saling</u></p> <p>Company: <u>Bridge to Bridge Appraisers</u></p> <p>Phone: <u>(415) 640-0916</u> Fax: <u>(800) 499-1489</u></p> <p>E-Mail: <u>info@arc4value.com</u></p> <p>Date of Report (Signature): <u>01/09/2015</u></p> <p>License or Certification #: <u>AG016454</u> State: <u>CA</u></p> <p>Designation: <u>Certified General Appraiser</u></p> <p>Expiration Date of License or Certification: <u>02/23/2016</u></p> <p>Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect (Desktop)</p> <p>Date of Inspection: <u>01/06/2015</u></p>	<p>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</p> <p>Supervisory or Co-Appraiser Name: _____</p> <p>Company: _____</p> <p>Phone: _____ Fax: _____</p> <p>E-Mail: _____</p> <p>Date of Report (Signature): _____</p> <p>License or Certification #: _____ State: _____</p> <p>Designation: _____</p> <p>Expiration Date of License or Certification: _____</p> <p>Inspection of Subject: <input type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect</p> <p>Date of Inspection: _____</p>
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SIGNATURES

RECONCILIATION

ATTACH:

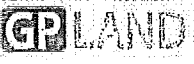
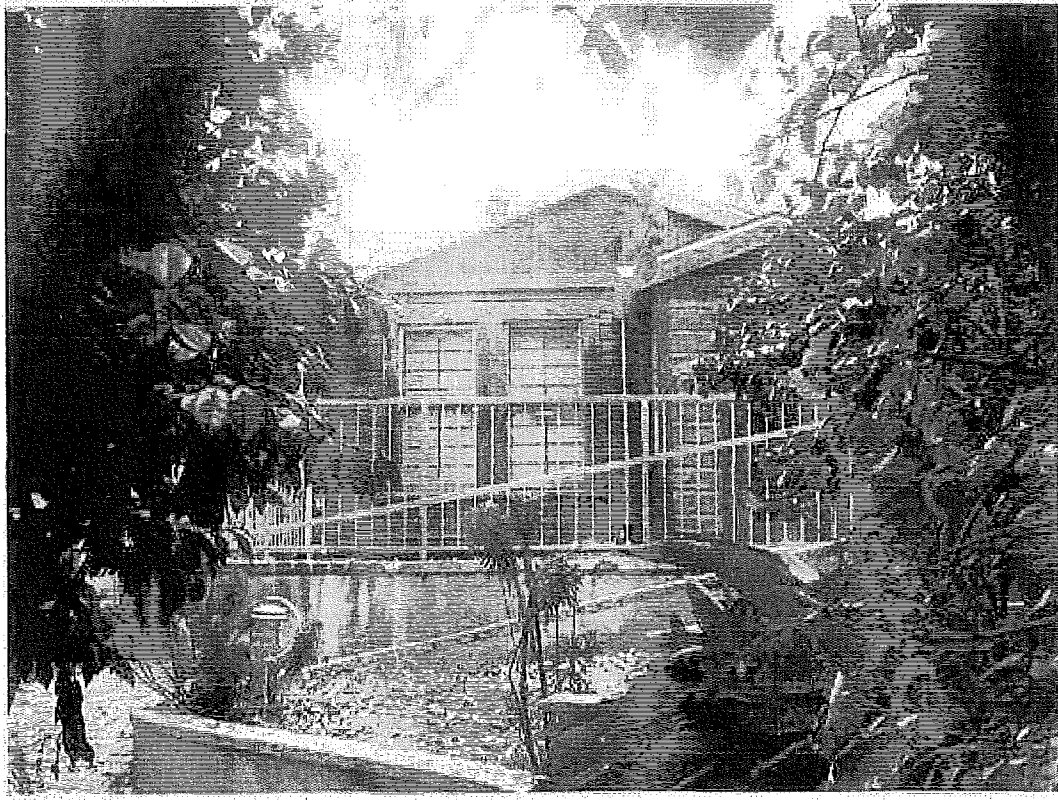


