

File No. 150858

Committee Item No. \_\_\_\_\_

Board Item No. 50

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: December 1, 2015

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

**(Click the text below for a direct link to the document)**

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - September 3, 2015</u>                         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Brief - November 24, 2015</u>                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Brief - October 20, 2015</u>                  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Continuance Letters - October 20 &amp; September 23, 2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Brief - September 21, 2015</u>                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Public Comment Letters - September 10-October 10, 2015</u>    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Subdivision Application Materials</u>                         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Clerical Documents and Hearing Notices</u>                    |

Prepared by: John Carroll

Date: November 25, 2015

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Betsy Brown, Chris Witteman on Behalf of 14 Named Individuals

(Bernal/Powhattan Neighbors) c/o 114 Nevada St SF 94110  
chriswit@saber.net

betsybrown@comcast.net

September 3, 2015

Re: Appeal of Tentative Subdivision Decision for Lot at 40 Bernal Heights Drive  
(Block/Lot 5640 010)

RECEIVED  
OFFICE OF SUPERVISORS  
SAN FRANCISCO  
2015 SEP -3 PM 1:53  
JC

Dear Board of Supervisors:

Please accept this Appeal of Tentative Approval of 4 Lot Subdivision at Powhattan Avenue and Bernal Heights Boulevard.

We the undersigned neighbors appeal the attached August 24, 2015 "Notification Letter" informing us that the City and County Surveyor, apparently in conjunction with the SF Planning Dept., has approved a four-lot subdivision of one lot that sits on a tiny and irregular-shaped triangle at the corner of Powhattan Avenue and Bernal Heights Boulevard in Bernal Heights. See Attachment A. This lot is one of the last open space hillsides on East Slope of Bernal, and offers commanding views to pedestrians, bike riders, car passengers, and commuters on the 67 Bernal Heights bus.

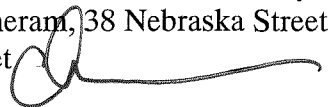
Our primary objection to this development, however, is that it is too large and too dense for the space, and for the neighborhood. The four houses proposed for this space are hugely out of proportion with surrounding houses, even those built at the height of the 1960s square-box trend. Properties within a 300' radius of the proposed development average 1313 square feet of livable space on lots averaging 2064 square feet. The developers of this lot, however, flip this ratio, proposing to build four luxury houses averaging 2139 square feet of livable space (with garages and roof decks that can take that square footage close to or over 3000 square feet), on lots averaging only 1903 square feet. See neighborhood email to Planning Department, Attachment B.

We have requested that the developers reduce the footprint of this development to three houses at 2,000 square feet, and the East Slope Design Review Board has also made a similar suggestion, to no avail. More than 120 neighbors have signed a letter opposing the development in its current configuration. See letter, Attachment C. We believe the tentative subdivision approval was made in derogation of the City's General Plan, its Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the Bernal Heights Special Use District, *all* of which put a high premium on retaining neighborhood character. This massive, dense development will materially alter the character of our neighborhood. We ask you to stop it in its current configuration, and send it back to the Planning Department for further consideration.

Sincerely,

Bernal Heights Neighbors

Deborah Barron, 1 Nebraska Street; Linda Bettencourt, 3 Nebraska Street; Mike Boss, 42 Nevada Street; Betsy Brown, 2 Nebraska Street; Kelly Carlone, 98 Nevada Street; Erin Cunningham, 140 Chapman; Steve Fritz-Rudser, 120 Chapman; Nic Griffin, Prentiss/Powhattan; Michael Lerner, 9 Nebraska Street; Lindy McKnight, 140 Chapman; Karteek Patel, 38 Nebraska Street; Colin Petheram, 38 Nebraska Street; Melissa Shaw, 3 Nebraska Street; Chris Witteman, 114 Nevada Street





Date: August 24, 2015  
PID: 8257

# THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Address	Block	Lot(s)
40 Bernal Heights	5640	010

Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

**Bruce R. Storrs P.L.S.**  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel (415) 554-5827  
Subdivision.Mapping@sfdpw.org

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

This subdivision will result in:

## 4 Lot Subdivision

This notification letter is to inform you of your right to appeal this tentative approval.

### IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors **within ten (10) days of the date of this letter** along with a check in the amount of **\$306.00**, payable to SF Public Works.

The Clerk of the Board is located at: City Hall of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184

If you have any questions on this matter, please call us at (415) 554 – 5827 or our email address: [Subdivision.Mapping@sfdpw.org](mailto:Subdivision.Mapping@sfdpw.org).

Sincerely,

Bruce R. Storrs, P.L.S.  
City and County Surveyor  
City and County of San Francisco

**From:** Betsy Brown <betsybrown@comcast.net>  
**Subject:** 40 Bernal Heights Subdivision Application — follow-up data  
**Date:** August 14, 2015 at 1:15:34 PM PDT  
**To:** brittany.bendix@sfgov.org  
**Cc:** Deborah Barron <barrondeborah@hotmail.com>, Linda Bettencourt <lbetten29@gmail.com>, Mike Boss <mboss@rockandrose.com>, Kelly Carlone <kellycarlone@gmail.com>, Erin Cunningham <erinmckc@yahoo.com>, SRudser@aol.com, Michael Lerner <mlerner@learnthenet.com>, Lindy McKnight <lindymck2@yahoo.com>, Karteek Patel <karteek@hotmail.com>, Colin Petheram <colin.petheram@gmail.com>, Melissa Shaw <melissashaw@mindspring.com>, Max.setyadiputra@sfgov.org, Jenny.delumo@sfgov.org, Amir Afifi <amir@siaconsult.com>, reza@siaconsult.com

Dear Ms. Bendix:

Thank you once again for meeting with representatives from our neighborhood group last month to discuss the proposed subdivision of the vacant lot at the intersection of Bernal Heights Drive, Nevada St., and Powhattan. We have been tracking the status of the subdivision decision online and see that approval by city agencies is pending.

We understand from our discussion with you that the relationship between lot size and proposed livable space does not figure into a subdivision decision. However, we remain concerned that a four-lot approach to this unique space will result in properties that are out of character with our neighborhood. We have gathered data to that effect, and wanted to share it with you as a follow-up to our meeting.

As you can see, compared to a neighborhood average based on information from the Recorder's Office, the proposed project would put nearly 1,000 *additional* square feet of livable space on each of four lots that are, on average, smaller than others in the vicinity.

	Neighborhood Average*	Proposed Project**
Livable space	1,313 sq. ft.	2,139 sq. ft.
Total lot size	2,064 sq. ft.	1,903 sq. ft.

\*Based on houses within a 300-foot radius of the site

\*\*Average of four proposed houses/lots

We believe this data supports our concern that the proposed project is out of scale and character with the surrounding neighborhood.

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B-1

Thank you for allowing us to have a voice in this process. If you have questions — or any additional information to share with our group — please do not hesitate to be in touch.

Sincerely,

Deborah Barron, 1 Nebraska Street

Linda Bettencourt, 3 Nebraska Street

Mike Boss, 42 Nevada Street

Betsy Brown, 2 Nebraska Street

Kelly Carlone, 98 Nevada Street

Erin Cunningham, 140 Chapman

Steve Fritz-Rudser, 120 Chapman

Michael Lerner, 9 Nebraska Street

Lindy McKnight, 140 Chapman

Karteek Patel, 38 Nebraska Street

Colin Petheram, 38 Nebraska Street

Melissa Shaw, 3 Nebraska Street

cc: Amir Afifi  
Reza Khoshnevisan  
Max Putra  
Jenny Delumo

March 2, 2015

Jenny Delumo  
San Francisco Planning Department  
1650 Mission St., Suite 400  
San Francisco, CA 94103-2479  
[Jenny.Delumo@sfgov.org](mailto:Jenny.Delumo@sfgov.org)

Bruce R. Storrs, P.L.S.  
City & County Surveyor  
Department of Public Works,  
Bureau of Street Use & Mapping  
1155 Market St., 3d Floor  
San Francisco, CA 94103  
[bruce.storrs@sfdpw.org](mailto:bruce.storrs@sfdpw.org)

Re: Comments in Response to "Notification of Project Receiving  
Environmental Review" (Case No. 2014-0002982ENV)  
40 Bernal Heights Blvd/965-1025 Powhattan Avenue —  
Protest & Objection to DPW Tentative Approval of Subdivision Map

Dear Ms. Delumo and Mr. Storrs:

We the undersigned provide these comments on the environmental impact of the above-referenced project, in response to the Planning Department's February 17, 2015 Notification of Project Receiving Environmental Review, and in response to an earlier notice of approval of tentative subdivision map, purportedly dated January 15, 2015.

We also take this opportunity to strenuously object to and protest the deeply flawed process by which DPW and the Planning Department arrived at their Tentative Map Decision, approving the subdivision of one lot into four substandard parcels, without any formal findings, based on materially misleading or incorrect statements by the developers, and with entirely inadequate notice to affected neighbors and nearby landowners.

In short, the current scope of the project greatly exceeds the existing scale of the neighborhood and is too large for the site. The project would block views, exacerbate neighborhood parking problems, and chew up one of the last open spaces on the Bernal Heights East Slope, home or potential home to threatened animal and plant species. The proposed market-rate (luxury) homes will do nothing to affect affordable housing.

We ask that this project, if it is built at all, be approved only after the current subdivision approval is rescinded and the subdivision reconsidered, and after substantial reductions to the project size are effected, in order to minimize the impact on open space, and

conform it to existing neighborhood scale and character. We note that the assertions in this letter are based on the information we have been able to obtain from the City and analyze (in conjunction with limited expert input) in the last ten days.

In particular:

1. The project exceeds the existing scale of neighborhood and is too large for the site. Until very recently, there was only one lot on the site, filling an irregular, acute-angled space where Nevada St., Powhattan Ave., and Bernal Heights Blvd. come together. The developer has requested subdivision into two lots, which will in turn consist of two parcels each, producing four parcels in the range of 1755-2073 square feet each, all substantially smaller than the 2500-square-foot and larger lot parcels on adjoining Nevada Street. On these relatively smaller lots, the developer plans to build structures substantially bigger than anything else in the neighborhood, ranging from 2760 to 3430 square feet when structures on adjoining streets are in the 900-1300-square-foot range.<sup>1</sup> The size of these proposed structures exceeds what would be permitted under the Bernal Heights Special Use District, while backyards, setbacks, and other design parameters are also not in conformance – reflecting, again, that the proposed structures are too big for the neighborhood.
2. The project will eliminate the largest piece of open hillside on the East Slope of Bernal Heights, destroy large trees and native grasses, and destroy potential habitat for threatened species. This irregular lot, together with Rosenkranz and Carver Street easements, currently constitutes the largest piece of open hillside remaining on the East Slope of Bernal Heights. Amazingly, the developers' Proposition M Findings Form states that "No ... open space will be affected by this development," the first of several materially incorrect statements in that Form. This open meadow — which was reseeded with Bernal grasses and secured by new retaining walls as part of major life-safety and utility upgrades to the neighborhood in the last decade — contains beautiful wildflowers in the spring and other flora throughout the year, and provides habitat for a rich array of bird life and other fauna. We have reason to believe that rare, endangered, or threatened species, including unique various forms of manzanita,<sup>2</sup> are found

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<sup>1</sup> On Nebraska and other adjoining Bernal streets, lot size may be as small as 25x75, or 1875 square feet, still putting two of this project's lots below the lower norm of lot size in Bernal (lots on which the built square footage typically hovers around 1000).

<sup>2</sup> For example, Bernal Heights is a designated habitat for the Franciscan Manzanita. See <https://www.federalregister.gov/articles/2012/09/05/2012-21744/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-franciscan>, and linked findings:

or could be found on this property.<sup>3</sup> In addition, there are a number of trees on the property which command its crest, at least two of which fit the San Francisco definition of "Significant Trees," and may not be removed without a special proceeding and permit.<sup>4</sup> Such open space is increasingly rare, and important, in a city of increasing density. Particularly in Bernal, such open space contributes an essential element of the neighborhood character.

3. The project will block views. Neighbors, pedestrians, and riders of the 67 Muni bus now enjoy expansive views of the East Bay and South Bay and out the Alemany Gap to the west as they travel Bernal Heights Blvd. in either direction between the Nevada/Powhattan intersection and upper Bradford Street. These vistas will be virtually obliterated by the proposed 30'-high structures. In addition, the developers apparently intend to excavate deeply into the existing hillside in order to build these houses, and will of necessity have to build large fences along Bernal Heights Blvd. to protect against pedestrians accidentally falling into these excavated "back yards." Yet again the Proposition M Findings Form submitted by developers — dated May 21, 2014 but not provided to neighbors until a February 2015 Public Records Act Request, and on which the City may have relied to make its tentative subdivision approval — flatly and incorrectly states that "the project will not block access to sunlight or vistas.")
  
4. The project will cause parking problems. Although final plans are not yet available, the developers will presumably be required to make 3 or 4 substantial curb cuts along Powhattan Ave. to accommodate driveways, which will in turn take away approximately 6-8 parking spaces from Powhattan. In addition, these 2760- to 3430-square-foot households will almost surely have and attract more

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*Unit 10: Bernal Heights -- Unit 10 consists of approximately 24 ac (10 ha), is located north of Cortland Avenue and west of U.S. Highway 101, and is surrounded by Bernal Heights Blvd. This unit is currently unoccupied. The unit is within an area that experiences summer fog; is located on sloping terrain; and contains Franciscan Complex (greenstone) and Franciscan bedrock outcrops of chert, volcanic, and sedimentary materials, soils derived from these formations, and open grassland habitat. This unit would assist in establishing an additional population of *A. franciscana* outside the Presidio and Mount Davidson areas. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains some of the last remaining appropriate habitat for the species within the area.*

<sup>3</sup> No study has been done. This is why it is critically important to revisit the behind-closed-doors Tentative Map Decision, which without explanation exempted the project from environmental review.

<sup>4</sup> San Francisco Public Works Code, Article 16, Urban Forestry Ordinance, Section 808a.



cars than can fit inside the proposed garages.<sup>5</sup> Parking spaces are already scarce in Bernal Heights. (The Proposition M Findings Form submitted by developers however, states that the Project “will not overburden ... street traffic nor will it cause parking problems,” with no backup for this assertion.)

5. The project will not contribute any affordable housing to the city's stock. Nothing in developers' package suggests that the four proposed structures will be anything other than market-rate, luxury homes.
  
6. The subdivision of this lot was done behind closed doors, without adequate notice to neighbors, with no supporting findings of fact, and apparently based on materially incorrect or misleading statements in the developers' application. As detailed in various emails to Messrs. Storrs and Lee at DPW, neighbors were entirely unaware that a subdivision process was ongoing.<sup>6</sup> The subdivision approval and exemption from environmental review was approved with no findings,<sup>7</sup> and based (if based on any factual record) on the developers' material misrepresentations in the Proposition “M” Findings Form (which asserted there was no impact on open space, views, or parking, among other statements). We are now informed that DPW now admits that the environmental exemption was a mistake. It must, therefore, revisit the tentative approval of the subdivision map. We believe that dividing one lot into four parcels raises a number of environmental issues which should be considered here.

Moreover, the San Francisco Subdivision Code clearly contemplates that neighbors will have ten days to decide whether or not to appeal a subdivision decision,<sup>8</sup> and in this case neighbors effectively had only three days to file such an appeal. At least two households are willing to sign declarations that they clearly remember *not receiving* the putative January 15, 2015 notice until late in

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<sup>5</sup> Early plans for the project call for elevator-stacking garages accommodating more than one car in at least some of the structures. As a threshold matter, such plans indicate the luxury nature of this development. Moreover, visitors to these residences — and residents who choose not to use their elevator-stacked parking (e.g., for quick trips to the market) — will compete with neighbors for the reduced amount of street parking.

<sup>6</sup> Neighbors met with the developers in Fall of 2014 under the auspices of the Bernal Heights East Slope Design Review Board. At that time, the developers stated that they “would be” applying for subdivision approval, even though the subdivision process was then pending.

<sup>7</sup> The Tentative Map Decision refers to “attached findings,” but we are informed by Mr. Storrs, a signatory to that Decision, that there were no attached findings.

<sup>8</sup> San Francisco Subdivision Code Article 9, SEC. 1314 provides that an appeal must be filed “in writing with the Clerk of the Board within 10 days of release of the decision appealed.”

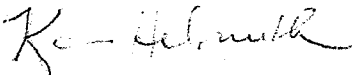
the day on January 20, leaving only 3 days to appeal (the 24<sup>th</sup> and 25<sup>th</sup> being weekend days). There are many other anomalies with the notice.<sup>9</sup>

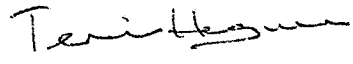
Many of the undersigned property owners have been in the neighborhood for more than 20 years, and they deserved meaningful notice of, and an opportunity to be heard on, the substantial changes to neighborhood character which the proposed subdivision threatens. Three days is not enough, not under the City's Subdivision Code, and not in any sense of fairness. For this reason, the undersigned neighbors protest and object to the tentative approval of the subdivision, and ask that it be reconsidered.

For the foregoing reasons, the undersigned neighbors object to the project as proposed, and ask that the project not be approved, or not be approved until the subdivision decision is re-analyzed and the project's scope and scale are substantially reduced.

This letter may be signed in counterparts.

Very truly yours,

  
Karen Helmuth, Psy.D.  
76 Bernal Heights Blvd.  
San Francisco, CA 94110

  
TERRI HAGUE  
76 Bernal Heights Blvd  
SF, CA 94110

cc: Supervisor David Campos  
Supervisor John Avalos  
Frank Lee, DPW

<sup>9</sup> The envelopes were postmarked June 6, 2014, over 7 months *before* DPW says it mailed the notice. DPW confirms that it does not have any certificate or proof of service for the purported January 15, 2015 mailing – nor could it. The actual mailing is apparently not done by DPW, but by a separate office. Moreover, the Tentative Map Decision is dated January 9, 2015, almost a week before the purported notification letter, leaving in question when the Decision was “released.” The notification letter also contains this confusing header: “THIS IS NOT A BILL.” Contrast this with the “Notification of Project Receiving Environmental Review,” which was dated, postmarked *and* received on February 17, 2015.

List of Signatories to March 2, 2015 Neighborhood Comments re Bernal Heights/Powhattan Subdivision  
(partial)

Betsy Brown  
Helene Brow (sp?)  
Sam T Urai  
Melissa A Shaw  
Linda Betten  
Socorro Molina (sp?)  
Andres & Socorro Malina Living Trust (sp?)  
Nelson Kobayashi  
Sandra D. Barron (sp?)  
Peter J Dardis  
Fozia Sacet (sp?)  
Victoria Gonzalez  
Shelley Munger (sp?)  
Kenneth Garrett  
Julie Fong  
Alain Vandiepenbeeck  
Michael Groh  
Carole Zingesen  
Jose Garrotte  
Hilary Hobbs  
M B Bongroun (sp?)  
Valerie Sinkavich  
Frank Sinkavich  
Barbara Underberg  
Mary Carisolo (sp?)  
Heather Lidemann (sp?)  
Erin Cunningham  
Lindy McKnight  
Oliver Shock  
Kirsten Quinto  
Ronald Lang  
Steven Fritsch-Rudser  
Edric Alunan  
Nancy Zeches  
Sid Hilderson (sp?)  
Edward A. Jackson (sp?)  
Mike Boss  
Robyn Talman  
Thomas Wu  
Rachel Chin

Zuceli Sedar  
Warren Sch? (sp?)  
Jennifer Cohn  
Jeff Couture  
Lena D'Giulia  
David Page  
Loretta Wilson  
Shawn Scott  
Lua Scott (sp?)  
J Bowers (sp?)  
Russ? Kelo (sp?)  
Kelly O'Brien  
A.M.O.  
Judy Hiserman  
Micaela Guitron  
Juan Antonio Guitron  
Alondra Orellana (sp?)  
Chris Witteman  
Matt Peterson  
Amy Peterson  
Dennis Berrios  
Jennifer K Devlin  
Nic Griffin  
Michael Marrelli  
John N. Mathies  
Kevin Chard  
Alfonso D'Allesandro  
Doug Dunderdale  
Leonor Vera  
Dafna Wu  
Kathy Angus  
Larry Nelson  
Geraldyn Koziarski  
Lawrence Montgomery  
Deborah Gerson  
Herb Felsenfeld  
Gail Newman  
Patricia B. Hughes  
Sam Orr  
Ann Lockett  
Marilyn Waterman  
Karen Helmuth  
Terri Hague

Michelle Wolf  
Gina Black  
Arash Babaki  
Joseph Bartlow Jr.  
Bob Muller Jr.  
Robert Muller Sr.  
Henrietta Muller  
Polly Arenberg  
Graciela Trevisan  
Lisa Rofel  
Bethany Gradert  
Niroj Hazari (sp?)  
Bardell J Beversdorf  
Evelyne Michaut  
Milton Brown  
Felicitas W. Brown  
Melody Mundy  
Mita Naff (sp?)  
Tom Donald  
Sarah Thompson  
Bayinaah Jones  
Jeff Kilik  
G... Kim (sp?)  
Allen B. Bennett  
David Radke  
Amy Reticker  
Michael Snead  
Divya Patel  
Souran Bandyopadhyay  
David McCarthy  
Keisha McCarthy

*Signatures on file with Planning Dept*

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 SEP -3 PM 1:54

JP

**CHRISTOPHER P WITTEMAN**  
114 NEVADA ST  
SAN FRANCISCO, CA 94110

1005

90-7526/3211  
38

CW  
\$ 9/3/15  
Date

PAY TO THE  
ORDER OF

SF Public Works

\$ 306.<sup>00</sup>

Three hundred six and <sup>00</sup>/<sub>100</sub>

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Features  
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**The Golden 1 Credit Union**  
11th & O  
PO BOX 15966 SACRAMENTO, CA 95852-0966

For Appeal of Tentative Subdivision

*Ch. Witte*

1

↳ 40 Bernal Heights

Harland Clarke

California's Leading Credit Union

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Tuesday, November 24, 2015 4:54 PM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; betsybrown1@mac.com; 'Betsy Brown'; lindymck2@yahoo.com; erinmckc@yahoo.com; mboss@rockandrose.com; 'Kelly Carlone'; barrondeborah@hotmail.com; 'Linda B'; 'srudser@aol.com'; colin.petheram@gmail.com; 'Michael Lerner'; nicolagriffin57@hotmail.com; karteek@hotmail.com  
**Cc:** Calvillo, Angela (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Somera, Alisa (BOS)  
**Subject:** RE: Tentative Map Appeal - 40 Bernal Heights Boulevard - December 1, 2015 - Bernal Heights Neighbors Brief

**Categories:** 150858

Good afternoon,

I'm resending the below with an updated link. My apologies for crowding your inbox with a correction.