EXHIBIT 2

PART I HISTORICAL RESOURCE

53 STATES STREET

SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

2912 DIAMOND STREET #330

SAN FRANCISCO, CA 94131

415.337-5824

TIM@TIMKELLEYCONSULTING.COM

VI. EVALUATION OF HISTORIC STATUS

The subject property was evaluated to determine if it was eligible for listing in the California Register of Historical Resources, either individually or as a contributor to an historic district. The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

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

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

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

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

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

A. Individual Eligibility

- Criterion 1 (Events)

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

- Criterion 2 (Persons)

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

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

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

While well known due to his many years work at the San Francisco Chronicle, Dietrich does not appear to be important to local, California, or national history. He exhibited paintings at various galleries over the years, but "his original artwork did not provide him with reliable income".² His finest work was produced from 1973 to his death in 2000³ after his 1953 to 1969 residence in the subject building.

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

- Criterion 3 (Architecture)

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

- Criterion 4 (Information Potential)

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

B. District

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

² *ibid*

³ *ibid*

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

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

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

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

⁴ Office of Historic Preservation. "Instructions for Recording Historical Resources," Sacramento, 1995

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

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

VII. INTEGRITY

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

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

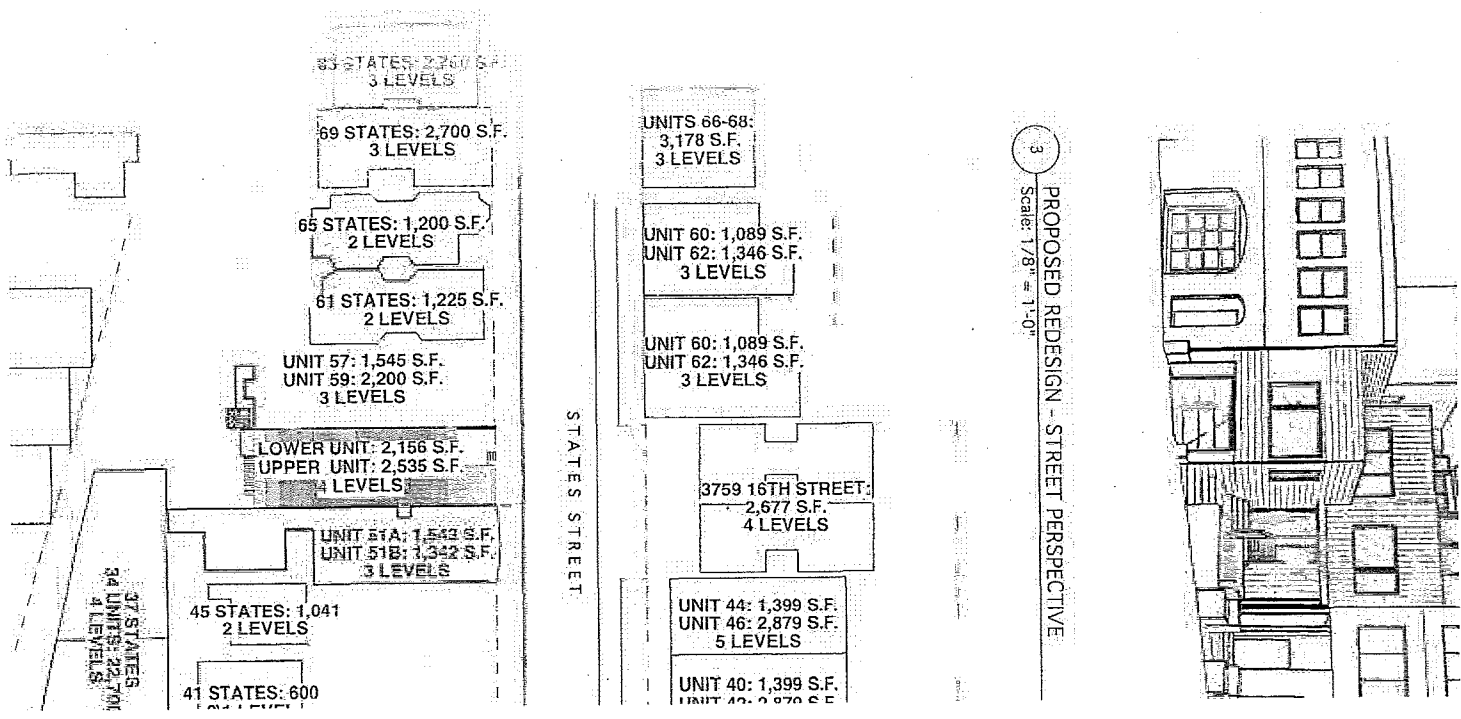
- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships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

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

VIII. CONCLUSION

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

EXHIBIT 3



TIEN RESIDENCE

53 STATES STREET
SAN FRANCISCO, CA 94114



JOHN LUM ARCHITECTURE INC.
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110
TEL: 415 558 9550 FAX: 415 558 0654

PROJECT DATA:

CODES:

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

PROJECT ADDRESS:

53 STATES STREET
SAN FRANCISCO, CA 94114

PROJECT DESCRIPTION:

- DEMOLITION OF A SINGLE-FAMILY RESIDENCE
- NEW CONSTRUCTION OF 3-STORY (PLUS GARAGE LEVEL) TWO-UNIT BUILDING; ONE UNIT TO HAVE 3 BEDROOMS & 3.5 BATHS; THE SECOND UNIT TO HAVE 3 BEDROOMS & 2.5 BATHS
- BOTTOM LEVEL IS GARAGE WITH TWO PARKING SPACES
- ENTIRE BUILDING TO BE SPRINKLERED PER CRC 15.06.040 SECTION R913.2

PLANNING INFORMATION:

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

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

SIDE: NONE

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

GROSS FLOOR AREA:

EXISTING:	
1ST FLOOR:	848 G.S.F.
2ND FLOOR:	568 G.S.F.
TOTAL:	1,554 G.S.F.
PROPOSED:	
GARAGE:	760 G.S.F.
LOWER UNIT:	2,125 G.S.F.
UPPER UNIT:	2,220 G.S.F.
CIRCULATION:	375 G.S.F.
TOTAL:	5,480 G.S.F.
NET CHANGE:	+ 3,926 G.S.F.
(PREVIOUS TOTAL:	6,725 G.S.F.)

BUILDING INFORMATION:

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

PROJECT PARTICIPANTS:

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

T. 310. 963. 8087

ARCHITECT:
JOHN LUM ARCHITECTURE
3246 17TH STREET
SAN FRANCISCO, CA 94110

T. 415. 558. 9550 x.21
T. 415. 558. 0654

GENERAL CONTRACTOR:
T.B.D.

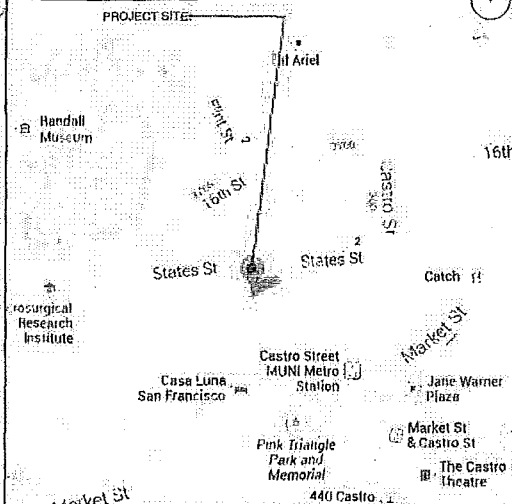
STRUCTURAL ENGINEER:
T.B.D.