[Bernal Heights Neighbors Brief - November 24, 2015](#)

Best to you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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

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**From:** Carroll, John (BOS)  
**Sent:** Tuesday, November 24, 2015 4:35 PM  
**To:** 'chriswit@saber.net' <chriswit@saber.net>; 'betsybrown@comcast.net' <betsybrown@comcast.net>; 'pberlese@hbcondolaw.com' <pberlese@hbcondolaw.com>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlena (CAT) <marlena.byrne@sfgov.org>; Malamut, John (CAT) <john.malamut@sfgov.org>; Nuru, Mohammed (DPW) <Mohammed.Nuru@sfdpw.org>; Sanguinetti, Jerry (DPW) <Jerry.Sanguinetti@sfdpw.org>; Sweiss, Fuad (DPW) <Fuad.Sweiss@sfdpw.org>; Storrs, Bruce (DPW)

<Bruce.Storrs@sfdpw.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; betsybrown1@mac.com; 'Betsy Brown' <betsybrown@comcast.net>; lindymck2@yahoo.com; erinmckc@yahoo.com; mboss@rockandrose.com; 'Kelly Carlone' <kellycarlone@gmail.com>; barrondeborah@hotmail.com; 'Linda B' <lbetten29@gmail.com>; 'srudser@aol.com' <SRudser@aol.com>; colin.petheram@gmail.com; 'Michael Lerner' <mlerner@learnthenet.com>; nicolagriffin57@hotmail.com; karteek@hotmail.com

**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Adina, Seema (DPW) <seema.adina@sfdpw.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>

**Subject:** Tentative Map Appeal - 40 Bernal Heights Boulevard - December 1, 2015 - Bernal Heights Neighbors Brief

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from Chris Witteman and Betsy Brown, on behalf of Bernal Heights Neighbors, concerning the Tentative Map Appeal of the proposed project at 40 Bernal Heights Boulevard:

[Bernal Heights Neighbors Brief - November 24, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 1, 2015.**

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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



## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Tuesday, November 24, 2015 4:35 PM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; betsybrown1@mac.com; 'Betsy Brown'; lindymck2@yahoo.com; erinmckc@yahoo.com; mboss@rockandrose.com; 'Kelly Carlone'; barrondeborah@hotmail.com; 'Linda B'; 'srudser@aol.com'; colin.petheram@gmail.com; 'Michael Lerner'; nicolagriffin57@hotmail.com; karteek@hotmail.com  
**Cc:** Calvillo, Angela (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Somera, Alisa (BOS); Carroll, John (BOS)  
**Subject:** Tentative Map Appeal - 40 Bernal Heights Boulevard - December 1, 2015 - Bernal Heights Neighbors Brief  
**Categories:** 150858

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[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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Bernal Heights Neighbors  
c/o 2 Nebraska Street  
San Francisco, CA 94110  
November 23, 2015

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 NOV 24 PM 4:19

By E-Mail

Board of Supervisors, City and County of San Francisco  
Attn: Clerk of the Board  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: **Proposed Subdivision of 40 Bernal Heights Blvd (Block 5460, Lot 010)  
Appellant Bernal Heights Neighbors Reply to Planning Department Memo  
and Project Sponsor's Brief**

Dear President Breed and Board of Supervisors:

We are a group of 13 neighbors who live in close proximity to the proposed subdivision, representing over 140 homeowners and residents of the area who have gone on record in opposition to this project. On September 3, 2015, we filed an appeal of the Planning Department's decision to approve the subdivision of *this one lot* into four smaller parcels, on which the project sponsors intend to build four large, luxury houses.

We have read the Planning Department's Memo to the Board, dated September 23, 2015, and the Project Sponsor's Brief filed just last Friday. We are compelled to reply to these two documents because neither of them meaningfully addresses our core argument: that the proposed subdivision into four lots would advance a project that is out of scope and character with the rest of the neighborhood. Neither the Planning Department nor the Project Sponsor considers the possibility of a subdivision into three (rather than four) lots, which we have repeatedly suggested to them.

Both Planning Department and Project Sponsor summarily assert that the proposed subdivision is consistent with the Housing Element of the General Plan, but no analysis is performed. The Project Sponsor's Brief admits that the Planning Department *cannot* approve a subdivision unless the project would comply with the General Plan.<sup>1</sup> Numerous sections of the General Plan address our concern with neighborhood character, including but not limited to these Housing Element Policies:

**POLICY 11.3 *Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.***

---

<sup>1</sup> Project Sponsor Brief, at 2, citing Govt. Code §66474(a)-(b).

***Accommodation of growth should be achieved without damaging existing residential neighborhood character.***

To ensure character is not impacted, the City should continue to use ***community planning*** processes to direct growth and change according to a community-based vision.

The Planning Department should utilize ***residential design guidelines, neighborhood specific design guidelines***, and other documents describing a specific neighborhoods character as guideposts to determine compatibility of proposed projects with existing neighborhood character.<sup>2</sup>

**POLICY 11.5**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Residential density controls should reflect prevailing building types in established residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and bulk patterns should be maintained to protect neighborhood character.

**POLICY 11.2**

... Proposed buildings should relate well to the street and to other buildings, regardless of style. New and substantially altered buildings should be designed in a manner that conserves and respects neighborhood character.

Planning Department review of projects and development of guidelines should build on adopted local controls, including recently adopted Area Plans, neighborhood specific design guidelines, and historic preservation district documents. ...

... [T]hose guiding documents approved by the Planning Commission may be legally enforced by Planning staff.

---

<sup>2</sup> Emphasis added. The **San Francisco Design Guidelines**, which are also applicable here, also repeatedly reinforce the concept of neighborhood character. Available at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=5356>. It bears noting here that, contrary to the Project Sponsors' suggestions, the developers have no pre-ordained entitlement to build anything not expressly prohibited, as planning decisions are vested in the sound discretion of the Planning Department. See, e.g., *Guinnane v. SF City Planning*, 209 CA3d 732, 736-37 (1989) (affirming Planning Dept. discretion to "protect the character and stability of residential ... areas," even where the "plans and specifications for the project are in conformity with the applicable ordinances"). The neighbors' concern here is that Planning has not meaningfully exercised its discretion.

While the Planning Department Memo summarizes and selectively quotes from these Guidelines, there is no analysis of the numbers that define neighborhood character (and density), *as we presented them to the Department and in our Appeal. **The Memo suggests that our concerns are planning issues, not subdivision issues, but we believe that allowing subdivision into four parcels creates a fait accompli, the legal basis for the project sponsors to build the maximum possible square footage on four lots rather than on three, and sets a dangerous precedent for the neighborhood.***

In an attempt to quantify our concerns, we looked first at the plans for this 7612 sq. foot subject parcel, the plans to divide it into lots averaging 1903 square feet. We then looked at the City Recorder's information about other lots and structures within three hundred (300) feet of the proposed development, and performed a statistical analysis of the average ratio of liveable square footage (the number reported by the Recorder) to total lot square footage as reflected in the recorded information. We then arranged this data in a spreadsheet attached hereto as **Exhibit A**. As apparent from this data, compared to a neighborhood average based on information from the Recorder's Office, the proposed project would put over 800 *additional* square feet of livable space on four lots that are already smaller than the neighborhood average.

	Neighborhood Average*	Proposed Project**
Livable space	1,313 sq. ft.	2,139 sq. ft.
Total lot size	2,064 sq. ft.	1,903 sq. ft.

\* See spreadsheet, explanation above.

\*\*Average of four proposed houses/lots.

The proposed project figures do not include approximately 1200 (on average) further square feet of proposed garage space and rooftop decks on these 2-3 story (over garage) houses. While the Planning Memo finds the neighborhood characterized by "two- to three-story single family homes," the truth is that many if not most homes in Bernal are one-story over a garage.

The developers can, of course, cherry-pick the data. The houses built to the immediate south of the proposed project are 1960-1970 box constructions built before the Bernal Guidelines and Special Use District, the exact sort of maximum envelope and massive façade structures that eventually led to the Guidelines (see Excerpts, **Exhibit B**, *infra*, at 5 and 7) and Special Use District. But even these houses, out of neighborhood character as they are, average only 1656 square feet of liveable space, and are set back 15' from the street. There are a few other houses in the neighborhood above the 2000 square foot mark, but *nowhere in the neighborhood is there a development of four such houses on what was one parcel*. These structures will present a wall to Powhattan Street, dwarfing the buildings across the street.

General Plan Policy 11.4 directs the Planning Department to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan, but the

Planning Department Memo does not address the Bernal Heights Special Use District, or the Bernal Heights Building Guidelines, both of which define the special character of the neighborhood. The **Bernal Heights Special Use District (Planning Code Section 242)** requires that any new construction “reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City, and to encourage development in context and scale with the established character.”

Indeed, the Memo appears unaware of the many years that Bernal has fought to keep its special character - a village within the larger context of the urban city. Seminal moments in that development were the formation of the Northwest Bernal Block Club and publication of the Elsie Street Plan in 1978. In 1986, driven by recent development that was seen as out of step with Bernal’s rural character, developments that created “‘canyons’ blocking sunlight,” the Bernal Heights East Slope Preservation Committee published what it called the Bernal Heights East Slope Building Guidelines, which were accepted by the San Francisco Planning Commission on November 13, 1986. A true and correct copy of [excerpts of] these Guideline is attached hereto as Exhibit B.

The proposed project, while it observes the letter of some of the Guidelines, repeatedly violates their spirit. There are no setbacks from the streets – the developers’ four-building plan necessarily pushes the 30’ facades right up to the street. The proposed project has only 15’ backyards, dwarfed by the massive planned houses. There is little if any attempt to step the buildings with the slope of the lot. *All of this is driven by the decision to allow a four-parcel subdivision.* A three-lot subdivision would allow the developers to be more sensitive to the site and the neighborhood.

Section 132 of the City **Planning Code** quantifies the concern about setbacks:

Where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property *shall be set back to the average of the two adjacent front setbacks.* If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building.<sup>3</sup>

The houses immediately east of the proposed development are “adjacent” – as they are less than 50’ away<sup>4</sup> – and are set back approximately 15 feet. Even a generous reading of this statute would require 7.5’ setbacks on the Powhattan houses, *which will be impossible if the one*

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<sup>3</sup> Planning Code § 132 (emphasis added). The **San Francisco Design Guidelines** also reiterate the importance of a setback. See Design Guidelines, at Section III (“Site Design”), at 12 (“Treat the front setback so that it provides a pedestrian scale and enhances the street”).

<sup>4</sup> See Planning Code §232(d)(1).

*lot recently purchased by the project sponsors is subdivided into four rather than three parcels.* The Planning Department Memo does not address this issue, although the community has repeatedly raised it.

Most importantly, this planned subdivision is going forward without regard to community input, and indeed in the face of the fact that the neighbors of the planned project are largely opposed to it. 125 neighbors signed a letter opposing the project before the Appeal (which letter should be in your files). Since then, others have come forward to announce their opposition. Attached as **Exhibit C** is a collection of further neighborhood letters/signatories in opposition. This opposition exists notwithstanding the sponsor's claims to include landscaping and a staircase in their plans.<sup>5</sup>

We wish to stress that *we are not opposed to all development on this parcel.* We have repeatedly suggested to the developers that we would not oppose the development of three reasonably sized houses on this parcel. The developers have not responded to our offer.

In conclusion, we urge you to affirm the Appeal, and send this subdivision application back to the Planning Department and project sponsors, so that a plan more in keeping with neighborhood character can be adopted.

Very truly yours,



Chris Witteman & Betsy Brown

On behalf of fellow Appellants and other neighbors in opposition

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<sup>5</sup> Nowhere is there any provision for ongoing maintenance of the landscaping or staircase, and indeed future owners could remove the landscaping or block access to the staircase (as has been done elsewhere in the neighborhood). The Bernal neighbors are also concerned that the environmental review done by the Planning Department seemed to rubber-stamp approval without thoroughly considering public safety dangers, such as the excavation into potentially asbestos-laden serpentine soil greater than 18 inches.

40 Bernal Heights Blvd, Neighborhood Property Comparisons

Ratio of Building to Parcel Square Footage				
For Properties within 300 Feet of 40 Bernal Heights Blvd, 965, 985 and 1025 Powhattan Avenue				
Data from CCSF Assessor's Property Search Database as of 7/15/15				
		Bldg sq ft	Parcel sf	Bldg:Lot
Average Square Footage		1313	2064	66%
Address				
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot
70	Bernal Heights Blvd	1456	1589	92%
76	Bernal Heights Blvd	1148	1760	65%
82	Bernal Heights Blvd	1272	1894	67%
88	Bernal Heights Blvd	1456	2060	71%
94	Bernal Heights Blvd	1456	2374	61%
44	Bradford	2000	1750	114%
45	Bradford	1118	1498	75%
49	Bradford	1335	1498	89%
50	Bradford	1005	1750	57%
51	Bradford	1258	1698	74%
52	Bradford	1620	1750	93%
54	Bradford	1053	1500	70%
57	Bradford	1815	3497	52%
58	Bradford	825	1498	55%
59	Bradford	950	1746	54%
62	Bradford	825	1500	55%
65	Bradford	1600	1746	92%
66	Bradford	825	1498	55%
70	Bradford	1034	1498	69%
71	Bradford	1000	1750	57%
73	Bradford	1700	1750	97%
74	Bradford	2099	2350	89%
77	Bradford	1350	1746	77%
79	Bradford	900	1750	51%
81	Bradford	656	not listed	n/a
110	Bradford	750	2600	29%
35	Carver	1068	1750	61%
43	Carver	320	1746	18%
43	Carver	630	1746	36%
55	Carver	800	1746	46%
56	Carver	800	1629	49%
57	Carver	875	1746	50%
60	Carver	800	1750	46%
61	Carver	875	1746	50%
64	Carver	800	1746	46%
65	Carver	874	1750	50%
68	Carver	1340	1746	77%

EXHIBIT  
A 7/15/15

40 Bernal Heights Blvd, Neighborhood Property Comparisons

Ratio of Building to Parcel Square Footage				
For Properties within 300 Feet of 40 Bernal Heights Blvd, 965, 985 and 1025 Powhattan Avenue				
Data from CCSF Assessor's Property Search Database as of 7/15/15				
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Average Square Footage		1313	2064	66%
Address				
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot
69	Carver	900	1750	51%
72	Carver	800	1750	46%
73	Carver	1112	1750	64%
76	Carver	800	1746	46%
77	Carver	875	1746	50%
81	Carver	2252	2411	93%
120	Chapman	2102	1750	120%
130	Chapman	1610	1750	92%
140	Chapman	1085	1750	62%
150	Chapman	1650	1750	94%
1	Nebraska	650	1250	52%
2	Nebraska	1250	3250	38%
3	Nebraska	1550	3250	48%
7	Nebraska	1764	2500	71%
8	Nebraska	1100	3249	34%
9	Nebraska	857	2473	35%
11	Nebraska	2464	2500	99%
12	Nebraska	1100	2495	44%
15	Nebraska	1610	2495	65%
18	Nebraska	1500	2500	60%
22	Nebraska	1100	2500	44%
28	Nebraska	1125	2495	45%
38	Nebraska	1716	2500	69%
39	Nebraska	1785	2500	71%
56	Nebraska	2129	2500	85%
41	Nevada	2340	3500	67%
42	Nevada	1504	1750	86%
68	Nevada	1140	1746	65%
73	Nevada	1050	1750	60%
74	Nevada	1275	1750	73%
77	Nevada	1466	1750	84%
98	Nevada	1477	2448	60%
100	Nevada	1247	3393	37%
104	Nevada	950	2421	39%
108	Nevada	1750	2421	72%
109	Nevada	2235	2495	90%
114	Nevada	975	2425	40%

A-2



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For Properties within 300 Feet of 40 Bernal Heights Blvd, 965, 985 and 1025 Powhattan Avenue				
Data from CCSF Assessor's Property Search Database as of 7/15/15				
		Bldg sq ft	Parcel sf	Bldg:Lot
Average Square Footage		1313	2064	66%
Address				
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot
115	Nevada	1210	2495	48%
119	Nevada	894	2500	36%
120	Nevada	1213	2421	50%
124	Nevada	1117	2421	46%
125	Nevada	1957	2500	78%
130	Nevada	925	2425	38%
133	Nevada	2736	3497	78%
134	Nevada	1535	2425	63%
137	Nevada	1167	3000	39%
140	Nevada	1760	2360	75%
141	Nevada	1336	2996	45%
143	Nevada	1344	2495	54%
144	Nevada	1911	2425	79%
147	Nevada	1250	2500	50%
150	Nevada	1625	1750	93%
151	Nevada	1175	2495	47%
155	Nevada	1175	2495	47%
156	Nevada	1250	2909	43%
159	Nevada	1175	2495	47%
684	Peralta	1144	1750	65%
688	Peralta	1144	1750	65%
690	Peralta	1144	1750	65%
694	Peralta	1452	1746	83%
698	Peralta	2119	1746	121%
900	Powhattan	1606	1999	80%
1010	Powhattan	870	2000	44%
1051	Powhattan	1656	1484	112%
1057	Powhattan	1656	1484	112%
1063	Powhattan	1656	1481	112%
1069	Powhattan	1656	1481	112%
1075	Powhattan	1656	1484	112%
1108	Powhattan	1303	2470	53%
1112	Powhattan	700	2975	24%
67	Prentiss	600	1746	34%
93	Prentiss	1180	1746	68%
101	Prentiss	1705	1750	97%
107	Prentiss	1000	1750	57%

A-3

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Data from CCSF Assessor's Property Search Database as of 7/15/15				
		Bldg sq ft	Parcel sf	Bldg:Lot
Average Square Footage		1313	2064	66%
Address				
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot
115	Prentiss	1000	1746	57%
119	Prentiss	1337	1750	76%
125	Prentiss	1365	1750	78%
131	Prentiss	1005	1746	58%
67	Rosenkranz	1052	1746	60%
68	Rosenkranz	1777	1750	102%
70	Rosenkranz	1052	1750	60%
71	Rosenkranz	2340	1750	134%
74	Rosenkranz	1566	1746	90%
75	Rosenkranz	1800	1746	103%
76	Rosenkranz	1275	1750	73%
80	Rosenkranz	924	1750	53%
Average Square Footage		1313	2064	66%

A-4

# BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

*Prepared by the:*

BERNAL HEIGHTS  
EAST SLOPE  
PRESERVATION  
COMMITTEE

October 1986

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Accepted by the  
San Francisco Planning Commission  
November 13, 1986



B  
EXHIBIT

It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the special qualities of the East Slope preserved and enhanced by any new development. The Bernal Heights East Slope is a special neighborhood and the qualities that make it that way are cherished by all those whose commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the City of San Francisco, however, while dirt roads and undeveloped hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents.

Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets, both developed and undeveloped.

Predominant architectural components have been examined along with the relationship of individual buildings to their lots and their immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that will ensure, as much as possible, the continued existence of the East Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot has its own peculiarities. There can be no guarantee that if every guideline is met the resulting structure will be an architectural jewel. However, we hope these guidelines will point the way toward minimizing monotony and enhancing the visual appeal of new housing.

We have tried very hard to make the guidelines prescriptive rather than restrictive. The intent is not to induce dull uniformity but rather to encourage inventive diversity while conforming to the patterns of development which have made Bernal Heights as humanly scaled as it is today.

In an interview recorded earlier in 1986, architect Hugh Jacobsen, a four-time winner of the National Honor Award of the American Institute of Architects is quoted as saying:

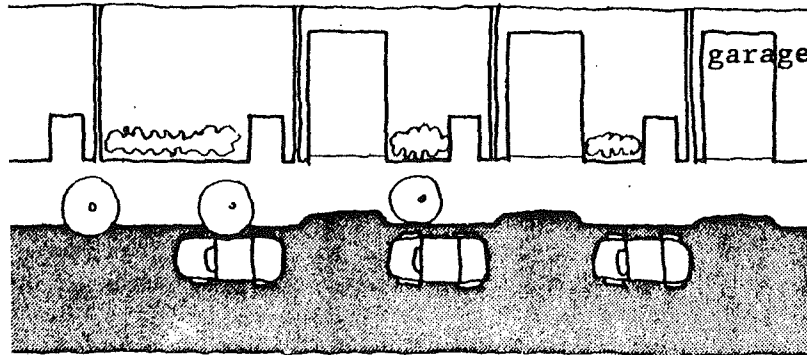
"From the beginning, I've looked at all architecture as a matter of good manners, being part of the whole street, being part of the fabric of the city. Good architecture, rather than beating its chest or shouting at neighbors, behaves like a well-mannered lady. There is politeness in every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildings are at once proud and humane, standing strong in their mutual respect."

Certainly San Francisco is considered one of the great cities of the world. We fervently hope that newcomers to the East Slope, as part of a great city, will be architecturally polite so that we, the old and the new, stand strong in our mutual respect.

entry: space for one car on street in front of each 25'-0" lot—street maximized.

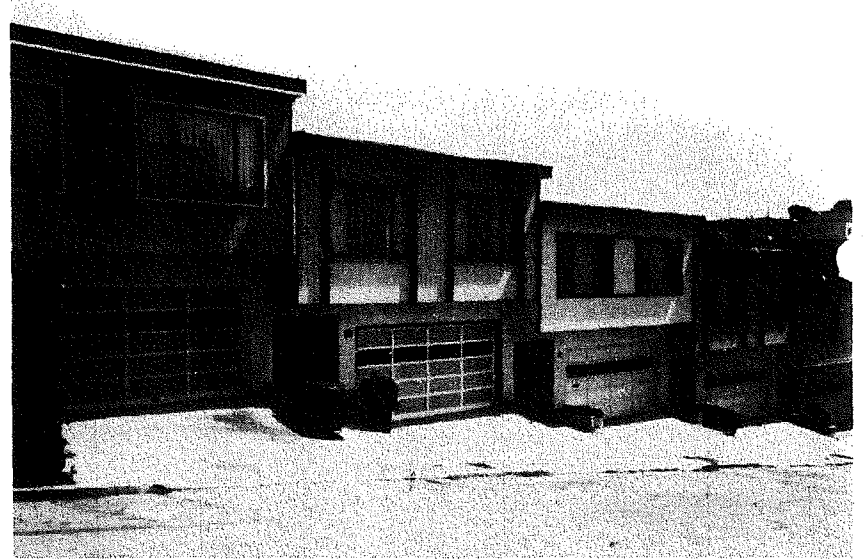


Situation

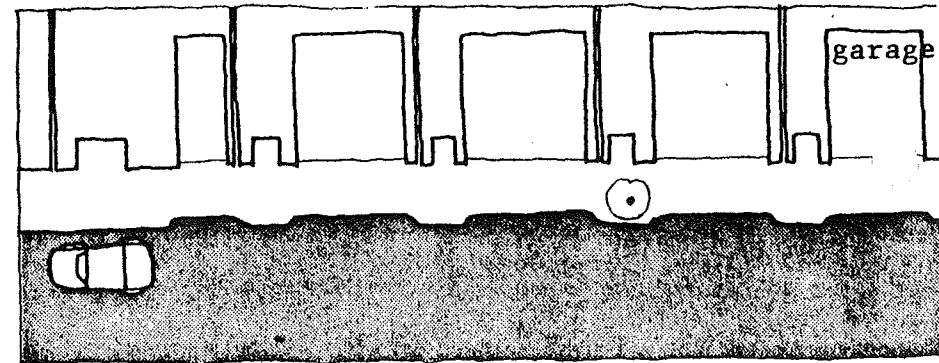


Scheme

Double car entry: no full on-street curb space—street parking eliminated.



Actual Situation



Plan of scheme

# LANDSCAPING • FRONT YARD SETBACKS • STREET TREES

It is recognized that landscaping and the inclusion of street trees in residential areas is one of the most important factors in providing an area with intimacy of scale and character.

## LANDSCAPING

Greenery helps to provide privacy without barriers, soft edges in the built environment, and a reminder of our relationship to the earth. The fantastic geometry of biology combines well with the more rigid geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if properly planned, it can serve to disguise unsightly foundation work and the like.

## FRONT YARD SETBACKS

Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maximized. When a house is placed up to the sidewalk on sloped terrain, all sense of the topography of the lot is lost.

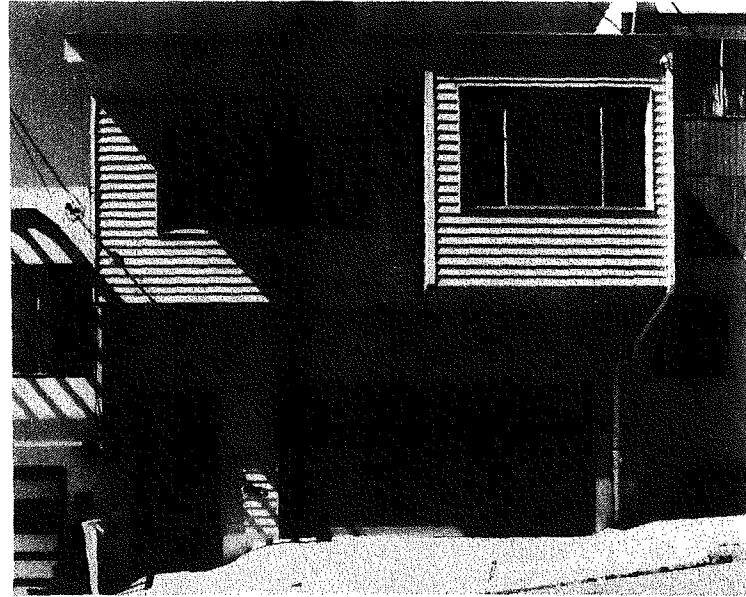
## STREET TREES

"The livability, a  
enhanced by tree  
(Fundamental Pr  
*Urban Design Pla*  
1971.) Stree  
the sidewalk, ar  
roost. They refl  
connecting us to

J.E:

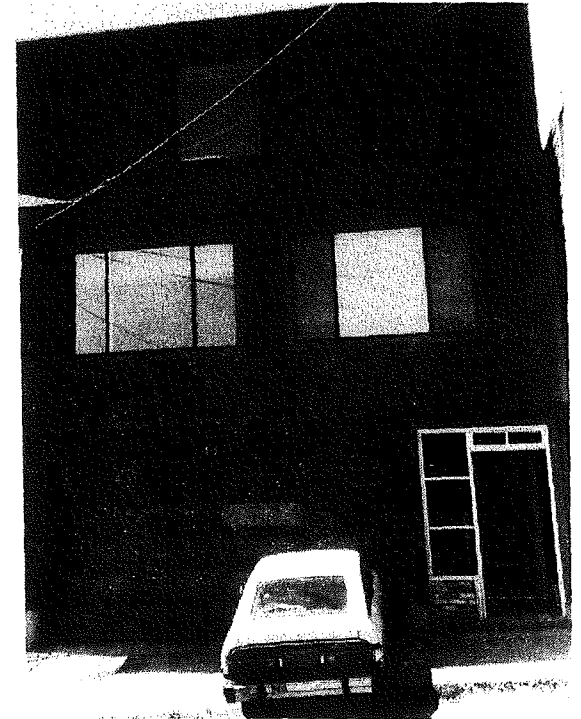
Building Setbacks are essential, and must be established by:

1. conforming to existing setbacks on adjacent or near-adjacent houses;
2. averaging when lot in question is between two existing structures;
3. topographic considerations.



Example of a well-landscaped front yard.

Examples of buildings built up to the property line with little or no provision for front landscaping.



## BUILDING BULK & ARCHITECTURAL MASSING

It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutrements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.

Page 12



Older houses



Newer "shoebox" houses



TO: San Francisco Board of Supervisors

FR: Bernal/Powhattan Neighbors

RE: **40 Bernal Heights Blvd/965-1025 Powhattan Avenue —**  
**Protest & Objection to DPW Tentative Approval of Subdivision Map**

Joining more than 125 neighbors who signed a letter to the San Francisco Planning Department and City & County Surveyor/DPW in March 2015, ***I am writing to oppose the subdivision of the above-referenced lot into four properties on which developers plan to build four large luxury homes.***

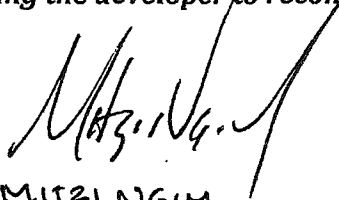
I share my neighbors' concern that subdividing this single lot into four will pave the way for four houses that, as currently planned by the developer, are significantly larger in proportion to the size of their lots than most nearby homes.

*Houses in the vicinity of this lot average 1313 square feet on lots averaging 2064 square feet. Developers propose to flip that ratio, building four houses averaging 2139 square feet of livable space each — plus garages and roof decks — on lots averaging only 1903 square feet.*

Created on what is now a small, steep, irregularly shaped single lot of open space, this project will result in a densely built block out of keeping with the unique character of our neighborhood. The City's General Plan, its Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the Bernal Heights Special Use District all place a premium on retaining neighborhood character.

***I join my neighbors in respectfully asking that you deny the approval of this subdivision, encouraging the developer to reconsider the size, scale, and density of this project.***

Signature:



Date:

19 NOVEMBER 2015

Name:

MITZI NGIM

Address:

70 BERNAL HTS BLVD

Email:

mitzi

EXHIBIT  
C

TO: San Francisco Board of Supervisors  
FR: Bernal/Powhattan Neighbors  
RE: 40 Bernal Heights Blvd/965-1025 Powhattan Avenue —  
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***I join my neighbors in respectfully asking that you deny the approval of this subdivision, encouraging the developer to reconsider the size, scale, and density of this project.***

Signature: *Aisling Harvey*

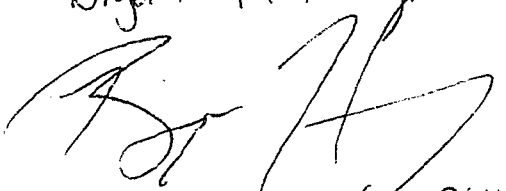
Date: November 17, 2015

Name: Aisling Harvey

Address: 33 Nebraska Street, 94110

Email: aisling

I support a smaller size development.

*Bryan Harvey*  
  
33 Nebraska St 94110  
bryan

TO: San Francisco Board of Supervisors

FR: Bernal/Powhattan Neighbors

RE: **40 Bernal Heights Blvd/965-1025 Powhattan Avenue —**  
**Protest & Objection to DPW Tentative Approval of Subdivision Map**


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***I join my neighbors in respectfully asking that you deny the approval of this subdivision, encouraging the developer to reconsider the size, scale, and density of this project.***

Signature:  Date: 11/19/15  
Name: TOM DONALD  
Address: 70 Bernal Heights Blvd. (next door)  
Email: tdonald@u M

Further Signatories to Additional November Letter in Opposition to Subdivision as Proposed

1. Tom Donald 70 Bernal Heights Blvd
2. Mitzi Ngim 70 Bernal Heights Blvd
3. Dan Burger 1101 Powhattan Ave
4. Dean Allen Taylor 624 Peralta Ave
5. Christian Cruz 624 Peralta
6. Nicole Foley 130 Chapman
7. Nicolas Garcia 236 Prentiss
8. Raegan Hall 76 Carver
9. David Hamdani 617 Peralta
10. Steve Rudman 137 Nevada
11. Sandy Carlson 137 Nevada
12. Andrea Elzie 698 Peralta
13. Aisling Harvey 33 Nebraska ("I support a smaller size development")
14. Bryan Harvey 33 Nebraska
15. Bryan Olson 619 Peralta
16. Lisa Rofel 51 Bradford
17. Graciela Trevisan 51 Bradford
18. Raul Sanchez 179 Prentiss
19. Pauline Sanchez 179 Prentiss
20. Omar Serang 673 Peralta
21. Nancy Slepicka 608 Peralta
22. Michael Spinato 694 Peralta
23. Milton Brown 77 Bradford
24. Felicitas Brown 77 Bradford
25. Shirley Ng 665 Peralta
26. David Dumanis 614 Peralta
27. Stephen Sun 681 Peralta
28. Martin Takai 688 Peralta
29. Laura Reyes Takai 688 Peralta
30. Shirley Yia 620 Peralta
31. Lisa Leighton 651B Peralta

We include copies of only the first three letters; all other signatories signed identical letters. We will have copies of all letters available for inspection at the December 1, 2015 hearing.

EXHIBIT  
C

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Friday, November 20, 2015 4:08 PM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Project Sponsor Response - Tentative Map Appeal - 40 Bernal Heights Boulevard- December 1, 2015  
**Categories:** 150858

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the from John Kevlin, of Reuben, Junius & Rose, LLP--representing the project sponsor--responding to the Tentative Map Appeal of the proposed project at 40 Bernal Heights Boulevard:

[Project Sponsor Response Memo - November 20, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 1, 2015.**

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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

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

## **Carroll, John (BOS)**

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**From:** John Kevlin <jkevin@reubenlaw.com>  
**Sent:** Friday, November 20, 2015 10:53 AM  
**To:** BOS Legislation, (BOS); Carroll, John (BOS); Board of Supervisors, (BOS); Caldeira, Rick (BOS)  
**Cc:** Boe Hayward  
**Subject:** 40 Bernal Height Subdivision Map Appeal: BOS File 150858  
**Attachments:** LTR - 40 Bernal Heights Blvd - Lot Subdivision Appeal Opposition 11-20-2015.pdf  
**Categories:** 150858

Hi John,

I just left you a voicemail. Please find attached the project sponsor's brief in opposition to the above-referenced subdivision map appeal. Please let me know if you need anything else from me. Thank you.

John

## **REUBEN, JUNIUS & ROSE, LLP**

John Kevlin, **Partner**  
One Bush Street, Suite 600  
San Francisco, CA 94104  
T. (415) 567-9000  
F. (415) 399-9480  
[jkevin@reubenlaw.com](mailto:jkevin@reubenlaw.com)  
[www.reubenlaw.com](http://www.reubenlaw.com)



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# REUBEN, JUNIUS & ROSE, LLP

November 20, 2015

## By E-Mail

Board of Supervisors, City and County of San Francisco  
Attn: Clerk of the Board  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

**Re: 40 Bernal Heights Boulevard and 965, 985, and 1025 Powhattan Avenue  
(Block 5640, Lot 010)  
Project Sponsor's Brief in Opposition to Appeal of Lot Subdivision  
Planning Department Case No.: 2014.1032S  
Bureau of Street Use & Mapping Project ID 8257  
Our File No. 8506.02**

Dear President Breed and Board of Supervisors,

This office represents Ciaran and Patrick Harty, the project sponsors ("Project Sponsor") of the lot subdivision at 40 Bernal Heights Boulevard and 965, 985, and 1025 Powhattan Avenue (Block 5640, Lot 010; the "Property"). The Property is zoned Residential – House, One Family ("RH-1") and consists of an unimproved, triangular-shaped, lot with a parcel area of approximately 7,612 square feet. The Project Sponsor proposes to subdivide the existing lot into four new, separate lots ("Project"), which would result in a 2,073 square-foot lot at 965 Powhattan Avenue, a 1,997 square-foot lot at 985 Powhattan Avenue, a 1,755 square-foot lot at 1025 Powhattan Avenue, and a 1,787 square-foot lot at 40 Bernal Heights Boulevard.

City and County Surveyor Bruce Storrs approved the tentative map on August 24, 2015 for the proposed subdivision that will result in four lots located at the Property. Notification letters to interested parties were sent on that date. On September 3, 2015, the subject appeal was filed.

This letter is submitted in opposition to the appeal of the approval of the tentative map. While the appellants have stated their objection to the four single-family homes proposed to be constructed on the resulting lots, **they have not provided any grounds for denial of the tentative map under the Subdivision Map Act or the Subdivision Code.**

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin  
Sheryl Reuben<sup>1</sup> | David Silverman | Thomas Tunny | Jay F. Drake | John Kevin  
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

[www.reubenlaw.com](http://www.reubenlaw.com)

### Legal Background

The Subdivision Division Map Act (California Government Code §§66410-66499.37; the “Map Act”) sets forth the controlling law for subdivisions in the state. It also authorizes local legislative bodies to regulate and control the design and improvement of subdivision in the local jurisdiction.<sup>1</sup> The Map Act provides limited criteria under which a tentative map may be disapproved. The legislative body of a city shall disapprove a tentative map for any of the following criteria:

- a. The tentative map fails to comply with the Map Act or the Subdivision Code;<sup>2</sup>
- b. The tentative map, design, or improvement is inconsistent with the City’s General Plan;<sup>3</sup>
- c. The site is not physically suitable for the type or proposed density of development;<sup>4</sup>
- d. The design or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;<sup>5</sup>
- e. The design or type of improvements is likely to cause serious public health problems;<sup>6</sup> or
- f. The design or improvements will conflict with public easements for access through or use of, property within the proposed subdivision.<sup>7</sup>

None of the criteria above apply to the Project. First, the Project Sponsor is in full compliance with the Map Act and the Subdivision Code. The Project Sponsor has worked with the Planning Department and the Bureau of Street Use and Mapping throughout the process to ensure the Project complies with state and local law.

Second, the tentative map, design, and improvement are consistent with the General Plan and meet the eight priority General Plan policies. In its memo to the Board urging the rejection of this appeal, the Planning Department outlines how the Project is consistent with the Housing

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<sup>1</sup> Govt. Code §66411.

<sup>2</sup> Govt. Code §66473.

<sup>3</sup> Govt. Code §66474(a)-(b).

<sup>4</sup> Govt. Code §66474(c)-(d).

<sup>5</sup> Govt. Code §66474(e).

<sup>6</sup> Govt. Code §66474(f).

<sup>7</sup> Govt. Code §66474(g).



Element of the General Plan. The appellants have not cited one General Plan policy that the subdivision would be in conflict with.

Third, site is physically suitable for the type and proposed density of the development. The Project proposes four lots ranging in size from 1,755 square feet to 2,073 square feet in place of the existing 7,612-square-foot lot. The Property is zoned RH-1, which principally permits one dwelling unit per lot. The Project Sponsor proposes to construct one single-family home upon each of these four lots, which is in compliance with the RH-1 zoning district.

Fourth, the Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Property is a vacant, sloping lot that is not inhabited by fish or wildlife other than small plants and groundcover. As part of environmental review for the Project which resulted in issuance of a Class 32 categorical exemption, the Planning Department specifically analyzed whether the Property has any potential as a habitat for endangered, rare or threatened species, and explicitly concluded that it did not. The Project is modest in scale, and is consistent with other urban infill development projects in San Francisco that are approved on a regular basis.

Fifth, the Project will not cause serious public health problems. The Project was deemed exempt from environmental review from CEQA and the Planning Department determined that none of the established exceptions to the application of a categorical exemption to a project applied. The Project proposes a four unit, residential infill development. This is consistent with the low-density Bernal Heights neighborhood, but also with the city as a whole. New housing does not cause serious health problems. In fact, new housing in urban areas furthers smart growth and helps reduce carbon emissions due to the availability of mass transit and other non-automobile modes of transportation.

Sixth, the Project will not conflict with public easements for access through or use of property within the proposed subdivision. This criterion is inapplicable because no public easements exist at the Property. In fact, the Project Sponsors have agreed to pay for and construct improvements to improve Carver Street, a paper street that connects Powhattan Avenue and Bernal Heights Boulevard, with a staircase, seating areas and landscaping, so the Project will result in more public access to the site.

### **Conclusion**

Appellants identify no evidence to justify any findings that the state Map Act requires for disapproval of a subdivision map. The Project complies with the Map Act, Subdivision Code, and General Plan. The site is physically suitable for the single-family homes and is in a neighborhood generally consisting of single-family homes. The Project will provide a significant public benefit by creating a new staircase along Carver Street. We respectfully urge that you deny this appeal, and uphold the approval of the tentative map.

**REUBEN, JUNIUS & ROSE LLP**

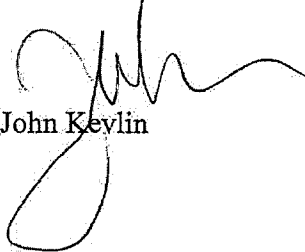
One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

[www.reubenlaw.com](http://www.reubenlaw.com)

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Keylin

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

[www.reubenlaw.com](http://www.reubenlaw.com)

**REUBEN, JUNIUS & ROSE, LLP**

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Tuesday, October 20, 2015 12:06 PM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; betsybrown1@mac.com; 'Betsy Brown'; lindymck2@yahoo.com; erinmckc@yahoo.com; mboss@rockandrose.com; 'Kelly Carlone'; barrondeborah@hotmail.com; 'Linda B'; 'srudser@aol.com'; colin.petheram@gmail.com; 'Michael Lerner'; nicolagriffin57@hotmail.com; karteek@hotmail.com  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Continuance Request - Tentative Map Appeal - 40 Bernal Heights Boulevard- October 20, 2015  
**Categories:** 150858

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the Office of Supervisor Campos, proposing a continuance of the Tentative Map Appeal of the proposed project at 40 Bernal Heights Boulevard:

[Continuance Request Letter - October 20, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board today, October 20, 2015.**

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**

**Legislative Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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**Carroll, John (BOS)**

---

**From:** Chung Hagen, Sheila (BOS)  
**Sent:** Tuesday, October 20, 2015 11:44 AM  
**To:** BOS Legislation, (BOS)  
**Cc:** Carroll, John (BOS); Campos, David (BOS)  
**Subject:** 40 Bernal Heights Tentative Map Appeal - Continuance to 11/17

**Categories:** 150858

Supervisor Campos will be requesting a continuance to Nov 17 of the tentative map appeal for 40 Bernal Heights.

Sheila

.....  
Sheila Chung Hagen  
Legislative Aide  
Office of Supervisor David Campos  
415-554-5144 | sheila.chung.hagen@sfgov.org

---

**From:** Boe Hayward [mailto:Boe@gphassociates.com]  
**Sent:** Tuesday, October 20, 2015 11:36 AM  
**To:** Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>  
**Cc:** Campos, David (BOS) <david.campos@sfgov.org>  
**Subject:** Re: 40 Bernal Heights Tentative Map Appeal - Changing Date to 11/17/2015

On behalf of the project sponsors, we agree to a continuance to 11/17.

Thank you.

Boe Hayward

Sent from my iPhone

On Oct 14, 2015, at 1:06 PM, chriswit <[chriswit@saber.net](mailto:chriswit@saber.net)> wrote:

The Bernal Heights neighbors join in the request for a continuance, and November 17 would work.