DRAWING INDEX:

ARCHITECTURAL

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

VICINITY MAP:



TIEN STATES RESIDENCE

53 STATES ST
SAN FRANCISCO, CA 94114

53 STATES ST
SAN FRANCISCO, CA 94114

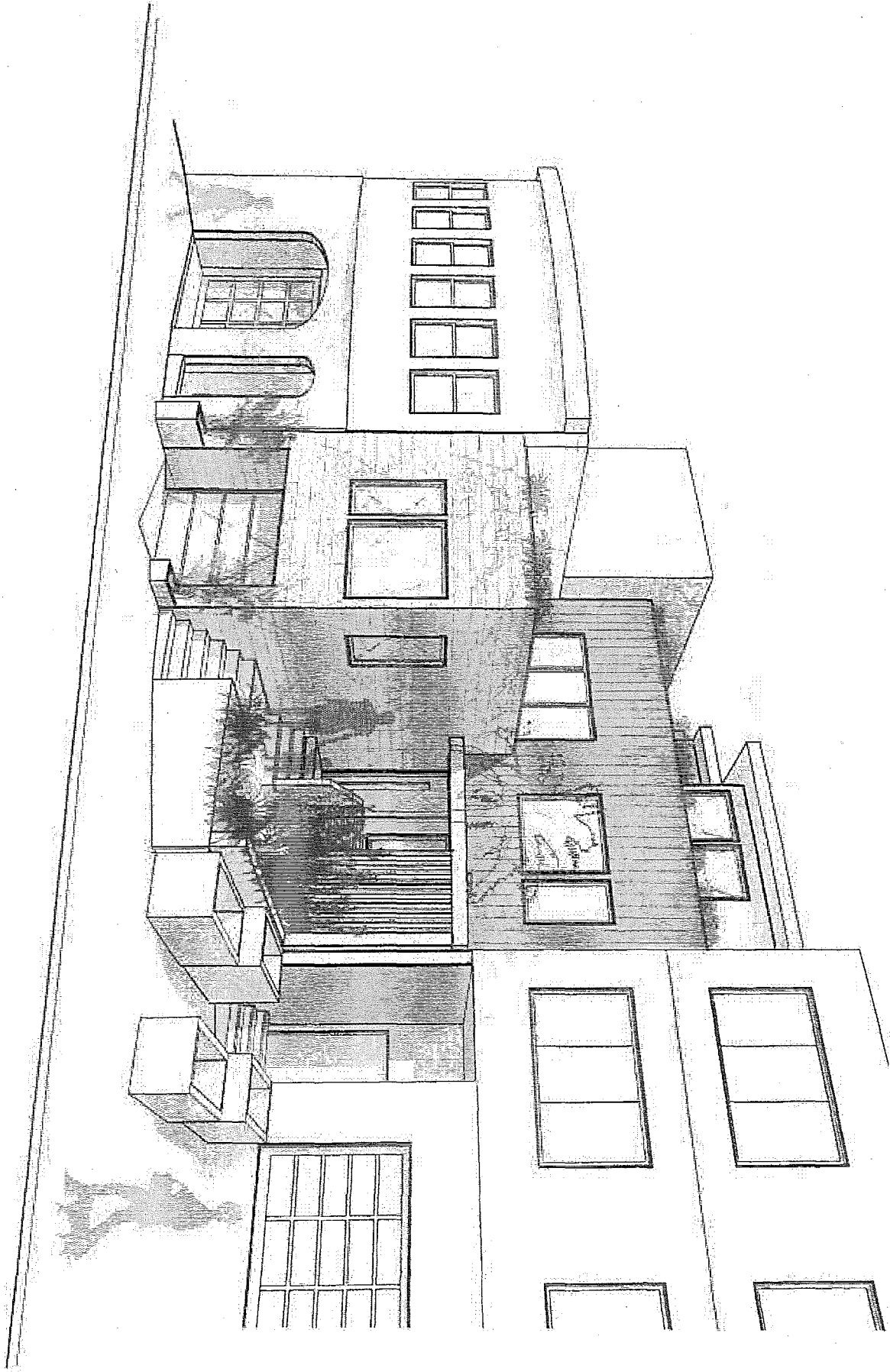
REDUCED SET SCALE = 50%

DATE	ISSUES/REVISIONS	BY
11.10.13	Project Review	ja
11.26.13	Pre-App Meeting	ja
12.11.13	Pre-App Meeting	ja
01.08.14	Pre-App Meeting	ja
01.31.14	Demo/311 Submittal	ja
08.24.14	Revision 1	ja
07.22.14	Revision 2	ja
11.10.14	Discretionary Review	hm
12.09.14	Discretionary Review	aa
12.22.14	Redesign	aa
12.24.14	Redesign Revisions	aa