Thank you,

Chris Witteman

---

**From:** Chung Hagen, Sheila (BOS) [mailto:[sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)]  
**Sent:** Wednesday, October 14, 2015 12:57 PM  
**To:** chriswit; [melissashaw@mindspring.com](mailto:melissashaw@mindspring.com); [dbarron@fbm.com](mailto:dbarron@fbm.com); [colin.petheram@gmail.com](mailto:colin.petheram@gmail.com); 'Lindy McKnight'; barbara underberg; Boe Hayward  
**Cc:** Campos, David (BOS)  
**Subject:** 40 Bernal Heights Tentative Map Appeal - Changing Date to 11/17/2015

Hello everyone,

Thank you for your participation in yesterday's mediation. We discussed continuing the appeal to November 10, 2015. However, I just learned that we will not have a Board of Supervisors meeting that day because of the Veterans' Day holiday. Are you available to attend the November 17, 2015 Board of Supervisors meeting?

Chris and Boe, can you please send me emails confirming that your parties are requesting a continuance of the item? Supervisor Campos will make the request for a continuance at next week's Board meeting.

Sheila

.....  
Sheila Chung Hagen  
Legislative Aide  
Office of Supervisor David Campos  
415-554-5144 | [sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)

## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Wednesday, September 23, 2015 5:02 PM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Continuance Request - Tentative Map Appeal - 40 Bernal Heights Boulevard- September 29, 2015  
**Categories:** 150858

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the Office of Supervisor Campos, proposing a continuance of the Tentative Map Appeal of the proposed project at 40 Bernal Heights Boulevard:

[Continuance Request Letter - September 23, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on September 29, 2015.**

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**

**Legislative Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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

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

**From:** [Chung Hagen, Sheila \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** Continuance Request: 40 Bernal Heights Blvd. (File Nos. 150858-150861)  
**Date:** Wednesday, September 23, 2015 4:46:24 PM

---

**From:** Chung Hagen, Sheila (BOS)  
**Sent:** Wednesday, September 23, 2015 4:41 PM  
**To:** Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>  
**Cc:** Campos, David (BOS) <[david.campos@sfgov.org](mailto:david.campos@sfgov.org)>  
**Subject:** Continuance Request: 40 Bernal Heights Blvd. (File Nos. 150858-150861)

Dear Mr. Carroll,

Our office has been contacted by both the appellants of the 40 Bernal Heights Blvd. Tentative Map appeal and the project sponsors (see emails below) requesting that the Board of Supervisors continue the item (File Nos. 150858-150861) scheduled for Tues, September 29, 2015 in order for Supervisor Campos to facilitate a mediation between both parties. Thank you in advance for informing the relevant City departments.

Sheila

.....  
Sheila Chung Hagen  
Legislative Aide  
Office of Supervisor David Campos  
415-554-5144 | [sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)

#### APPELLANTS

**From:** [chriswit \[mailto:chriswit@saber.net\]](mailto:chriswit@saber.net)  
**Sent:** Monday, September 21, 2015 9:38 PM  
**To:** Chung Hagen, Sheila (BOS) <[sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)>  
**Cc:** Betsy Brown <[betsybrown@comcast.net](mailto:betsybrown@comcast.net)>; Deborah Barron <[barrondeborah@hotmail.com](mailto:barrondeborah@hotmail.com)>; [melissashaw@mindspring.com](mailto:melissashaw@mindspring.com); Lindy McKnight <[lindymck2@yahoo.com](mailto:lindymck2@yahoo.com)>; 'Erin Cunningham' <[erinmckc@yahoo.com](mailto:erinmckc@yahoo.com)>; [mbooss@rockandrose.com](mailto:mbooss@rockandrose.com); [kellycarlone@gmail.com](mailto:kellycarlone@gmail.com); nicola griffin <[nicolagriffin57@hotmail.com](mailto:nicolagriffin57@hotmail.com)>; [colin.petheram@gmail.com](mailto:colin.petheram@gmail.com); [steverudm@yahoo.com](mailto:steverudm@yahoo.com); barbara underberg <[bjunderberg@yahoo.com](mailto:bjunderberg@yahoo.com)>; Michael Snead <[mvsnead@gmail.com](mailto:mvsnead@gmail.com)>  
**Subject:** RE: mediation, re 40 Bernal Heights subdivision

Sheila,

Following up on your voicemail today, yes the community will stipulate to the continuance of the Appeal, so that your office can facilitate a mediation between the parties. We thank you for this.

Copying some of the signatories on the appeal letter.

Chris

-----

**PROJECT SPONSORS**

**From:** Boe Hayward [<mailto:Boe@gphassociates.com>]

**Sent:** Friday, September 18, 2015 2:00 PM

**To:** Chung Hagen, Sheila (BOS) <[sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)>; [david.campos@sgov.org](mailto:david.campos@sgov.org)

**Cc:** 'Patrick Harty' <[wp1997@aol.com](mailto:wp1997@aol.com)>; [harty\\_hartyprop@yahoo.com](mailto:harty_hartyprop@yahoo.com); John Kevlin <[jkevin@reubenlaw.com](mailto:jkevin@reubenlaw.com)>

**Subject:** Request for a continuance

Dear Supervisor Campos and Sheila:

I am working with Patrick and Ciaran Harty on their project located at the 900 block of Powhattan/ 40 Bernal Hieghts Boulevard in Bernal Heights.

On behalf of Ciaran and Patrick, we request a continuance of the lot line appeal so that we can meet with your office and neighbors to discuss the project.

We look forward to sitting down with your office.

Sincerely,  
Boe Hayward

Boe Hayward  
Principal  
Goodyear-Peterson-Hayward, LLC  
100 Pine Street, Suite 1525  
San Francisco, CA 94111  
Cell: (415) 533-4238  
Direct: (415) 362-6872  
Fax: (415) 276-5775  
Email: [boe@gphassociates.com](mailto:boe@gphassociates.com)  
Web: [www.gphassociates.com](http://www.gphassociates.com)



## **Carroll, John (BOS)**

---

**From:** BOS Legislation, (BOS)  
**Sent:** Thursday, September 24, 2015 8:36 AM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Planning Department Response - Tentative Map Appeal - 40 Bernal Heights Boulevard-September 29, 2015  
**Categories:** 150858

Good morning,

Please find linked below a memo received by the Office of the Clerk of the Board from the Planning department, responding the the Tentative Map Appeal of the proposed project at 40 Bernal Heights Boulevard:

[Planning Memo - September 21, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on September 29, 2015.**

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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

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

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**Carroll, John (BOS)**

---

**From:** Rodgers, AnMarie (CPC)  
**Sent:** Monday, September 21, 2015 11:54 AM  
**To:** Calvillo, Angela (BOS); BOS Legislation, (BOS)  
**Cc:** Bendix, Brittany (CPC); Cleveland-Knowles, Susan (CAT); Jones, Sarah (CPC); Delumo, Jenny (CPC); Townes, Christopher (CPC); Setyadiputra, Max (CPC); Malamut, John (CAT); Mabry, Paul (DPW); Byrne, Marlena (CAT); Storrs, Bruce (DPW); Starr, Aaron (CPC)  
**Subject:** Planning Department Response: 40 Bernal Heights Boulevard appeal of the Tentative Parcel Map [BF 150858]  
**Attachments:** 40 Bernal Heights - Subdivision Appeal Response.pdf; 2014-002982ENV.pdf  
**Categories:** 150858

Dear Clerk Calvillo,

Please find the attached response to the 40 Bernal Heights Boulevard appeal of the Tentative Parcel Map [BF 150858]. This is the Planning Department response for the hearing tentatively scheduled for September 29<sup>th</sup>, 2015. A hardcopy of this will be sent via inter-office mail.

Thank you,

**AnMarie Rodgers**  
**Senior Policy Advisor**

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.558.6395 | Fax: 415.558.6409  
Email: [anmarie@sfgov.org](mailto:anmarie@sfgov.org)  
Web: <http://www.sf-planning.org/Legislative.Affairs>  
Property Info Map: <http://propertymap.sfplanning.org/>





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Appeal of Tentative Parcel Map 40 Bernal Heights Boulevard

**DATE:** September 23, 2015

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** AnMarie Rodgers, Senior Policy Advisor – Planning (415) 558-6395  
Brittany Bendix, Case Planner – Planning Department (415) 575-9114

**RE:** Board File No. 150858, Planning Case No. 2014.1032S –  
Appeal of the Tentative Parcel Map for 40 Bernal Heights Boulevard

**HEARING DATE:** September 29, 2015

**ATTACHMENTS:**  
A. Categorical Exemption Certificate, June 22, 2015

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

---

**PROJECT SPONSOR:** 1360-1364 Stevenson Street, LLC  
c/o John Kevlin  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94107

**APPELLANT:** Bernal/Powhattan Neighbors  
c/o Chris Witteman and Betsy Brown  
114 Nevada Street  
San Francisco, CA 94110

### INTRODUCTION:

This memorandum and the attached documents are in response to the letter of appeal (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Department of Public Works (“DPW”) August 24, 2015, approval of a Tentative Parcel Map for a four-lot subdivision related to a project at 40 Bernal Heights Boulevard (Assessor’s Block 5640, Lot 010, “Project Site”). The related project consists of two components: (1) the subdivision of one lot into four lots on the Project Site, (Planning Case No. 2014.1032S), and (2) the construction of four new single-family dwellings, one on each new lot, currently under review, (Building Permit Applications No. 2014.05.21.6382, 2014.05.21.6394, 2014.05.21.6395, and 2014.05.21.6396). The application for parcel map/final map subdivision was filed with DPW on May 28, 2014, and referred to the Planning Department (the “Department”) for review on June 10, 2014. The Department recommended approval of the subdivision on January 12, 2015. However, on March 13, 2015, the Department requested that DPW rescind the recommendation of approval pending completion of the proposal’s environmental review under Planning Case No. 2014-002928ENV. On June 22, 2015, the Department issued a Certificate of Determination that the subdivision and new construction project is exempt from environmental review under California Environmental Quality Act (“CEQA”) State Guidelines Section 15332, or Class 32. Subsequently, the Department re-affirmed its recommendation of

Memo

approval on August 17, 2015, and DPW granted a Tentative Map approval on August 24, 2015. The Appeal Letter to the Board was filed on September 3, 2015, by Betsy Brown and Chris Witteman on behalf of 14 named individuals referred to as the "Bernal/Powhattan Neighbors."

The decision before the Board is whether to uphold or overturn the Tentative Parcel Map approval. We write to explain the extensive process of Planning Department review, which is still presently underway. At this time the Department has completed review of the proposed subdivision. The corresponding development of the resulting four parcels with the new construction of four single-family dwellings is still undergoing review. At this time, the proposed new construction does not require authorization by the Planning Commission or exceptions from the Zoning Administrator. Upon a determination by the Department that the new construction projects are Code-complying and consistent with the General Plan, the individual projects will then be publicly noticed pursuant to the requirements of Planning Code Section 311. At that time, individuals in opposition to the new construction activities will have an opportunity to request Discretionary Review by the Planning Commission. The issues presently raised by the Appellant are generally best addressed as part of the development review, not as part of the subdivision request.

We urge the Board of Supervisors to reject this appeal; to consider these issues at this time could thwart the well-established, thoughtful and public review process that occurs at the time the Planning and Building permit review takes place, which also include rights of appeal. Both Planning staff and the Commission (if Discretionary Review is requested) can contribute to the discourse on massing; and provide specific direction relative to the applicable design guidelines. Further, we would suggest, as this memo details, that a project where the lot is subdivided into three parcels, instead of four may result in three larger houses than the four houses currently under review.

#### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Project Site is located within an RH-1 (Residential, House, One-Family) Zoning District, the Bernal Heights Special Use District and a 40-X Height and Bulk District. The Project Site is an irregular lot of approximately 7,612 square feet and is bounded by Bernal Heights Boulevard to the north and Powhattan Avenue to the south. Unimproved sections of Rosenkranz Street and Carver Street bind the property on the west and east sides, respectively. Directly north of the property and across Bernal Heights Boulevard is approximately 8,600 square-feet of city-owned undeveloped land that is designated as open space. Immediately east of the property, and across the unimproved right-of-way for Carver Street, is a series of three-story single family dwellings. The area south of the property, and across Powhattan Avenue, is developed with single family homes that are predominately two-stories. East of the property, and beyond the unimproved portion of Rosenkranz Street is an additional 344 square feet of city-owned open space, followed by the intersection of Bernal Heights Boulevard, Powhattan Avenue and Nevada Street. Finally, the subject property is also within a quarter-mile of four MUNI bus lines and the neighborhood's primary neighborhood commercial corridor on Cortland Street.

#### **BACKGROUND:**

##### *2014: Applications for Tentative Map, Development and Environmental Review Filed*

On May 21, 2014, 1360-1364 Stevenson Street, LLC (hereinafter "Project Sponsor") filed four applications for new construction with the Department of Building Inspection (hereinafter "DBI") for development of four single family dwellings on four proposed corresponding vacant lots within a RH-1 Zoning District, the Bernal Heights Special Use District and a 40-X Height and Bulk District. On May 28, 2014, the Project

Sponsor submitted the corresponding Application for Parcel Map/Final Map Subdivision to DPW. This application was then referred to the Planning Department for review on June 10, 2014. The proposed map subdivided an existing lot of approximately 7,612 square feet into four smaller parcels ranging from 1,755 square feet to 2,073 square feet in size. On December 22, 2014, the Project Sponsor filed an Environmental Evaluation Application with the Planning Department for evaluation of the subdivision and new construction proposals.

*January to March 2015 – Rescinding of the initial Tentative Map Approval*

On January 12, 2015, the Planning Department recommended approval of the proposed Tentative Map. Subsequently DPW publicly noticed the pending tentative approval on January 15, 2015. Upon recognition that proper CEQA review was inadvertently not conducted for the proposed map, the Planning Department rescinded the recommendation for approval on March 13, 2015. The referral was then placed on hold until the environmental evaluation under Case 2014-002982ENV was complete.

*Planning Department Completes CEQA Review, DPW Approves Tentative Parcel Map Application*

On August 17, 2015, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project (Case 2014-002982ENV). No appeal of the categorical exemption has been filed as of the writing of this report. Upon completion of CEQA review, the Planning Department re-issued its recommendation of approval on August 17, 2015, and DPW resumed the approval process and granted a Tentative Map approval on August 24, 2015. An Appeal Letter to the Board was then filed on September 3, 2015, by Betsy Brown and Chris Witteman on behalf of 14 named individuals referred to as the "Bernal/Powhattan Neighbors." To date, none of the active Building Permit Applications have completed Planning Department review nor has staff commenced the Planning Code Section 311 Neighborhood Notification process. Further, as currently proposed the new construction proposal does not require any exceptions from the Planning Code or specific authorizations from the Planning Commission.

**APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:**

In the appellant's materials describing the basis for the appeal, the Appellant raises issues relative to the density and scale of the project as follows:

1. **The density of the proposed project.** The proposed subdivision reduces a single lot of approximately 7,612 square feet into four properties ranging in size from 1,755 square feet to 2,073 square feet. Planning Code Section 121 requires that any newly created lot has a minimum frontage of 16 feet and a minimum lot width of 25 feet. Additionally, for properties that are entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees, the minimum lot area is 1,750 square feet. All four lots exceed these minimum requirements. Further, only one dwelling unit is proposed per lot, which is consistent with the density controls of the RH-1 Zoning District.

**In regards to the Housing Element of the General Plan the subdivision is consistent with the following objectives and policies:**

OBJECTIVE 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

POLICY 1.1 Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

POLICY 1.10 Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 4: Foster a housing stock that meets the needs of all residents across lifecycles.

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

OBJECTIVE 11: Recognize the Diverse and Distinct Character of San Francisco's Neighborhoods.

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

POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

POLICY 11.5 Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

OBJECTIVE 12: Balance housing growth with adequate infrastructure that serves the City's growing population.

POLICY 12.1 Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

POLICY 12.2 Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

POLICY 12.3 Ensure new housing is sustainably supported by the City's public infrastructure systems.

OBJECTIVE 13: Prioritize sustainable development in planning for and constructing new housing.

POLICY 13.1 Support "smart" regional growth that locates new housing close to jobs and transit.

POLICY 13.3 Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The proposed lot size, width, dedicated frontages, and density are compliant with the requirements of the Planning Code, as well as the General Plan. The subdivision also enables the construction of four single family dwellings near existing neighborhood services, public transit and open space. Additionally, while the lot size and boundaries do determine the maximum building envelope for future development, approval of the new lots does not restrict the Department from further sculpting the allowable mass per the East Slope Design Guidelines and the Residential Design Guidelines.

2. **The scale of the proposed building and consistency with neighborhood character.** The scale of the proposed development is currently under review by the Planning Department. In general, the surrounding neighborhood can be characterized by lots ranging in size from approximately 1,480 square feet to 2,900 square feet and developed with two- to three-story single family homes. This irregularity of lot sizes is characteristic of Bernal Heights and is a reflection of the topographic conditions. The neighborhood is also characterized by pockets of open space. However, while the subject property is vacant, it is zoned for development and under private ownership. Further, as previously noted, directly north and east of the property is city-owned undeveloped land that is designated as open space.

**At present, the proposed new construction complies with the requirements of the Planning Code and does not require any exceptions or authorizations from the Zoning Administrator or Planning Commission.** Further, both the proposed subdivision and new construction proposals are generally consistent with the neighborhood character as noted above. The proposed lots fall within the range of the existing context, and the corresponding single family dwellings are either two stories (40 Bernal Heights Boulevard) or three stories (965, 985, and 1025 Powhattan Avenue) at the street front.

Beyond review for consistency with the general requirements of the Code, the Planning Department will also consider the new construction's compliance with both the East Slope Design Guidelines and the Residential Design Guidelines and the General Plan. Once the new construction projects are found to be in compliance, the proposals will then undergo Planning Code Section 311 Neighborhood Notification. This process alerts neighboring building owners and occupants to the Planning Department's intent to approve the new construction projects. Those challenging the Department's review of the proposal can then seek Discretionary Review request, bringing the Project approval before the Planning Commission.

The appellant is challenging the subdivision approval as a means to control scale, suggesting in their appeal letter that only three parcels should be created instead of four. While this would reduce the overall density of the subject property (enabling only three dwelling units instead of four dwelling units) it may have an inverse impact to massing. This is because there are no side setbacks or maximum floor areas applicable to this site. Regardless of whether the property is divided into three parcels or four, similar height, front setback, and rear yard requirements would apply. Therefore, this in turn would encourage larger single family homes and result in one less unit.

**CONCLUSION:**

The proposed subdivision reflects adequately sized lots which enable a density that is compliant with the Planning Code and consistent with the General Plan. As noted above, the proposed subdivision was also found to be exempt from CEQA. In regards to the scale of the corresponding new construction projects, the Department recommends that the appellant proceed through the standard Discretionary Review process, whereby the Planning Commission can review the proposed designs in detail; contribute to the discourse on massing; and provide specific direction relative to the applicable design guidelines. Accordingly, the Planning Department recommends that the Board uphold the Department of Public Work's decision in approving the Tentative Parcel Map for 40 Bernal Heights Boulevard and deny the Appellant's request for appeal.





# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2014-002982ENV  
 Project Title: 40 Bernal Heights Boulevard/965-1025 Powhattan Avenue  
 Zoning: RH-1 (Residential – House, One-Family) District  
 Bernal Heights Special Use District  
 40-X Height and Bulk District  
 Block/Lot: 5640/010  
 Lot Size: 7,612 square feet  
 Project Sponsor: Amir Afifi, SIA Consulting Corporation  
 (415) 922-0200 ext. 104  
 Staff Contact: Jenny Delumo – (415) 575-9146  
 Jenny.Delumo@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**

### PROJECT DESCRIPTION:

The project site is located on an undeveloped, approximately 7,612-square-foot (sq. ft.) upslope lot in the Bernal Heights neighborhood. The roughly triangular-shaped project site is bounded to the south by Powhattan Avenue, to the north by Bernal Heights Boulevard, to the west by an undeveloped portion of Rosenkranz Street, and to the east by an undeveloped portion of Carver Street. The proposed project would include subdivision of the project site to create four new, separate lots, and construction of one single-family home on each new lot. Three of the new lots would front Powhattan Avenue and the fourth lot would front Bernal Heights Boulevard.

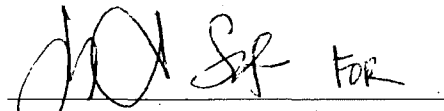
[Continued on next page]

### EXEMPTION CLASS:

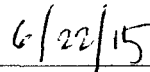
Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). See page 306.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.



Sarah B. Jones  
 Environmental Review Officer



Date

cc: Amir Afifi, Project Sponsor  
 Max Putra, Current Planner  
 Supervisor David Campos, District 9 (via Clerk of the Board)

Distribution List  
 Virna Byrd, M.D.F.

**PROJECT DESCRIPTION (continued):**

Specifically, the proposed project would result in the construction of:

- (1) *965 Powhattan Avenue*: An approximately 2,756-gross-square-foot (gsf), 30-foot-tall, three-bedroom home with a two-vehicle garage, on an approximately 2,073 sq. ft. lot.
- (2) *985 Powhattan Avenue*: An approximately 3,426-gsf, 30-foot-tall, three-bedroom home with a three-vehicle garage, on an approximately 1,997 sq. ft. lot.
- (3) *1025 Powhattan Avenue*: An approximately 3,033-gsf, 30-foot-tall, four-bedroom home with a three-vehicle stacked parking garage, on an approximately 1,755 sq. ft. lot.
- (4) *40 Bernal Heights Boulevard*: An approximately 2,843-gsf, 30-foot-tall, four-bedroom home with a two-vehicle garage, on an approximately 1,787 sq. ft. lot.

Collectively, the four proposed buildings would result in an approximately 12,058 gsf residential development with ten off-street parking spaces. Excavation, to a maximum depth of approximately 22 feet below grade, is proposed in order to accommodate the basement levels. Eight new street trees would be planted as part of the project.

**Project Approvals**

The proposed project is subject to notification under Section 311 of the City and County of San Francisco (the City) *Planning Code* and would require the following approvals:

- **Subdivision Authorization:** The proposed project would require authorization by San Francisco Public Works (Public Works) to subdivide the existing lot pursuant to provisions of the California Subdivision Map Act and the City's *Subdivision Code* and Subdivision Regulations.
- **Site Permit:** The proposed project would require the issuance of a site permit by the Department of Building Inspection (DBI).

**Approval Action:** The granting of the subdivision by Public Works is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

**EXEMPTION CLASS (continued):**

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The San Francisco General Plan articulates the objectives and policies that guide the City's decision making as it pertains to, among other issues, environmental protection, air quality, urban design, transportation, housing, and land use. Permits to construct, alter or demolish buildings, or subdivide lots may not be issued unless the project conforms to the *Planning Code*, or an exemption is granted pursuant to provisions of the *Planning Code*. The project site is comprised of an undeveloped lot in a RH-1 (Residential House, One-Family), 40-X Height and Bulk District. The project site is also located within the Bernal Heights Special Use District (the "Bernal Heights SUD"), a zoning district established in Section 242 of the *Planning Code* to enable consistent and contextually appropriate development within the Bernal Heights neighborhood. For projects within the Bernal Heights SUD, all RH-1 zoning controls apply unless otherwise provided for in Section 242. The proposed project would include subdivision of the project site into four separate lots and construction of a two-story-over-basement home on each of the new lots. The use (residential) and height (30 feet tall) of the proposed buildings would conform to the use and height restrictions in RH-1 Districts and the Bernal Heights SUD. In addition, the proposed buildings would conform to the rear yard depth, building mass, and parking controls prescribed for RH-1 zoned lots within the Bernal Heights SUD.

The subdivision process is overseen by Public Works and implemented pursuant to provisions of the California Subdivision Map Act, and the City's *Subdivision Code* and Subdivision Regulations. However, prior to Public Works approval, the proposed project must be reviewed by other applicable City agencies, including the Planning Department. Planning Department review ensures the subdivision proposal is consistent with the General Plan, Proposition M (*Planning Code* Section 101.1), and other provisions of the *Planning Code*. The proposed subdivision of the existing lot, which is being reviewed under Public Works Project ID No. 8257, would result in the following new lots:

- (1) 965 Powhattan Avenue: An approximately 2,073 sq. ft. lot with a roughly 60 foot frontage.
- (2) 985 Powhattan Avenue: An approximately 1,997 sq. ft. lot with a roughly 35 foot frontage.
- (3) 1025 Powhattan Avenue: An approximately 1,755 sq. ft. lot with a roughly 45 foot frontage.
- (4) 40 Bernal Heights Boulevard: An approximately 1,787 sq. ft. lot with a roughly 36 foot frontage.

As proposed, the subdivided lots would meet the minimum width (25 feet) and minimum area (1,750 sq. ft.<sup>1</sup>) requirements for lots in an RH-1 District, pursuant to *Planning Code* Section 121. The proposed subdivision would also increase the allowable dwelling unit density on the

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<sup>1</sup>Per *Planning Code* Section 121(e)(2), in RH-1 Districts the minimum lot area is 2,500 sq. ft., except for lots with their street frontage entirely within 125 feet of the intersection between two streets that intersect at an angle of 135 degrees or less, then the minimum lot area is 1,750 sq. ft. The proposed lots are located within the first 125 feet of an intersection where the two streets meet at an angle of 135 degrees or less.

project site. Per *Planning Code* Section 209.1, in RH-1 Districts residential density is principally permitted at a ratio of one dwelling unit per lot and conditionally permitted at a ratio of one dwelling unit per 3,000 square feet of lot area, up to a maximum of three dwelling units per lot. The existing lot is approximately 7,612 sq. ft. Therefore, the project sponsor would be permitted to construct one dwelling unit on the project site or seek Conditional Use Authorization to construct up to three dwelling units on the project site.<sup>2</sup> Should the proposed project be approved, the subdivision would result in four lots, enabling the project sponsor to construct four dwelling units on the project site. While the proposed project would result in greater density on the project site, the subdivision would not conflict with applicable *Planning Code* provisions.

Overall, the proposed project is consistent with applicable General Plan objectives and policies as well as applicable zoning designations.

For informational purposes, on January 9, 2015, the Planning Department approved the Tentative Map Decision referral letter for the proposed subdivision.<sup>3</sup> The letter was signed in error as the Planning Department must issue a CEQA determination for the proposed subdivision prior to the approval of a Tentative Map. Therefore, the Planning Department submitted a Revocation Request to Public Works on March 13, 2015 requesting that Public Works rescind the subdivision map approval and return the map to the Planning Department for further review.<sup>4</sup> The City's Surveyor rescinded the approval on March 16, 2015.<sup>5</sup> Once this Certificate of Determination (the "Certificate") is published, the Planning Department may determine whether to approve, conditionally approve, or disapprove the Tentative Map. Should the Planning Department approve or conditionally approve the Tentative Map, Public Works would be required to re-notice property owners within a 300-foot-radius of the subject parcel, and undergo a 10-day appeal period prior to approving a Final Map.

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The project site is an approximately .17 acre (7,612 sq. ft.) undeveloped lot located within a fully developed area of San Francisco. The project site is zoned residential and the lots in the project site vicinity are fully developed and serve residential uses. Therefore, the proposed project would be appropriately characterized as in-fill development of fewer than five acres, surrounded by urban uses.

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<sup>2</sup> Per the rules for calculating dwelling unit density under *Planning Code* Section 207, any "remaining fraction of one-half or more of the minimum of lot area per Dwelling Unit shall be adjusted upward to the next higher whole number of Dwelling Units".

<sup>3</sup> San Francisco Public Works. *Tentative Map Decision: Tentative Map Referral to the Department of City Planning, Project ID 8257*. June, 10, 2014. This document, and all other documents referred to herein, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014-002982ENV.

<sup>4</sup> San Francisco Planning Department. *Revocation Request. Case No. 2014.1023S*. March 13, 2015.

<sup>5</sup> San Francisco Public Works Subdivision Project Tracking system. *Project ID 8257*. <http://bsm.sfdpw.org/subdivision/tracking/>. Accessed May 13, 2015.

- c) *The project site has no habitat for endangered, rare or threatened species.*

The project site is located in the Bernal Heights neighborhood on an undeveloped lot, which is adjacent to an undeveloped portion of Rosenkranz Street (west of the lot) and an undeveloped portion of Carver Street (east of the lot). As they are undeveloped, Carver and Rosenkranz Streets feature the same mix of plants and ground cover that occupy the subject lot and give the subject block the impression of one continuous open space. While the project site is currently undeveloped, it is located within an urban area with established development patterns.

The Bernal Heights neighborhood was once under evaluation by the U.S. Fish and Wildlife Service (the "USFWS") for its potential to serve as a critical habitat unit for Franciscan Manzanita,<sup>6</sup> an evergreen shrub once believed to be extinct. Bernal Heights was initially placed on the list of potential Critical Habitat Units on September 5, 2012 when the USFWS published a proposed rule for designating critical habitat for Franciscan Manzanita, "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Franciscan Manzanita",<sup>7</sup> which identified eleven potential Critical Habitat Units. Bernal Heights was removed from the Critical Habitat Unit list when the USFWS's final rule was published on December 20, 2013,<sup>8</sup> as the USFWS determined that the area is "highly degraded" and does not feature the biological or physical characteristics required for the conservation of the Franciscan Manzanita, and therefore does not meet the USFWS's criteria for designation as a critical habitat.<sup>9</sup> Consequently, the Bernal Heights Unit is considered non-essential for the conservation of Franciscan Manzanita and was not included in the final list of Critical Habitat Units.

The project site is located in a developed urban area and does not contain any known rare or endangered plant or animal species, or habitat for such species. Therefore, the project site has no value as a habitat for endangered, rare, or threatened species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

#### Traffic

In order to determine whether the proposed project would result in an adverse environmental impact on traffic conditions within the vicinity of the project site, the Planning Department used the *Transportation Impact Analysis Guidelines for Environmental Review* (the Transportation Guidelines) to evaluate traffic conditions during the weekday PM peak period (4:00 PM – 6:00

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<sup>6</sup> "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Franciscan Manzanita; Proposed Rule," 77 *Federal Register* No. 172 (September 5, 2012), pp. 54517-54548.

<sup>7</sup> *Ibid.*

<sup>8</sup> "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Arctostaphylos franciscana* (Franciscan Manzanita); Final Rule," 78 *Federal Register* No. 245(December 20, 2013), pp. 77290-.

<sup>9</sup> *Ibid.*

PM). Weekday PM peak hours generally represent the time when the transportation system is most heavily used and is more likely to reach maximum capacity.

Based on the residential trip generation rates in the Transportation Guidelines, the proposed project is estimated to add 40 daily person trips. This includes 14 daily vehicle trips, three of which would occur during PM peak hour. The additional vehicle trips are not anticipated to significantly increase traffic in the project site vicinity or result in an adverse impact on the level of service. Based on this analysis, the proposed project would not substantially increase traffic relative to the existing capacity of the surrounding area's street system.

Construction-related impacts, generally, would not be considered significant due to their temporary and limited duration. While construction workers who drive to the project site would temporarily increase traffic volume and demand for street parking, the additional trips would not substantially affect traffic conditions. Therefore, the proposed project would not result in a significant impact on traffic.

### Noise

Residential uses are considered noise sensitive uses because residential occupants are considered sensitive receptors. The Planning Department requires a detailed noise analysis for projects that propose to locate new residential development in areas where ambient noise is greater than 75 decibels (dBA<sup>10</sup>). The proposed four single-family residences would not be located in an area where environmental noise exceeds this threshold. As such, an Environmental Noise Study was not required for the proposed project. However, proposed projects must comply with noise insulation requirements prescribed by Title 24, Part II of the California Code of Regulations (Title 24). Through the building permit process, DBI would ensure that Title 24 requirements would be met.

Operations-related noise primarily comes from two sources: (1) increased vehicular traffic generated by project residents and employees, and by service and delivery trucks requiring access to the project site; and (2) mechanical building noise. Typically, traffic volume would have to double to produce an increase in ambient noise levels noticeable to most people. As previously discussed, the proposed project is estimated to add forty daily vehicle trips. Potential residents and visitors would increase the number of trips taken within the project area, but it would not result in a doubling of traffic. While one of the proposed buildings would include a mechanical parking stacker, building mechanical noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). Therefore, the proposed project would not result in a substantial increase in operational noise within the vicinity of the project site.

Construction activities, another potential source of noise, are also regulated by the San Francisco Noise Ordinance. The ordinance stipulates when it is permissible to engage in construction activities (7:00 AM - 8:00 PM), the type of equipment that can be used, and the conditions under which that equipment may be utilized. Construction-related noise would be temporary and

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<sup>10</sup> A-weighted sound levels (dBA) is the method for measuring environmental noise to reflect that human hearing is less sensitive to low sound frequencies.

intermittent, and the proposed project would be required to comply with the City's Noise Ordinance. Based on mandatory compliance with all applicable state and municipal codes, the proposed project would not result in a significant impact with respect to noise.

### Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD), in their CEQA Air Quality Guidelines (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. The proposed project meets the screening criteria, and therefore would not result in significant criteria air pollutant impacts.<sup>11</sup>

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on health-protective criteria. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. The project site is not located within an Air Pollutant Exposure Zone. Nor would the proposed project include the operation of stationary sources of air pollution. Therefore, the proposed project would not result in a significant impact with respect to exposure of sensitive receptors to substantial levels of air pollution.

Though the proposed project would require construction activities for the approximate eight-month construction phase, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. The proposed project would also be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>12</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction-period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. Overall, the proposed project would not result in significant air quality impacts.

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<sup>11</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

<sup>12</sup> *California Code of Regulations*, Title 13, Division 3, § 2485.

### Water Quality

The project site is an undeveloped lot covered with porous surfaces. While the proposed project would increase the impervious surface area on the project site, the proportion of impervious to porous surface cover would be similar to that found on other residential-development lots in the neighborhood. Any wastewater and storm water discharge resulting from the proposed project would flow into the City's combined sewer system and be treated to the standards of the City's National Pollutant Discharge Elimination System Permit prior to discharge to a receiving water body.

In addition, the City's Stormwater Management Ordinance requires any project that involves ground disturbance of 5,000 sq. ft. or greater to prepare a Stormwater Control Plan. The proposed project would exceed this threshold and is therefore subject to the ordinance. The project sponsor must prepare a Stormwater Control Plan demonstrating how the project will adhere to the performance measures outlined in the November 2009 Stormwater Design Guidelines (the "Guidelines") including reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems. The San Francisco Public Utilities (SFPUC) Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. Compliance with the ordinance requires the project to maintain or reduce the existing volume and rate of stormwater runoff at the subject property by retaining runoff onsite, promoting stormwater reuse, and limiting site discharge entering the combined sewer system. Therefore, the proposed project would not substantially alter existing groundwater quality or surface flow conditions and would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and utilities are currently available, and the proposed building would be able to connect to the City's water, wastewater, and electricity services. While the proposed project would minimally increase demand on public services and utilities, that demand would not exceed the capacity provided for this area. In addition, the project would minimize potable water usage in the proposed buildings, and subsequently the volume of wastewater discharged, through compliance with the City's Residential Water Conservation Ordinance (*Building Code* Chapter 12A) and the residential requirements for increasing indoor water efficiency, pursuant to *Green Building Code* Chapter 4. Therefore, the proposed project would be adequately served by all required utilities and public services.

### DISCUSSION OF OTHER ENVIRONMENTAL ISSUES

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project. Guidelines Section 15300.2,



subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

**Geology and Soils.** According to Planning Department records, the project site has a slope of equal to or greater than 20 percent. Therefore, a geotechnical investigation was conducted on the site and the subsequent findings are summarized in this section.<sup>13</sup>

The geotechnical investigation involved project site reconnaissance, review of a 1993-94 investigation of and construction on a lot directly northeast of the subject property, review of engineering studies and observations made at properties in the project site vicinity, a review of pertinent geotechnical data, and geotechnical analysis of all findings. The project site features a northward uphill slope of approximately 20 to 25 percent. Two exploratory borings were drilled for a subsurface investigation at 81 Carver Street, just northwest of the project site, to a depth of approximately 10 feet below grade. The investigation revealed a soil mantel consisting of very loose silty clayey sand and firm sandy clay mixed with rock and glass fragments approximately five to eight feet deep. The fill is underlain by a layer of stiff to very stiff sandy silty clay approximately four feet deep, which grades into Greenstone bedrock to the maximum depth explored (15 feet below grade); though in some instances the Greenstone bedrock grades into chert bedrock. The area in which the project site is located typically features a subsurface of hard, brittle Franciscan formed chert intermixed with weathered, firm shale. This material was also observed at nearby properties at depths and with sampling resistance that indicate the presence of minimally weathered bedrock. No free ground water was detected on the site. According to Planning Department records, the project site is not in a Seismic Landslide Hazard Zone, nor did the geotechnical consultant observe signs of instability. Based on the stability of the of the hard bedrock below the soil mantel and low risk of landslides or liquefaction, the geotechnical report concludes that the site is suitable for construction of the proposed structures, provided their recommendations are incorporated into the design and implementation of the project.

The report recommends that (1) prior to the commencement of any work on the project site, survey points should be placed around the site and monitored while the foundation is installed; (2) due to the proposed depth of excavation, temporary shoring will be required during construction, particularly along Bernal Heights Avenue; (3) the foundation system should include steel-reinforced spread footings, and be constructed in a grid formation where isolated or perimeter footings are tied into the grid system; (4) a sub-drain system should be installed beneath garage slabs and lower level residential spaces. Additional recommendations regarding specialty contractors, site preparation, excavation, slab-on-grade placement, retaining walls, drainage, and other foundation engineering specifications are included in the report. Due to the variation in slope across the project site proposed excavation would range from approximately nine

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<sup>13</sup>Harold Lewis & Associates Geotechnical Consultants, *Foundation Investigation, Four Proposed Residential Buildings, 965, 985, 1025 Powhattan Avenue and 40 Bernal Heights Boulevard, San Francisco, California, September 21, 2014.*

to 15 feet below grade, with a potential maximum depth of approximately 22 feet below grade depending on site conditions during construction activities.

The proposed project would be required to conform to the San Francisco *Building Code*, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the *Building Code*. In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards.

**Neighborhood Concerns.** A "Notification of Project Receiving Environmental Review" was mailed on February 17, 2015 to community organizations, tenants of affected property and properties adjacent to the project site, and those persons who own property within a 300 foot radius of the project site. Overall concerns raised by the public in response to the notice were taken into consideration and incorporated into this Certificate, as appropriate for CEQA analysis.

The Planning Department received approximately 127 comments from 115 people. Concerns related to physical environmental effects were raised about increased traffic, loss of open space, the potential presence of wildlife habitat on the project site, air quality, scope of excavation activities, and the potential noise and air quality impacts resulting from construction activities. These concerns are addressed in the *Remarks* section of this Certificate. Additional comments regarding the physical environmental effects of the proposed project include: (1) Off-street parking constraints cause by increased density; (2) shadow obstructing light to adjacent properties; (3) an exposed water blow valve on the project site; (4) removal of Significant Trees; (5) public access to the existing bus stop on Bernal Heights Boulevard; (6) public safety along Bernal Heights Boulevard. These concerns are addressed below:

- (1) Section 242(e)(4) of the *Planning Code* prescribes the minimum number of off-street parking spaces for new construction projects located in the Bernal Heights SUD. Based on the amount of usable floor area the project proposes to construct (ranging approximately 2,043-2,244 sq. ft.), a minimum of two parking spaces must be provided for each of the four dwelling units. Therefore, a total of eight parking spaces are required. The project would include construction of a two-vehicle garage for two of the proposed homes and a three-vehicle garage for the other two homes. This would result in a total of ten parking spaces, thereby satisfying the off-street parking requirement for projects in the Bernal Heights SUD and the projected parking space demand for the project. Potential residents and visitors to the project site would also have access to alternative means of transportation. The project site is served by Muni bus routes 9, 9R, 23, 24, 67 and 292, which have stops within .5 miles of the project site.<sup>14</sup> In addition, pursuant to *Planning Code* Section 155.2.10, the project must include at least one bicycle parking space per residential

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<sup>14</sup> 511 SF Bay. <http://511.org/> Accessed January 22, 2015

dwelling unit, for a total of four spaces. Therefore, the proposed project would facilitate adequate public transportation, biking, and vehicle access to the project site

- (2) Proposed projects are typically evaluated for their potential to cast new shadow on parks and open space if the proposed project may potentially cast new shadow in a manner that substantially affects the use and enjoyment of outdoor recreational facility or other public areas. The proposed buildings would potentially shade two Public Works-owned properties (Assessor's Block and Lot 5640/019 & 5641/011) just north of the project site. The lots are passive open spaces held by Public Works in order to protect slope stability. The spaces are not actively used for recreational enjoyment, nor are they conducive to such activity due to their steep slopes. In addition, while the proposed buildings would add new shade to portions of the project site and surrounding properties, the new shadow would be typical of that found in urban areas for in-fill development projects. Therefore, for the purposes of CEQA analysis, a shadow analysis is not required for the proposed project.
- (3) The project site currently features a San Francisco Public Utilities Commission (SFPUC) water blow valve, located at approximately the middle of the Powhattan Avenue frontage on the public right-of-way. DBI would consult with SFPUC during the building permit review process to determine the most appropriate location of the pipe, should relocation be required. Thus the location of the infrastructure would not substantially impact the safe provision of utilities and public services to properties in the project site vicinity.
- (4) The proposed project is subject to the City's Green Landscaping Ordinance (*Planning Code* Section 138.1) and Urban Forestry Ordinance (*Public Works Code* Article 16). The Green Landscaping Ordinance outlines a provision for adding street trees when undertaking new construction. The Urban Forestry Ordinance outlines provisions for the protection and/or removal of existing trees. To comply with these measures, the project sponsor submitted a Tree Planting and Protection Checklist form for each of the proposed subdivided lots.<sup>15</sup> The Checklist discloses the number of existing Protected Trees<sup>16</sup> on the proposed project site, the proposed project's potential impact to Protected Trees, the estimated number of required new Street Trees, and new Street Tree planting requirements based on the applicable Tree Schedule.<sup>17</sup> The Checklist is reviewed by the Planning Department as well as Public Works, as the latter department must approve the removal and/or planting of any Protected Trees on the project site prior to issuance of a building permit. Based on the Checklists submitted for the proposed project, the project site contains four Significant Trees and no Landmark or Street Trees. The project sponsor must receive approval from Public works

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<sup>15</sup> SIA Consulting Corp., Authorized Agent, *Required Checklist for Tree Planting and Protection*, 965, 985, and 1025 Powhattan Ave. and 40 Bernal Heights Blvd., May 20, 2014.

<sup>16</sup> Protected Trees collectively refers to Significant Trees, Landmark Trees, and Street Trees located on or over a development. More information about these designations can be found in Public Works Director's Bulletin No. 2006-01: Tree Disclosure and Protection Requirements.

<sup>17</sup> Based on the characteristics of the proposed project, new Street Tree requirements may fall under one of three Planning Department Tree Schedules. Please refer to the Tree Planting and Protection Checklist, located on the Planning Department website at <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>, for a full description of the Tree Schedules.

for the proposed removal of the Significant Trees and for planting new Street Trees. Though the proposed project would include the removal of four Significant Trees on the project site, the Tree Protection and Planting Checklist reflects the City's standardized policy for addressing the routine protection, removal and/or planting of Protected Trees as prescribed by the Green Landscaping and Urban Forestry Ordinances. Therefore, any potential impact to Significant Trees would be addressed through the requirement that the sponsor obtain a permit from Public Works in order to remove or plant Protected Trees.