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

TITLE SHEET

A0.0



ADJACENT PROPERTY
51A & 51B STATES

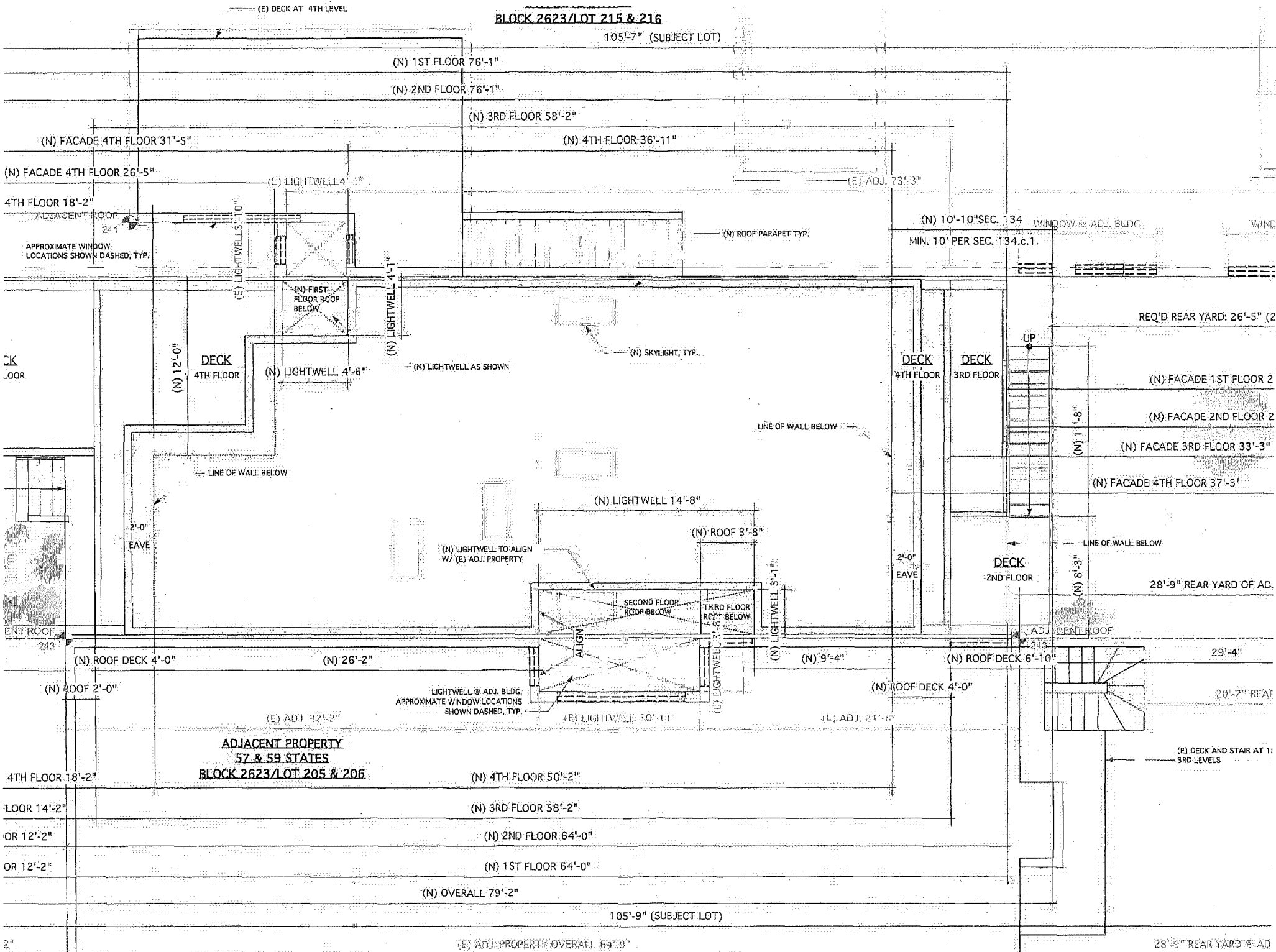
SUBJECT PROPERTY
53 STATES

ADJACENT PROPERTY
57 & 59 STATES



PROPOSED NORTH ELEVATION

1/8" = 1'-0"



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

105'-7" (SUBJECT LOT)

(E) ADJ. 26'-7"

(E) LIGHTWELL 4'-1"

(E) ADJ. 73'-3"

(E) 53 STATES ST 32'-0"

(E) 53 STATES ST 26'-7"

(E) 53 STATES ST 18'-0"

WINDOW @ ADJ. BLDG

WIND

(E) CONCRETE
3 WALL

(E) CONCRETE WALL
2E, TYP.

REMOVE (E) RAMP AND PATIO

REMOVE (E) ROOF

DISCONNECT AND REMOVE (E)
SOLAR PANELS

VE (E) LANDSCAPED PATH

(E) 53 STATES ST 18'-5"

(E) 53 STATES ST 4'-4"

(E) 53 STATES ST 6'-5"

SUBJECT PROPERTY
53 STATES
BLOCK 2623/LOT 074

(E) 53 STATES ST 6'-7"
(E) 53 STATES ST 10'-9"
(E) 53 STATES ST 7'-8"

(E) 53 STATES ST REAR YAR

REMOVE (E) STAIR &
LANDING

(E) ADJ. 32'-2"

(E) LIGHTWELL 10'-11"

(E) LIGHTWELL 3'-8"

(E) ADJ. 21'-8"

(E) 53 STATES ST 26'-7"

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

105'-9" (SUBJECT LOT)

20'-2" REAR

(E) DECK AND STAIR AT 1ST
3RD LEVELS

(E) ADJ. PROPERTY OVERALL 64'-9"

25'-8" REAR YARD @ ADJ

OUTLINE OF ADJACENT WEST
PROPERTY 57 & 59 STATES IN
FOREGRD.

ALUMINUM WINDOWS &
DOORS, TYP.

ON-AB SETBACK

(N) PROPERTY-LINE
PARAPET WALL TO MATCH
HEIGHT ADJ. BLDG.

(N) TEMPERED
GLASS GUARDRAIL

BLIND
PROPERTY-LINE
WALL

(E) GRADE & PROPERTY LINE

42" MIN.

42" MIN.

EA
(B)