- (5) A Muni bus stop, which serves route 67, is located on Bernal Height Boulevard near the northwest corner of the project site where the subject property's western lot line meets Rosenkranz Street. It is not unusual for an in-fill development project in an urban area to be located near a public transit stop. In instances where a proposed project would impact access to a public transit stop, or in some way require the relocation of the transit stop, the project sponsor would coordinate with the Planning Department, any public agencies with jurisdiction over the transit stop, and Public Works to ensure the proposed work does not substantially impact the provision of public transportation services. As the proposed scope of work does not include any changes to the portion of the sidewalk where the bus stop is located, access to the bus stop would not be impacted by the proposed project.
- (6) The project would construct the proposed buildings so that two of the homes, 965 and 985 Powhattan Avenue, would have backyard patios facing Bernal Heights Boulevard. The proposed backyard for 985 Powhattan Avenue would provide a two-tiered, stepped patio where the portion of the patio closest to the sidewalk would be approximately one foot and eight inches in depth and the lower patio would be approximately four feet and eight inches in depth. This would result in a back yard with a total depth of approximately six feet and four inches below Bernal Height Boulevard's sidewalk grade. The proposed single-tiered patio for 965 Powhattan Avenue would be approximately four feet and four inches below grade. As the proposed recessed patios would be located along a public sidewalk, a neighborhood resident expressed concern that the depth of the patios would result in a public safety hazard.

Evaluation of public safety on sidewalks and streets is considered as part of the DBI permit review process. Project plans are routed to the Public Works, as appropriate, for a Plan Check to ensure compliance with the *Public Works Code*. Public Works Plan Checks include review of proposed activities that could affect public safety on the public-right-of-way. Therefore, ensuring public safety from potential sidewalk hazards in the project site vicinity would be addressed through the requirement for a Public Works review of the building permit application pursuant to its implementation.

Other comments about the merits of the proposed project were shared, however, comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposed project, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project would have a significant effect on the environment.

## CONCLUSION

The proposed project satisfies the criteria for exemption under the above-cited classification. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

**Carroll, John (BOS)**

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**From:** Felicitas Brown <felice.brown@comcast.net>  
**Sent:** Saturday, October 10, 2015 11:56 AM  
**To:** Carroll, John (BOS)  
**Subject:** Opposition to tree removal  
  
**Categories:** 150858

Dear Sir,

The proposed plan for building four houses, LUXURY, as that on small remaining, triangular land on Bernal Heights Blvd. would hurt the green area of our neighborhood, with now two large Monterey Cypresses which were planted by an enthusiastic young boy ca. 30 or 40 years ago.

The sight to the south and San Bruno Mountains in particular would be taken away from the houses on that area of Bernal Heights as well as all pedestrians.

We have lived here on Bernal Heights for the pass fifty years and walk by and enjoy that view on almost a daily basis and would greatly miss it if it were taken away.

Please consider. Thank you.

Felicitas W. and Milton L. Brown

**Carroll, John (BOS)**

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**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, September 22, 2015 8:11 AM  
**To:** Board of Supervisors, (BOS); BOS Legislation, (BOS)  
**Subject:** FW: BOS File No. 150858 - Concern an proposed Bernal Heights houses

**Categories:** 150858

-----Original Message-----

**From:** Marilyn Waterman [mailto:yaviene@yahoo.com]  
**Sent:** Monday, September 21, 2015 8:51 PM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** Concern an proposed Bernal Heights houses

Dear Board of Supervisors,

I am writing to express my concern about the proposed housing at 40 Bernal Heights Blvd. I respectfully ask you to study this proposal with great care and ensure the project would not create more reasons to tear down existing neighborhood houses and replace them with larger, profitable ones.

Bernal Heights, like other traditionally working class and mixed class neighborhoods in San Francisco, are quickly becoming "neighborhoods of teardowns" – as new housing goes up that are disproportionately out of scale, creating get-rich-quick incentives to demolish smaller houses.

Please demonstrate responsible stewardship in protecting the neighborhoods of San Francisco.

Thank you,  
Marilyn Waterman  
61 Gates St.  
San Francisco

Sent from my iPhone with apologies for typos

**Carroll, John (BOS)**

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**From:** Marilyn Waterman <yaviene@yahoo.com>  
**Sent:** Monday, September 21, 2015 8:51 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** Concern an proposed Bernal Heights houses

**Categories:** 150858

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Please demonstrate responsible stewardship in protecting the neighborhoods of San Francisco.

Thank you,  
Marilyn Waterman  
61 Gates St.  
San Francisco

Sent from my iPhone with apologies for typos



**Carroll, John (BOS)**

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**From:** ann lockett <lockett514@icloud.com>  
**Sent:** Monday, September 21, 2015 2:12 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** 40 Bernal Hill Blvd

**Categories:** 150858

I oppose the development of four large, out of character for the neighborhood houses at 40 Bernal Hill Blvd.  
Ann Lockett  
61 Gates Street  
San Francisco, CA 94110

From my iPad

## **Carroll, John (BOS)**

---

**From:** Herb Felsenfeld <herbfelsenfeld@gmail.com>  
**Sent:** Monday, September 21, 2015 1:01 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** Letter of Opposition to proposed 40 Bernal Heights Blvd. project

**Categories:** 150858

Dear Honorable Members of the San Francisco Board of Supervisors;

I oppose the proposed subdivision at 40 Bernal Heights Boulevard. The developers want to subdivide one irregular piece of open space into four lots and then build four houses of 2,100 sq. feet to 2,200 sq. feet of liveable space on each of these lots — essentially flipping the typical house-to-lot ratio for the surrounding neighborhood.

The developers want to build substantially larger houses than those of the neighbors on lots that are generally smaller. This will result in a densely packed cluster of houses out of character with the houses and neighborhood around them. The addition of large roof decks and 2-4 car garages will exacerbate the problem.

Below is a list of both City of San Francisco, and Bernal Heights neighborhood sources that support the many neighborhood claims ("out of character and scale") that have been made against this project. Sources cited are: General Plan (**GP**); Priority Policies (**PP**); Residential Design Guidelines (**RDG**); General Plan - Urban Design Elements (**URB**); Special Use District policies (**SUD**); and East Slope Design Review Board guidelines (**ESDRB**). I have enumerated the reckless and egregious disregard for, as well as direct conflicts with, city of San Francisco and neighborhood policies (abbreviations refer to the sources in the previous sentence):

**GP**, pp. 1/7, 2/7, and 3/7

"... (development should) maintain the area's quality of life ... (it is) imperative for protection, preservation, and enhancement of aesthetic values and unique character (of a neighborhood) ... (to foster) improvement of housing representing good standards and adequate open space."

**PP**, URB.CPN.1.9 SECTION 101.1 (b), p. 4/7

These priority policies all stress the importance of affordable housing as connected to neighborhood character.

**RDG**, pp. 9, 10, and 23

"... buildings must be designed to be compatible with the scale, patterns, and architectural features of surrounding buildings." " ... designer (should) help define, unify, and contribute positively to existing visual context." " ... building scale (is) to be compatible with that of surrounding buildings, in order to preserve neighborhood character."

**URB** - URB.CPN.1.3

"(Developers should) recognize that buildings when seen together, produce a total effect that characterize a city and its districts."

## **SUD**

This section of the San Francisco Planning Code encourages development "in context and scale with the established character (of Bernal Heights)."

## **ESDRB - page two**

"Bernal ... is a special neighborhood (with qualities that are cherished by all with a) commitment to seeing them preserved." "Much recent development is not only inconsistent but often at odds with the smaller existing structures ... some new buildings ... present facades which are copies of a single undistinguished design."

The above mentioned city and neighborhood policies are clearly designed to enhance, preserve, and protect our unique Bernal Heights neighborhood character. The proposed development at 40 Bernal Heights Boulevard flies in the face of respectful consideration of our neighborhood and the design values we stand for.

Thank you for your attention. I hope you will be sensitive to the many concerns raised by neighbors regarding this project.

Herb Felsenfeld

3574 Folsom Street

San Francisco, California 94110-5650

415-601 -5062

**Carroll, John (BOS)**

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**From:** Elizabeth Brown <betsybrown1@mac.com>  
**Sent:** Monday, September 21, 2015 9:07 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** Tentative Map Appeal — 40 Bernal Heights Boulevard

**Categories:** 150858

San Francisco Board of Supervisors  
c/o John Carroll, Legislative Clerk  
San Francisco Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102

Dear Mr. Carroll,

Kindly include my comments, below, in the Supervisors' packets for the September 29 hearing.

I am writing to appeal the decision to allow subdivision of the single lot referred to as 40 Bernal Heights Boulevard into four lots, on which the developer intends to build four large luxury homes.

I have lived across from this lot — one of the last open spaces on this side of Bernal, offering a vista south to passersby on Bernal Heights Drive — for approximately 20 years. It is an irregularly shaped triangle of land, with a very narrow point at the intersection of Bernal Heights Drive, Powhattan Ave., and Nevada Street. The slope of the lot is steep. Between slope and shape, it's very difficult to imagine this space supporting four dwellings — particularly the oversized dwellings intended by the developer.

Current plans for the site include four luxury homes, with 2,100 to 2,200 square feet of livable space each (larger than nearby homes — mine, among the closest to the site, is 1,000 square feet of living space) on lots between approximately 1,900 and 2,070 square feet.

This plan effectively flips the typical house-to-lot ratio for the surrounding neighborhood. Allowing this single lot to be subdivided into four will result in a densely packed cluster of dwellings — four large homes, with expansive roof decks and 2-4-car garages on a steep and narrow triangle of land — out of character with the houses and neighborhood around them.

I respectfully request that the Board of Supervisors deny the proposed four-lot subdivision, so that the developer may consider alternatives that better reflect the character of our neighborhood.

Thank you,

Betsy Brown  
2 Nebraska Street  
San Francisco  
415-826-3347

## Carroll, John (BOS)

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**From:** Karteek Patel <karteek@hotmail.com>  
**Sent:** Sunday, September 20, 2015 7:11 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** Subdivision of Bernal Heights Blvd/Powhattan Open Space  
**Categories:** 150858

Dear Board of Supervisors,

I am a neighbor of the proposed subdivision at Bernal Heights Blvd and Powhatan. I live at 38 Nebraska Street, mid-block below the proposed subdivision.

I wanted to voice my position against this subdivision. The proposed subdivision into four lots are planned to support four large luxury homes that are out of scale with the surrounding homes. These homes will have more square feet of built space compared to the lot size. We live in a special use district, where open space has been protected historically to ensure the character and open space areas are maintained around homes. The use of open space has been strictly enforced for those applying for permits to renovate and extend them homes into open spaces. This protection of open space has proven well for Bernal Heights; it has allowed for homes with backyards and open areas surrounding homes that encourage people to walk around and enjoy the landscape. Bernal Heights is unique in this fashion and as a result, we have seen new families move into our neighborhood - these include couples with babies and young children. These families move to Bernal Heights because of the unique availability of space. It would be a pity to see things change by supporting a subdivision that would not create similar spaces.

Additionally, the subdivision will create an unusual and very dense building block on an irregularly shaped space. Just by walking around the area of the subdivision, it becomes very clear that the homes surrounding this open space are built on lots with ample space around them. This subdivision would be a significant departure from the lots and the homes in both space and size.

I do hope you take into consideration these concerns and not allow for a subdivision. We recognize homes will be built on this open space, but we need to be smart about this and consider that the lots should be uniform in size and should keep in character with the neighborhood - which encourages people to spend time outside in both their front and backyards.

Kind regards,

Karteek Patel  
38 Nebraska Street  
San Francisco, CA 94110

**Carroll, John (BOS)**

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**From:** kathyangus@gmail.com on behalf of Kathy Angus <kathyangus@comcast.net>  
**Sent:** Sunday, September 20, 2015 12:56 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** Subject: Hearing Notice - September 29, 2015 - Tentative Map Appeal - 40 Bernal Heights Boulevard

**Categories:** 150858

On Behalf of the Bernal Heights South Slope Organization, which has been in existence for over two decades, I would like to voice my opposition to the proposed construction at 40 Bernal Heights Boulevard. Bernal has historically known as a working class neighborhood and homes are accordingly small and modest, which is particularly appropriate because they built on some of the smallest lots in the City.

The construction at 40 Bernal Heights Boulevard proposes 4 houses, both out of scale and of far to high density to be in character with the neighborhood. This particular location is a corner that impacts many residents and visitors to the area.

The South Slope Organization agrees with the following statements put forth in many other letters submitted by Bernal neighbors.

- **The four proposed lots are intended to support four large luxury houses that are out of scale with surrounding houses — with more square feet of built space compared to lot size.**
- **The result will be a very densely built block, on an irregularly shaped space, out of keeping with the character of Bernal Heights.**

We strongly suggest that these proposed homes be seriously downsized to reflect the character and density of the neighborhood.

Kathy Angus  
Co-Chair Bernal Heights South Slope Organization  
99 Banks Street, SF 94110

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Kathy Angus

## Carroll, John (BOS)

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**From:** Matt Peterson <m.w.peterson@gmail.com>  
**Sent:** Friday, September 18, 2015 11:28 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** Bernal/Powhattan open space dev appeal letter

**Categories:** 150858

I'm opposed to the current proposal to build 4 luxury houses at the intersection of Bernal and Powhattan. While I do support the development of this property into something beyond the open space it currently is (shared community space, garden, playground or even houses at comparable scale), I am very much against the proposed development for three major reasons:

1. It moves SF even further away from building residential property that the majority of SF workers can ever afford. Bernal's generally lower housing prices (in comparison to the rest of the city), is one of the few safe entry neighborhoods for first time home buyers. When my wife and I purchased our house 5 years ago, Bernal was the only neighborhood we could realistically consider.
2. The density of buildings will block a quintessential beautiful Bernal view of the surrounding city that residents appreciate on their walks around the neighborhood. These moments are a critical component to the charm and appeal of Bernal to all people who visit and live here.
3. The proposed houses are out of scale from the surrounding neighborhood houses.

Thanks,

Matt Peterson  
115 Nevada St.  
415-254-1137

**Carroll, John (BOS)**

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**From:** Michael Lerner <michael@community-arts.org>  
**Sent:** Thursday, September 10, 2015 12:20 PM  
**To:** Carroll, John (BOS)  
**Subject:** Tentative Map Appeal - 40 Bernal Heights Boulevard

John Carroll  
Legislative Clerk  
San Francisco Board of Supervisors  
San Francisco City Hall  
Room 244  
San Francisco, CA 94102

Dear Mr. Carroll,

Kindly include my comments below in the Supervisors' packets for the September 29 hearing.

-----

I've lived on Nebraska Street in Bernal Heights since 1982, during which time I've seen many changes to the neighborhood, almost all for the better. Now a developer intends to subdivide the steep, triangular lot at 40 Bernal Heights Boulevard in order to build four luxury homes a half block from my home. I'm not at all against development, but as a San Francisco resident for over 40 years, I feel compelled to write to express my dismay at the scale and scope of the proposed project.

My house is around 900 sq feet and those of my neighbors are not much larger. Houses in Bernal Heights rarely exceed 1,500 sq feet. The proposed houses, which will all exceed 3,000 sq feet, looming over our little neighborhood are totally inappropriate. They will degrade the quality of life for the entire neighborhood, only benefiting the developer and four buyers that can afford \$3 million + for housing. The developer's proposal makes a mockery of the Bernal Heights Special Use District guidelines.

I believe that my position, that of my neighbors and the East Bernal Heights Design Review Board is reasonable: Scale back the proposed number of houses to three and reduce the size to that of the existing houses in the neighborhood as stated in the guidelines. For that reason I respectfully request that the Board of Supervisors deny the subdivision application.

Sincerely,

Michael Lerner  
9 Nebraska Street

415.509.1916





Date: January 15, 2015

# THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Address	Block	Lot(s)
40 Bernal Heights Blvd	5640	010

This subdivision will result in:

## 4 Lot Subdivision

This notification letter is to inform you of your right to appeal this tentative approval.

### IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors **within ten (10) days of the date of this letter** along with a check in the amount of **\$298.00**, payable to SF Public Works.

The Clerk of the Board is located at: City Hall of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184

If you have any questions on this matter, please call us at (415) 554 – 5827 or our email address: [Subdivision.Mapping@sfdpw.org](mailto:Subdivision.Mapping@sfdpw.org).

Sincerely,

Bruce R. Storrs, P.L.S.  
City and County Surveyor  
City and County of San Francisco

144

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 56400010	40 BERNAL HEIGHTS BLVD	HERZIG	14	0429
0001	002					
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	HERZIG & BERLESE	414 GOUGH ST #5	SAN FRANCISCO	CA	94102
0001	005					
5629	014	DAN & TINA FORSMAN		CASTRO VALLEY	CA	
5629	015	GERALD LUCY		SAN RAFAEL	CA	
5629	016	GERALD LUCY		SAN RAFAEL	CA	
5629	017	MICHAEL BOSS ETAL		SAN FRANCISCO	CA	
5629	018	BARBARA HANCOCK ETAL		SAN FRANCISCO	CA	
5629	019	WARREN SEDAR ETAL		SAN FRANCISCO	CA	
5629	021	SF REAL ESTATE DEPT		SAN FRANCISCO	CA	
5629	022	KELLY CARLONE		SAN FRANCISCO	CA	
5629	023	KELLY CARLONE		SAN FRANCISCO	CA	
5629	024	WILLIAM HELTON TRS		SAN FRANCISCO	CA	
5629	025	WILLIAM HELTON TRS		SAN FRANCISCO	CA	
5629	026	WILLIAM HELTON TRS		SAN FRANCISCO	CA	
5629	028	RUTH ESSIE CASTRO TRS		SAN FRANCISCO	CA	
5638	008	LINDA SANDERS TRS		SAN FRANCISCO	CA	
5638	009	POLONCARZ-WALTHALL TRS		SAN FRANCISCO	CA	
5638	010	KUEN & PON TRS		SAN FRANCISCO	CA	
5638	011	LAURA & MARK TAKAI		SAN FRANCISCO	CA	
5638	012	KAREN MARIE LEE TRS		SAN FRANCISCO	CA	
5638	013	MICHAEL SPINATO		SAN FRANCISCO	CA	
5638	014	ELZIE TRS		SAN FRANCISCO	CA	
5638	021	BROWN TRS		SAN FRANCISCO	CA	
5638	022	VINCENT KOLOSKI		SAN FRANCISCO	CA	
5638	023	ELAINE MAYERS		SAN FRANCISCO	CA	
5638	024	MULLEN TRS		SAN FRANCISCO	CA	
5638	025	ROGER DODGE		SAN FRANCISCO	CA	
5638	029	ART LEE TRS		SAN FRANCISCO	CA	
5638	030	BURGER PONTRELLI FMLY		SAN FRANCISCO	CA	
5638	032	RINNA BLOCK FLOHR TRS		BERKELEY	CA	
5638	041	DAVID & TORI MCMILLAN		SAN FRANCISCO	CA	
5639	001	GREG KITCHEN		SAN FRANCISCO	CA	
5639	002	TODD JOHNSON & AMY ANTON		SAN FRANCISCO	CA	
5639	003	ROBERT WARREN TRS		SAN FRANCISCO	CA	
5639	004	LEEL PEESAPATI & EVELY MICHAUT		SAN FRANCISCO	CA	
5639	005	EILEEN DONDELINGER		SAN FRANCISCO	CA	
5639	023	ANDREW BOETTCHER		SAN FRANCISCO	CA	
5639	024	ARASH BABAKI TRS		SAN FRANCISCO	CA	
5639	025	MICHAEL BAILEY		SAN FRANCISCO	CA	
5639	026	ALICIA SPIVAK		SAN FRANCISCO	CA	
5639	027	DAVID & MYRIAM DUNAWAY		SAN FRANCISCO	CA	
5639	028	ERIK & MAUREEN LARKIN		SAN FRANCISCO	CA	
5639	029	MITZI NGIM		SAN FRANCISCO	CA	
5639	030	KAREN HELMUTH ETAL		SAN FRANCISCO	CA	
5639	031	ERIC ANDERSEN		SAN FRANCISCO	CA	
5639	032	MICHELLE WOLF		SAN FRANCISCO	CA	
5639	033	LARRY JAMES BLACK TRS		SAN FRANCISCO	CA	
5639	034	MEEHAN & KOORY		SAN FRANCISCO	CA	
5639	035	BENJAMIN BRIONES TRS		SAN FRANCISCO	CA	
5639	036	COHN TRS		SAN FRANCISCO	CA	
5639	037	JOVANKA SOLORZANO TRS		SAN FRANCISCO	CA	
5639	038	GROH ZINGESER ETAL		SAN FRANCISCO	CA	
5639	039	EDWARD & SIDNEY HILDUM		SAN FRANCISCO	CA	
5639	040	CAROL POSACKI GREY		SAN FRANCISCO	CA	
5640	001	STILLERMAN		SAN FRANCISCO	CA	
5640	002	KELLA SVETICH		SAN FRANCISCO	CA	
5640	003	KALMAN KOVACS ETAL		S SAN FRANCISCO	CA	
5640	004	POLLY LEE ARENBERG		SAN FRANCISCO	CA	
5640	005	JACK YEADAKER		SAN FRANCISCO	CA	
5640	006	ELIZABETH BROWN		SAN FRANCISCO	CA	
5640	010	1360-1364 STEVENSON ST LLC		SAN FRANCISCO	CA	
5640	019	SF REAL ESTATE DEPT		SAN FRANCISCO	CA	

5640	023	GARCIA TRS	ELK GROVE	CA
5640	024	KENNETH THOMSON	SAN FRANCISCO	CA
5640	025	GARCIA TRS	ELK GROVE	CA
5640	030	STEVEN FRITSCH RUDSER TRS	SAN FRANCISCO	CA
5640	031	MICHAEL SNEAD TRS	SAN FRANCISCO	CA
5640	032	CUNNINGHAM-MCKNIGHT TRS	SAN FRANCISCO	CA
5640	033	MARY LOU QUINTO TRS	SAN FRANCISCO	CA
5640	035	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5640	036	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	004	ANGELA SNEAD TRS	SAN FRANCISCO	CA
5641	005	ANGELA HO SNEAD TRS	SAN FRANCISCO	CA
5641	006	FRANK & VALERIE SINKAVICH	SAN FRANCISCO	CA
5641	007	DAVID LESSING ETAL	SAN FRANCISCO	CA
5641	008	BARBARA UNDERBERG	SAN FRANCISCO	CA
5641	010	MARY CONSOLO	SAN FRANCISCO	CA
5641	011	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	012	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	018	ARTHUR SCHWARTZBERG	SAN FRANCISCO	CA
5641	019	SABELO NARASIMHAN	BROOKLYN	NY
5641	021	WU-CHIN TRS	SAN FRANCISCO	CA
5641	022	WU-CHIN TRS	SAN FRANCISCO	CA
5641	023	WU-CHIN TRS	SAN FRANCISCO	CA
5641	024	WU-CHIN TRS	SAN FRANCISCO	CA
5641	025	WU-CHIN TRS	SAN FRANCISCO	CA
5641	030	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5654	001	INEZ ANDERSON TRS	SAN FRANCISCO	CA
5654	002	JUDY HISERMAN	SAN FRANCISCO	CA
5654	003	G & M VRANIZAN	SAN FRANCISCO	CA
5654	004	CHRISTOPHER WITTEMAN	SAN FRANCISCO	CA
5654	005	RANCHER TRS	SAN FRANCISCO	CA
5654	006	ROSIE MAXWELL	SAN FRANCISCO	CA
5654	007	JENNIFER DEVLIN	SAN FRANCISCO	CA
5654	008	LISA SZER ETAL	SAN FRANCISCO	CA
5654	039	SANCHEZ TRS	SAN FRANCISCO	CA
5654	040	JOHN MATHIES	SAN FRANCISCO	CA
5654	041	MICHAEL MARRELLI ETAL	SAN FRANCISCO	CA
5655	001	ELIZABETH BROWN	SAN FRANCISCO	CA
5655	002	KOBAYASHI TRS	SAN FRANCISCO	CA
5655	003	PONTEJOS TRS	SAN FRANCISCO	CA
5655	003A	PETER DARDIS	SAN FRANCISCO	CA
5655	004	AQUINO TRS	SAN FRANCISCO	CA
5655	005	DOMINIQUE TRS	SAN FRANCISCO	CA
5655	006	ANTHONY SPADARELLA	SAN FRANCISCO	CA
5655	007	COLIN PETHERAM	SAN FRANCISCO	CA
5655	008	RAMOS TRS	SAN FRANCISCO	CA
5655	009	BOBBI FRIOLI	SAN FRANCISCO	CA
5655	026	STEVEN LEE	SAN FRANCISCO	CA
5655	027	SATHITPONG LOWSITISUKDI ETAL	SAN FRANCISCO	CA
5655	028	KARTEEK PATEL	NAPA	CA
5655	029	CARLSON & RUDMAN TRS	SAN FRANCISCO	CA
5655	030	KATHLEEN SCHEIBLE	SAN FRANCISCO	CA
5655	031	DENNIS & IVETTE BERRIOS	SAN FRANCISCO	CA
5655	032	SUZANNE FRIEDMAN	DALY CITY	CA
5655	033	MATTHEW & AMY PETERSON	SAN FRANCISCO	CA
5655	034	HANS-OLAV & SARAH CAVELIE	SAN FRANCISCO	CA
5655	035	WILLIAM & ANITA CHANG	SAN FRANCISCO	CA
5656	001	WILFORD EVANS	SAN FRANCISCO	CA
5656	002	NIALL DOLAN	SAN FRANCISCO	CA
5656	003	VANNINI LUCA	SAN FRANCISCO	CA
5656	004	JETHRO VILLEGAS ETAL	SAN FRANCISCO	CA
5656	005	ANER YOUNG	SAN FRANCISCO	CA
5656	006	STEPHEN ALLEN TRS	NEVADA CITY	CA
5656	006A	ANNA LI TRS	SAN FRANCISCO	CA
5656	010	LAWRENCE OCONNOR TRS	SAN FRANCISCO	CA
5656	013	MELISSA SHAW TRS	SAN FRANCISCO	CA
5656	014	DEBORAH BARRON	SAN FRANCISCO	CA

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

5656	014A	AMY RETICKER	SAN FRANCISCO	CA
5656	015	NORMAN CABA ETAL	SAN FRANCISCO	CA
5656	016	RAJIV GUPTA ETAL	SAN FRANCISCO	CA
5656	017	RITA FARR	SAN FRANCISCO	CA
5656	018	THERESA & SAMUEL PATTERSON	GLENDALE	CA
5656	019	ALICIA SHEPHARD	SAN FRANCISCO	CA
5656	041	IRFAN SAEED AHMED & FOZIA SAEED	SAN FRANCISCO	CA
5656	042	BRYAN HARVEY ETAL	SAN FRANCISCO	CA
5656	043	ESSIE MAE WEEKS TRS	SAN FRANCISCO	CA
5656	044	MICHAEL LERNER	SAN FRANCISCO	CA
5656	045	MALINAO TRS	SAN FRANCISCO	CA
5657	012	JULIE WALCER TRS	SAN FRANCISCO	CA
5657	013	ALAN BAVOSA	SAN FRANCISCO	CA
5657	014	CAESAR BURDEKIN TRS	SAN FRANCISCO	CA
5657	015	RUSKAY TRS	SAN FRANCISCO	CA
5657	016	DOLLY VANCE TRS	SAN FRANCISCO	CA
5657	016A	KENNETH AHN	SAN FRANCISCO	CA
5657	017	JASON LINDLEY ETAL	SAN FRANCISCO	CA
9999	999			

PID: 8257

AB 5640 LOT 010

PROJECT TYPE: 2LS

• CONDOMINIUM CONVERSION LOTTERY: - YEAR

• NO. OF EXISTING UNITS (NC only): \_\_\_\_\_  
(CFCO REQUIRED)

• REDEVELOPMENT: YES  NO

RECEIVED DATE: 5/28/2014  
(SEE BSM DATE STAMP)

SUB'D TRACKING LOG-IN DATE: 5/28/2014  
LOG-IN BY: CW

INCOMPLETE SUBMITTAL LETTER SENT: \_\_\_\_\_

APPLICATION FEES TO S.T.: \_\_\_\_\_

COMMENTS

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June 4, 2014

Application for Parcel Map / Final Map Subdivision

Director of Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

RECEIVED  
14 JUN -9 PM 2:41

Dear Sir:

In compliance with the California Subdivision Map Act, the San Francisco Subdivision Code, the San Francisco Subdivision Regulations, and all amendments thereto, I/we, the undersigned subdivider, or agent, hereby submit to you for your review and processing a proposed Parcel Map / Final Map Application and Checklist and all applicable items, fee, documents and data checked thereon.

Respectfully,

1360-1364 Stevenson Street, LLC, a California limited liability company

Date: 6/4/14

Signed: *Ciaran Harty*  
Ciaran Harty, Manager

Attachment: Application Packet

**D. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION**

Property Address: Bernal Heights Boulevard (Vacant Lot)

Assessor's Block: 5640 Lot Number(s): 010

For DPW-BSM use only ID No.: <u>8257</u>
---

<b>Owner:</b>	
Name:	1360-1364 Stevenson Street, LLC, a California limited liability company c/o Herzig & Berlese
Address:	414 Gough Street, Suite 5, San Francisco, CA 94102
Phone:	415-861-8800
E-mail:	harty hartyprop@yahoo.com
<b>Person to be contacted concerning this project (if different from owner):</b>	
Name:	Peggy Berlese
Address:	414 Gough Street, Suite 5, San Francisco, CA 94102
Phone:	415-861-8800
E-mail:	pberlese@hbcondolaw.com
<b>Firm or agent preparing the subdivision map:</b>	
Name:	Westover Surveying
Address:	336 Claremont Blvd, Suite 2, San Francisco, CA 94127
Phone:	415-242-5400
E-mail:	dan@westoversurveying.com
<b>Subdivider: (if different from owner)</b>	
Name:	N/A
Address:	
Phone:	
E-mail:	

Existing number of lots: 1      Proposed number of lots: 4

This subdivision results in an airspace: NO

RECEIVED  
14 JUN -9 PM 2:41

**STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO**

I (We) 1360-1364 Stevenson Street, LLC, a California limited liability company,

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 6/4/14      Signed: Ciaran Harty  
 1360-1364 Stevenson Street, LLC, a California limited liability company  
 Ciaran Harty, Manager

**HARTY & HARTY PROPERTIES  
VALENCIA STREET PROPERTY**

1254 41ST AVENUE  
SAN FRANCISCO, CA 94122

1079

MAY -20-14

DATE ~~MAY -22-14~~

11-8166/3210  
18

PAY TO THE ORDER OF

DPW

\$ 250 <sup>00</sup>/<sub>100</sub>

Two Hundred FIFTY <sup>00</sup>/<sub>100</sub> DOLLARS



**FIRST REPUBLIC BANK**  
2001 Van Ness Ave.  
San Francisco, CA 94109  
Tel (415) 447-0888

FOR

*Paul Harty*

**HARTY & HARTY PROPERTIES  
VALENCIA STREET PROPERTY**

1254 41ST AVENUE  
SAN FRANCISCO, CA 94122

1080

MAY -20-14

DATE ~~MAY -22-14~~

11-8166/3210  
18

PAY TO THE ORDER OF

DPW

\$ 8699 <sup>00</sup>/<sub>100</sub>

Eight Thousand six Hundred ninety nine <sup>00</sup>/<sub>100</sub> DOLLARS



**FIRST REPUBLIC BANK**  
2001 Van Ness Ave.  
San Francisco, CA 94109  
Tel (415) 447-0888

FOR

*Paul Harty*



SEE UPDATED D-APP

### D. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION

Property Address: Bernal Heights Boulevard (Vacant Lot)

Assessor's Block: 5640 Lot Number(s): 010

For DPW-BSM use only  
ID No.: 8257

<b>Owner:</b>	
Name:	1360-1364 Stevenson Street, LLC, a California limited liability company c/o Herzig & Berlese
Address:	414 Gough Street, Suite 5, San Francisco, CA 94102
Phone:	415-861-8800
E-mail:	harty hartyprop@yahoo.com
<b>Person to be contacted concerning this project (if different from owner):</b>	
Name:	Peggy Berlese
Address:	414 Gough Street, Suite 5, San Francisco, CA 94102
Phone:	415-861-8800
E-mail:	pberlese@hbcondolaw.com
<b>Firm or agent preparing the subdivision map:</b>	
Name:	Westover Surveying
Address:	336 Claremont Blvd, Suite 2, San Francisco, CA 94127
Phone:	415-242-5400
E-mail:	dan@westoversurveying.com
<b>Subdivider: (if different from owner)</b>	
Name:	N/A
Address:	
Phone:	
E-mail:	

Existing number of lots: 1      Proposed number of lots: 2

This subdivision results in an airspace: NO

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17 MAY 28 PM 3:53

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

I (We) 1360-1364 Stevenson Street, LLC, a California limited liability company,

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

1360-1364 Stevenson Street, LLC, a California limited liability company

Date: 5/21/2014

Signed: Ciaran Harty  
Ciaran Harty, Manager



Edwin M. Lee, Mayor  
Mohammed Nuru, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827  
Fax: (415) 554-5324  
[www.sfdpw.org](http://www.sfdpw.org)  
[Subdivision.Mapping@sfdpw.org](mailto:Subdivision.Mapping@sfdpw.org)

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14 JUN -9 PM 2:41

Department of Public Works  
Office of the City and County Surveyor

1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

June 3, 2014

Herzig & Berlese  
414 Gough Street, Suite 5  
San Francisco, CA 94102

<b>Project ID:</b>	8257		
<b>Project Type:</b>	2 Lot Subdivision		
<b>Address #</b>	<b>Street Name</b>	<b>Block</b>	<b>Lot</b>
N/A	40 Bernal Heights Blvd	5640	010

Dear Mrs. Berlese:

This is to inform you that the application package, which you submitted to this agency, is incomplete. The following items are to be revised as indicated below in order to continue the processing of this application:

- Provide revised Application.
  - The D. application and the proposition "M" findings form show that the purpose of this project is to subdivide one lot it in to two lots. However the Tentative Map submitted with the application shows four lot subdivisions.
- Our reproduction and mail service will not accept envelopes except #10 regular envelopes with rounded gummed flap. The envelopes provided with the application are not the proper envelopes requested per DPW applications.


**Please submit all items in one complete package.**

Pursuant to the Subdivision Map Act and the San Francisco Subdivision Code, this application is deemed incomplete until the above referenced items are provided. Any mandated Agency time frames, if applicable, shall not commence until all missing items have been submitted.

**NOTE:** These items must be submitted within 10 business days of the date of this letter or this application will be returned and the project will be terminated.

Should you have any questions, please do not hesitate to call our office at (415) 554-5827.

Sincerely,

  
Bruce R. Storrs, PLS  
City and County Surveyor  
City and County of San Francisco

cc: Daniel Westover – Westover Surveying

RECEIVED  
MAY 28 PM 3:53

**PRELIMINARY REPORT**

*In response to the application for a policy of title insurance referenced herein, **Fidelity National Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

*The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.*

*This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.*

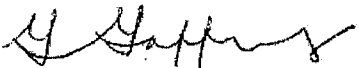
*The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Fidelity National Title Insurance Company, a California corporation.*

**Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

**Fidelity National Title Insurance Company**

Countersigned By:



Authorized Officer or Agent



By:



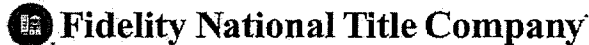
President

Attest:



Secretary

Visit Us on our Website: [www.fnctic.com](http://www.fnctic.com)



**ISSUING OFFICE:** 2150 John Glenn Drive, Suite #300, Concord, CA 94520

**FOR SETTLEMENT INQUIRIES, CONTACT:**

Fidelity National Title Company  
1388 Sutter Street, Suite 1200 • San Francisco, CA 94109  
(415)563-3500 • FAX (415)563-0103

**Another Prompt Delivery From Fidelity National Title Company Title Department  
Where Local Experience And Expertise Make A Difference**

**PRELIMINARY REPORT**

Title Officer: James Jack  
Title No.: FSFM-3031400488-JJ

Escrow Officer: Glenda Corkery  
E-Mail: [GCorkery@fnf.com](mailto:GCorkery@fnf.com)  
Escrow No.: FSFM-3031400488 -GC

TO: Herzig & Berlese  
414 Gough Street, Suite #5  
San Francisco, CA 94102  
Attn: Jessica McAree

**PROPERTY ADDRESS(ES):** Lot 10; Block 5640 (Bernal Heights), San Francisco, CA 94110

**EFFECTIVE DATE:** April 21, 2014 at 07:30AM

The form of policy or policies of title insurance contemplated by this report is:

ALTA Loan Policy 2006

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

1360-1364 Stevenson Street, LLC, a California Limited Liability Company

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): Lot 10, Block 5640**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at the point of intersection of the Northerly line of Powhatten Avenue with the Easterly line of Rosenkranz Street and thence running Northerly along said line of Rosenkranz Street 23.121 feet to the Southeasterly line of Bernal Heights Boulevard from Powhatten Street and Nevada Street to Bradford Street, etc.", recorded July 11, 1949 in Map Book "P" at Page 90 in the Office of the Recorder of the City and County of San Francisco, State of California; thence running Northeasterly along said line of Bernal Heights Boulevard on the arc of a curve to the left whose tangent deflects  $72^{\circ} 02' 16''$ , the preceding course with radius 425 feet, central angle  $10^{\circ} 32' 16''$  a distance of 78.166 feet; thence running Northeasterly on the preceding curve 62.310 feet; thence running thence Northeasterly on the arc of a curve to the right tangent to the preceding course with radius 285 feet, central angle  $2^{\circ} 56' 49''$ , a distance of 15.173 feet to the Westerly line of Carver Street; thence deflecting  $115^{\circ} 33' 11''$  to the right from the tangent to the preceding curve and running Southerly along said line of Carver Street 90.536 feet to said Northerly line of Powhatten Avenue 140 feet to the point of beginning.

Being Lots 1139 and 1141 and portions of Lots 1135, 1136, 1137, 1138 and 1140, Gift Map No. 3

**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2014-2015.

2. The herein described property lies within the boundaries of a Mello Roos Community Facilities District ("CFD"), as follows:

CFD No: 90 1  
For: School Facility Repair and Maintenance

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City and County of San Francisco. The tax may not be prepaid.

Further information may be obtained by contacting:

Chief Financial Officer  
San Francisco Unified School District  
135 Van Ness Ave. - Room 300  
San Francisco, CA 94102  
Phone (415) 241-6542

3. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 or Part 2, Chapter 3, Articles 3 and 4 respectively (commencing with Section 75) of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A; or as a result of changes in ownership or new construction occurring prior to date of policy.

4. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$325,000.00  
Dated: October 17, 2013  
Trustor/Grantor: 1360-1364 Stevenson Street, LLC, a California Limited Liability Company  
Trustee: Fidelity National Title Insurance Company  
Beneficiary: First Republic Bank  
Loan No.: 22-514154-4  
Recording Date: October 22, 2013  
Recording No.: 2013-J774225-00, Reel L008, Image 0202, Official Records

5. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

The Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage.

The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

6. Matters which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said Land that is satisfactory to the Company, and/or by inquiry of the parties in possession thereof.

**EXCEPTIONS**  
(continued)

7. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: 1360-1364 Stevenson Street, LLC, a California limited liability company

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company that it was validly formed, is in good standing and authorized to do business in the state of origin.
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

8. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(ies): 1360-1364 Stevenson Street, LLC, a California Limited Liability Company

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

9. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

**END OF EXCEPTIONS**

## NOTES

**Note 1.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

Tax ID No.:	Lot 10, Block 5640
Fiscal Year:	2013-2014
1st Installment:	\$5,629.71
2nd Installment:	\$5,629.71
Exemption:	\$0.00
Land:	\$941,114.00
Improvements:	\$0.00
Personal Property:	\$0.00
Code Area:	1000
Bill No.:	157652

**Note** Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**Note 2.** Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor:	David M. Poulsen, a married man, as his sole and separate property and Kareen L. Poulsen, a married woman, as her sole and separate property, who acquired title as an unmarried woman
Grantee:	1360-1364 Stevenson Street, LLC, a California Limited Liability Company
Recording Date:	October 22, 2013
Recording No.:	2013-J774224-00, Reel L008, Image 0201, Official Records

**Note 3.** Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

**Note 4.** If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.

**Note 5.** Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

END OF NOTES



## NOTICE

You may be entitled to receive a Twenty And No/100 Dollars (\$20.00) discount on escrow services if you purchased, sold or refinanced residential property in California between May 19, 1995 and November 1, 2002. If you had more than one qualifying transaction, you may be entitled to multiple discounts.

If your previous transaction involved the same property that is subject of your current transaction, you do not have to do anything; the Company will provide the discount, provided you are paying for escrow or title services in this transaction.

If your previous transaction involved property different from the property that is subject of your current transaction, you must - prior to the close of the current transaction - inform the Company of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount.

Unless you inform the Company of the prior transaction on property that is not the subject of this transaction, the Company has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide the Company information concerning a prior transaction, the Company is required to determine if you qualify for a discount which is subject to other terms and conditions.

**FIDELITY NATIONAL FINANCIAL  
PRIVACY NOTICE  
Effective: January 24, 2014**

Order No.: FFSM-3031400488--GC

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

**Collection and Use of Information**

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

**Additional Ways Information is Collected Through the Website**

**Browser Log Files.** Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

**Cookies.** From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the [Third Party Opt Out](#) section below.

**Web Beacons.** Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the [Third Party Opt Out](#) section below.

**Unique Identifier.** We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

**Third Party Opt Out.** Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

## PRIVACY NOTICE

(continued)

You can opt-out of online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at [www.aboutads.info](http://www.aboutads.info).
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at [www.youronlinechoices.com](http://www.youronlinechoices.com).
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

### **When Information Is Disclosed By FNF**

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

### **Information from Children**

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children - or others - in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

### **Privacy Outside the Website**

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

**PRIVACY NOTICE**  
(continued)

**European Union Users**

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

**Choices with Your Personal Information**

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

**Access and Correction**

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

**Your California Privacy Rights**

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2013 will receive information regarding 2012 sharing activities).

To obtain this information on behalf of FNF, please send an email message to [privacy@fnf.com](mailto:privacy@fnf.com) with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

**Your Consent to This Privacy Notice**

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer  
(888) 934-3354  
[privacy@fnf.com](mailto:privacy@fnf.com)

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EFFECTIVE AS OF: JANUARY 24, 2014 / LAST UPDATED: JANUARY 24, 2014

## ATTACHMENT ONE

### CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

#### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

#### EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**ATTACHMENT ONE  
(CONTINUED)**

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)  
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)**

**EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

**ATTACHMENT ONE  
(CONTINUED)**

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$5,000.00

**ATTACHMENT ONE  
(CONTINUED)**

**AMERICAN LAND TITLE ASSOCIATION  
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)**

**EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

- land use
- improvements on the land
- land division
- environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:

- a notice of exercising the right appears in the public records on the Policy Date
- the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

3. Title Risks:

- that are created, allowed, or agreed to by you
- that are known to you, but not to us, on the Policy Date-unless they appeared in the public records
- that result in no loss to you
- that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- to any land outside the area specifically described and referred to in Item 3 of Schedule A

or

- in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.