ELEVATION

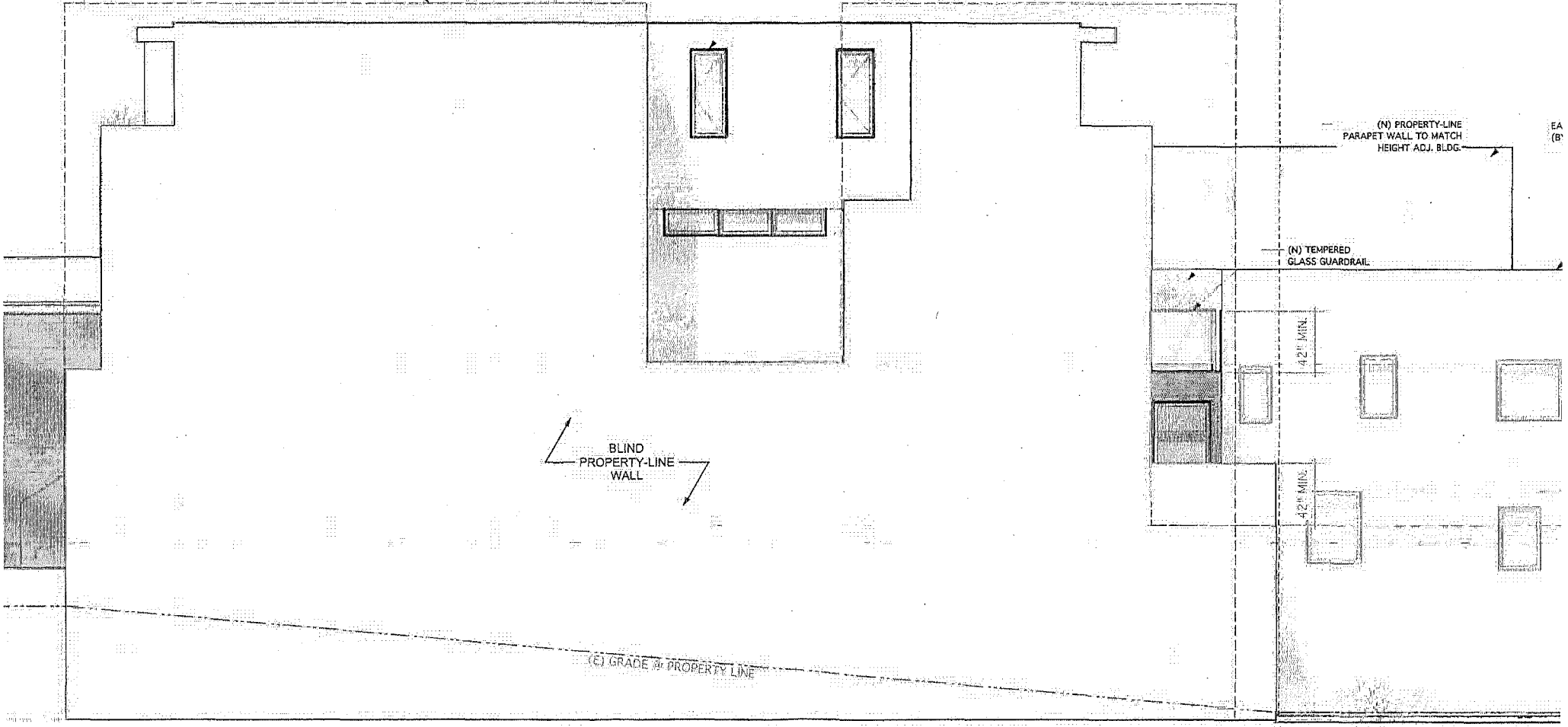


EXHIBIT 5



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0399

HEARING DATE: JANUARY 8, 2015

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

PREAMBLE

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

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

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

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

The following changes were made to the project:

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

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

ACTION

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

BASIS FOR RECOMMENDATION:

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

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

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

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

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

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

Jonas P. Ionin
Commission Secretary

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

NAYS:

ABSENT: Commissioner Wu

ADOPTED: January 8, 2015.

EXHIBIT 6

53 States Street

Neighbor Letters of Support

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

EXHIBIT 7

List of Modifications to Project

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



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

STEP 1: EXEMPTION CLASS

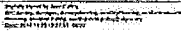
TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i> Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input checked="" type="checkbox"/>	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)
<input type="checkbox"/>	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)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: : Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	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? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	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? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)</i>
*If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling 	
Archeo clearance 3/6/14	

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

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

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

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

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

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

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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

DATE OF PLANS UNDER REVIEW:	1/31/2014
------------------------------------	-----------

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

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

Complies with the Secretary's Standards/Art 10/Art 1	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Clear Material Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revision	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Refer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

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

PRESERVATION TEAM COMMENTS:

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
<i>Jmdra</i>	5-23-14

San Francisco General Plan Residential Element

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

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

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

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

March 2, 2015.

Conclusions: [emphasis added]

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