**ATTACHMENT ONE  
(CONTINUED)**

**2006 ALTA LOAN POLICY (06-17-06)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE  
(CONTINUED)**

**2006 ALTA OWNER'S POLICY (06-17-06)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE  
(CONTINUED)**

**ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

## Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

### FNF Underwritten Title Companies

CTC – Chicago Title Company  
CLTC – Commonwealth Land Title Company  
FNTC – Fidelity National Title Company  
FNTCCA – Fidelity National Title Company of California  
TICOR – Ticor Title Company of California  
LTC – Lawyer's Title Company

### Underwritten by FNF Underwriters

CTIC – Chicago Title Insurance Company  
CLTIC – Commonwealth Land Title Insurance Company  
FNTIC – Fidelity National Title Insurance Company  
FNTIC – Fidelity National Title Insurance Company  
CTIC – Chicago Title Insurance Company  
CLTIC – Commonwealth Land Title Insurance Company

### Available Discounts

#### **FEE REDUCTION SETTLEMENT PROGRAM (CTC, CTIC, CLTC, CLTIC, FNTC, FNTCCA, FNTIC, LTC, TICOR)**

Eligible customers shall receive a Twenty And No/100 Dollars (\$20.00) reduction in their title and/or escrow fees charged by the Company for each eligible transaction in accordance with the terms of the Final Judgments entered in *The People of the State of California et al. v. Fidelity National Title Insurance Company et al.*, Sacramento Superior Court Case No. 99AS02793, and related cases.

#### **DISASTER LOANS (CTIC, CLTIC, FNTIC)**

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

#### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)**

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be thirty-two percent (32%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

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CITY & COUNTY ASSESSOR 1999

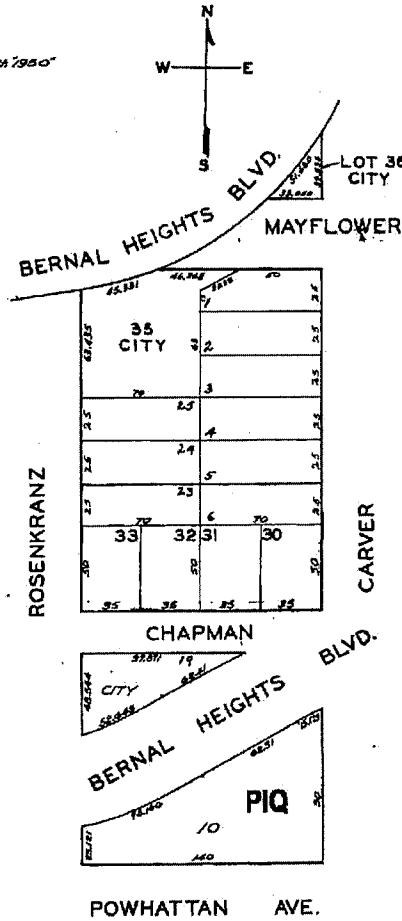
Important: This plat is not a survey. It is furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings or acreage.

5640

GIFT MAP 3 LOTS 1114 1141

REVISED '58  
REVISED '63  
" '66  
" '70

*Lots 9<sup>A</sup>, 1116 Merged into Lot 10, 1945/1950*



20139J77422400002  
San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC-  
2013-J774224-00  
Acct 2005-Fidelity Title Company Concord  
Tuesday, OCT 22, 2013 09:44:55  
Ttl Pd \$21.00 Rcpt # 0004815012  
REEL L008 IMAGE 0201  
oal/RE/1-2

RECORDING REQUESTED BY:  
Fidelity National Title Company  
Order No.: FSNX-7051300184

When Recorded Mail Document To:  
1360-1364 Stevenson Street, LLC  
~~18 Baker St, 910 1254-41st AUP~~  
San Francisco, CA ~~94117~~ 94122

APN/Parcel ID(s): 5640-010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

*Valant Lot*

### GRANT DEED

The undersigned grantor(s) declare(s)

- The documentary transfer tax is \$ 5,202.00 and is computed on:
- the full value of the interest or property conveyed.
  - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in  the City of San Francisco.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, David M. Poulsen, a married man as his sole and separate property and Kareen L. Poulsen, a married woman as her sole and separate property, who acquired title as an unmarried woman,


hereby GRANT(S) to 1360-1364 Stevenson Street, LLC, a California limited liability company,

the following described real property in the City of San Francisco, County of San Francisco, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: October 17, 2013

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

  
David M. Poulsen

  
Kareen L. Poulsen

State of California  
County of Sonoma

On October 18, 2013, before me, Courtney Triola, Notary Public, personally appeared David M. Poulsen and Kareen L. Poulsen, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed  
SCA0000129.doc / Updated: 10.23.12


Printed: 10.17.13 @ 07:01PM  
CA-FT-FSNX-01500.080705-FSNX-7051300184

**EXHIBIT "A"**  
Legal Description

For APN/Parcel ID(s): 5640-010

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at the point of intersection of the Northerly line of Powhatten Avenue with the Easterly line of Rosenkranz Street and thence running Northerly along said line of Rosenkranz Street 23.121 feet to the Southeasterly line of Bernal Heights Boulevard from Powhatten Street and Nevada Street to Bradford Street, etc.", recorded July 11, 1949 in Map Book "P" at Page 90 in the Office of the Recorder of the City and County of San Francisco, State of California; thence running Northeasterly along said line of Bernal Heights Boulevard on the arc of a curve to the left whose tangent deflects  $72^{\circ} 02' 16''$ , the preceding course with radius 425 feet, central angle  $10^{\circ} 32' 16''$  a distance of 78.166 feet; thence running Northeasterly on the preceding curve 62.310 feet; thence running thence Northeasterly on the arc of a curve to the right tangent to the preceding course with radius 285 feet, central angle  $2^{\circ} 56' 49''$ , a distance of 15.173 feet to the Westerly line of Carver Street; thence deflecting  $115^{\circ} 33' 11''$  to the right from the tangent to the preceding curve and running Southerly along said line of Carver Street 90.536 feet to said Northerly line of Powhatten Avenue 140 feet to the point of beginning.

Being Lots 1139 and 1141 and portions of Lots 1135, 1136, 1137, 1138 and 1140 Gift Map No. 3 

1081

Block	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
BRANKS	928	927	926	925	924	923	922	921	920	919	918	917	916	915	914	913	912	911	910	909
PRENTISS	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031
ROSENKRANTZ	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076
MARYFLOWER	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124
CHARLES	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180
ADAMS	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240
STANDISH	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270
WINSLOW	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320
CALIFORNIA	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370

Map entitled "Giff Map No. 3" being the original  
 as therein laid down and designated  
 as a perpetual reference and for a more  
 own by his attorney in fact M. A. COBB  
 COBB.



## G. FORMS

# Form No. 1

### **Proposition "M" Findings Form** **The Eight Priority Policies** **of Section 101.1 of San Francisco Planning Code**

Date: May 21, 2014

Address Bernal Heights Boulevard (Vacant Lot)

Assessor's Block 5640 Lot(s) 010

Proposal: Parcel Map / Final Map Subdivision

#### **EIGHT PRIORITY GENERAL PLAN POLICIES**

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

**INSTRUCTIONS TO APPLICANTS:** Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if they responses are not thorough. Use a separate document and attach if more space is needed.

#### Eight Priority Policies

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such business enhanced;

The map divides the existing lot into two lots. In the future, the developer intends to construct **four single family residences**. There will be two residences on each lot. When occupied, the homes will provide customers for existing neighborhood retail businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of the neighborhood;



RIGHT

4344



BACR

4345



LEFT

4346

### E. PARCEL MAP / FINAL MAP SUBDIVISION APPLICATION CHECKLIST

Check the following items enclosed where applicable:

Submitted per guidelines and in this order?		Official Use Only: OK?	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Form No. (where applicable)
Yes	No					DPW	DCP	DBI **	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1.	Four (4) copies of Tentative Parcel Map [DPW copies: 3-BSM Mapping; 1-City Planning] <b>Note:</b> One additional copy will be required if project falls within the jurisdiction of SFRA. (see page 7)	4	3	1	1*	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2.	Four (4) copies of Tentative Final Map [DPW copies: 3-BSM Mapping; 1-City Planning] <b>Note:</b> One additional copy will be required if project falls within the jurisdiction of SFRA. (see page 7)	4	3	1	1*	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3.	Subdivision Fee (\$_____)	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4.	Preliminary Title Report (dated within 3 months)	2	1	1		
<input type="checkbox"/>	<input type="checkbox"/>		5.	Grant Deeds and any other recorded documents for: <input type="checkbox"/> Subject Site and <input type="checkbox"/> Adjoiners	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	Current 3R Report, see item number 6 page 8 for details	2	1	1		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7.	Neighborhood notification package for Tentative Map decision <input type="checkbox"/> 300-Foot Radius Map <input type="checkbox"/> Address List <input type="checkbox"/> Envelopes	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8.	Photographs of subject property, as follows: [Public Works Code Sec. 723.2 & Planning Code] <input checked="" type="checkbox"/> Front photo from the street looking at the property, including sidewalk without obstructions <input checked="" type="checkbox"/> Photo from left side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo from right side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo of rear of property	2	1	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.	Proposition "M" Findings demonstrating consistency with Eight Priority General Plan Policies [Planning Code Sec. 101.1(b)]	2	1	1		Form No. 1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.	Submit the following for review by Department of Building Inspection, if required. See page 8. Completed Form Number 2.	1			1*	Form No. 2

**\* ADDITIONAL COPY TO DBI – SEE REQUIREMENTS PAGE 8, ITEM 10**

The new residences will be carefully designed so that its architecture meshes with the architecture of the surrounding structures.

3. That the City's supply of affordable housing be preserved and enhanced;

This project will contribute **four** new moderately-priced residences to San Francisco's housing supply. An increase in housing units lessens demand and contributes to the reduction of prices.

4. That commuter traffic not impede Muni transit service or overburden streets or neighborhood parking;

This project will not increase commuter traffic. It will not overburden Muni services or San Francisco street traffic nor will it cause parking problems.

5. That a diverse economic base be maintained by protecting the industrial and service sectors from displacement due to commercial office development and that future opportunities for resident employment and ownership in these sectors be enhanced;

This project will have no impact on the industrial or service sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

This project will be new construction and will comply with current building codes regarding seismic safety.

7. That landmarks and historic buildings be preserved; and

This project will have no effect on this policy.

8. That our parks and open space and access to sunlight and vistas be protected from development;

No parks or open space will be affected by this development. The project will not block access to sunlight or vistas.

Attached are photographs of the subject property. Please call if you need any additional information to determine that this project is in conformity with San Francisco's Master Plan. Thank you.

1360-1364 Stevenson Street, LLC, a California limited liability company

Date: 5/21/2014 Signed: Ciaran Harty  
Ciaran Harty, Manager

May 21, 2014

Application for Parcel Map / Final Map Subdivision

Director of Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

RECEIVED  
17 MAY 28 PM 3:53

Dear Sir:

In compliance with the California Subdivision Map Act, the San Francisco Subdivision Code, the San Francisco Subdivision Regulations, and all amendments thereto, I/we, the undersigned subdivider, or agent, hereby submit to you for your review and processing a proposed Parcel Map / Final Map Application and Checklist and all applicable items, fee, documents and data checked thereon.

Respectfully,

1360-1364 Stevenson Street, LLC, a California limited liability company

Date: 5/21/2014

Signed:   
Ciaran Harty, Manager

Attachment: Application Packet

14 JUN -9 PM 2:41

G. FORMS

Form No. 1

Proposition "M" Findings Form
The Eight Priority Policies
of Section 101.1 of San Francisco Planning Code

Date: June 4, 2014

Address Bernal Heights Boulevard (Vacant Lot)

Assessor's Block 5640 Lot(s) 010

Proposal: Parcel Map / Final Map Subdivision

EIGHT PRIORITY GENERAL PLAN POLICIES

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

INSTRUCTIONS TO APPLICANTS: Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if they responses are not thorough. Use a separate document and attach if more space is needed.

Eight Priority Policies

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such business enhanced;

The map divides the existing lot into four lots. In the future, the developer intends to construct four single family residences. There will be one residence on each lot. When occupied, the homes will provide customers for existing neighborhood retail businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of the neighborhood;



The new residences will be carefully designed so that its architecture meshes with the architecture of the surrounding structures.

3. That the City's supply of affordable housing be preserved and enhanced;

This project will contribute **four** new moderately-priced residences to San Francisco's housing supply. An increase in housing units lessens demand and contributes to the reduction of prices.

4. That commuter traffic not impede Muni transit service or overburden streets or neighborhood parking;

This project will not increase commuter traffic. It will not overburden Muni services or San Francisco street traffic nor will it cause parking problems.

5. That a diverse economic base be maintained by protecting the industrial and service sectors from displacement due to commercial office development and that future opportunities for resident employment and ownership in these sectors be enhanced;

This project will have no impact on the industrial or service sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

This project will be new construction and will comply with current building codes regarding seismic safety.

7. That landmarks and historic buildings be preserved; and

This project will have no effect on this policy.

8. That our parks and open space and access to sunlight and vistas be protected from development;

No parks or open space will be affected by this development. The project will not block access to sunlight or vistas.

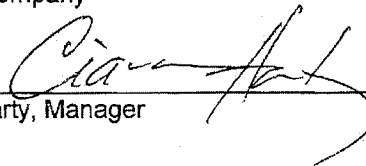
Attached are photographs of the subject property. Please call if you need any additional information to determine that this project is in conformity with San Francisco's Master Plan. Thank you.

1360-1364 Stevenson Street, LLC, a California limited liability company

Date:

6/4/14

Signed:



Ciaran Harty, Manager

# HERZIG & BERLESE

ATTORNEYS AT LAW

IVY COURT, SUITE 5, 414 GOUGH STREET, SAN FRANCISCO, CA 94102  
(415) 861-8800 FAX (415) 861-0259

BARBARA E. HERZIG  
MARGARET J. BERLESE

## LETTER OF TRANSMITTAL

DATE: May 28, 2014

TO: Department of Public Works  
Cheryl Chan  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

FROM: Herzig & Berlese

RE: Block: 5640 Lot:10  
Bernal Heights Boulevard (Vacant Lot)

RECEIVED  
17 MAY 28 PM 3:53

Hi Cheryl,

This letter is to explain why there is no 3R report or adjoiner deeds included in the application packet.

3R: This is currently a vacant lot so we are unable to obtain a 3R.

Adjoiner Deeds: The lot is bordered by roads and, therefore, there are no adjoining lots.

Thank you,

HERZIG & BERLESE

  
Jessica McAree



## **Carroll, John (BOS)**

---

**From:** SF Docs (LIB)  
**Sent:** Thursday, September 24, 2015 7:59 AM  
**To:** Carroll, John (BOS)  
**Subject:** Re: Please Post the Attached Hearing Notices

**Categories:** 150854, 150858

Hi John,

I have posted the hearing notices.

Thank you,

Michael

---

**From:** Carroll, John (BOS)  
**Sent:** Wednesday, September 23, 2015 4:12 PM  
**To:** SF Docs (LIB)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** Please Post the Attached Hearing Notices


Good afternoon,

Please kindly post the attached hearing notices for public review.

150584  
150858

Best,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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

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

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

## Carroll, John (BOS)

---

**From:** SF Docs (LIB)  
**Sent:** Friday, September 18, 2015 11:19 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** Re: Please Post the Linked Hearing Notice - Hearing Notice - September 29, 2015 - Tentative Map Appeal - 40 Bernal Heights Boulevard

Posted/SF Docs/9/18/2015/Laurel Yerkey

---


**From:** BOS Legislation, (BOS)  
**Sent:** Friday, September 18, 2015 10:50 AM  
**To:** SF Docs (LIB)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** FW: Please Post the Linked Hearing Notice - Hearing Notice - September 29, 2015 - Tentative Map Appeal - 40 Bernal Heights Boulevard

Good morning,

Please kindly post the below-linked hearing notice for public viewing.

Best,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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

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---

**From:** BOS Legislation, (BOS)  
**Sent:** Friday, September 18, 2015 10:48 AM  
**To:** 'chriswit@saber.net' <chriswit@saber.net>; 'betsybrown@comcast.net' <betsybrown@comcast.net>; 'pberlese@hbcondolaw.com' <pberlese@hbcondolaw.com>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlena (CAT) <marlena.byrne@sfgov.org>; Malamut, John (CAT) <john.malamut@sfgov.org>; Nuru, Mohammed (DPW) <Mohammed.Nuru@sfdpw.org>; Sanguinetti, Jerry (DPW) <Jerry.Sanguinetti@sfdpw.org>; Sweiss, Fuad (DPW) <Fuad.Sweiss@sfdpw.org>; Storrs, Bruce (DPW)

<Bruce.Storrs@sfdpw.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <https://outlook.office365.com/ecp/UsersGroups/EditDistributionGroup.aspx?reqId=1441732280579&pwmcid=5&ReturnObjectType=1&id=e461de0a-e6fa-453b-849b-ab7bfda77739#> <bos-legislative\_aides@sfgov.org>  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Caldeira, Rick (BOS) <rick.caldeira@sfgov.org>; Adina, Seema (DPW) <seema.adina@sfdpw.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>

**Subject:** Hearing Notice - September 29, 2015 - Tentative Map Appeal - 40 Bernal Heights Boulevard

Good morning,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on **September 29, 2015, at 3:00 p.m.**

Please find linked below the Hearing Notice for the Tentative Map Appeal for the proposed project at 40 Bernal Heights Boulevard.

[Hearing Notice – 40 Bernal Heights Boulevard](#)

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**

**Legislative Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Friday, September 18, 2015 10:48 AM  
**To:** 'chriswit@saber.net'; 'betsybrown@comcast.net'; 'pberlese@hbcondolaw.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative  
Aides<https://outlook.office365.com/ecp/UsersGroups/EditDistributionGroup.aspx?reqId=1441732280579&pwmcid=5&ReturnObjectType=1&id=e461de0a-e6fa-453b-849b-ab7bfda77739#>  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Adina, Seema (DPW); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Hearing Notice - September 29, 2015 - Tentative Map Appeal - 40 Bernal Heights Boulevard  
**Categories:** 150858

Good morning,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on **September 29, 2015, at 3:00 p.m.**

Please find linked below the Hearing Notice for the Tentative Map Appeal for the proposed project at 40 Bernal Heights Boulevard.

[Hearing Notice – 40 Bernal Heights Boulevard](#)

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

[Board of Supervisors File No. 150858](#)

Thank you,

**John Carroll**

**Legislative Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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RECEIVED  
BOARD of SUPERVISORS  
SAN FRANCISCO

2015 SEP 18 AM 9:25



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

**PROOF OF MAILING**

Legislative File No. 150858

Description of Items: **Hearing of persons interested in or objecting to the decision of Public Works dated August 24, 2015, approving a proposed 4-lot subdivision located at 40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010; and making environmental findings under the California Environmental Quality Act. (District 9) (Appellant, Betsy Brown and Chris Witteman, on behalf of Bernal/Powhattan Neighbors) (Filed September 3, 2015).**


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

Date: September 18, 2015

Time: 9:20 a.m.

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

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

Signature: 

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



BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 5640010U	40 BERNAL HEIGHTS BLVD	HERZIG	15	0804
0001	002	.....	.....	.....	.....	.....
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	HERZIG & BERLESE	414 GOUGH ST #5	SAN FRANCISCO	CA	94102
0001	005	.....	.....	.....	.....	.....
5629	014	D & T FORSMAN		CASTRO VALLEY	CA	
5629	015	GERALD LUCY		SAN RAFAEL	CA	
5629	016	GERALD LUCY		SAN RAFAEL	CA	
5629	017	BOSS & TALMAN		SAN FRANCISCO	CA	
5629	018	BARBARA HANCOCK TRS		SAN FRANCISCO	CA	
5629	019	W & Z SEDAR		SAN FRANCISCO	CA	
5629	021	SF REAL ESTATE DEPT		SAN FRANCISCO	CA	
5629	022	KELLY CARLONE		SAN FRANCISCO	CA	
5629	023	KELLY CARLONE		SAN FRANCISCO	CA	
5629	024	WILLIAM HELTON TRS		ROYAL OAKS	CA	
5629	025	WILLIAM HELTON TRS		ROYAL OAKS	CA	
5629	026	WILLIAM HELTON TRS		ROYAL OAKS	CA	
5629	028	RUTH CASTRO TRS		SAN FRANCISCO	CA	
5638	008	LINDA SANDERS TRS		SAN FRANCISCO	CA	
5638	009	MARKO-CHUFO TRS		SAN FRANCISCO	CA	
5638	010	LARRY KUEN TRS		SAN FRANCISCO	CA	
5638	011	L & M TAKAI		SAN FRANCISCO	CA	
5638	012	KAREN LEE TRS		SAN FRANCISCO	CA	
5638	013	MICHAEL SPINATO		SAN FRANCISCO	CA	
5638	014	J & A ELZIE TRS		SAN FRANCISCO	CA	
5638	021	BROWN TRS		SAN FRANCISCO	CA	
5638	022	VINCENT KOLOSKI		SAN FRANCISCO	CA	
5638	023	ELAINE MAYERS TRS		SAN FRANCISCO	CA	
5638	024	MULLEN TRS		SAN FRANCISCO	CA	
5638	025	ROGER DODGE		SAN FRANCISCO	CA	
5638	029	SURVIVORS TRS		SAN FRANCISCO	CA	
5638	030	DANIEL PONTRELLI TRS		SAN FRANCISCO	CA	
5638	032	RINNA FLOHR TRS		BERKELEY	CA	
5638	041	D & T MCMILLAN		SAN FRANCISCO	CA	
5639	001	GREG KITCHEN		SAN FRANCISCO	CA	
5639	002	JOHNSON & ANTON		SAN FRANCISCO	CA	
5639	003	SOURAV BANDYOPADHYAY		SAN FRANCISCO	CA	
5639	004	LEEL & EVELY		SAN FRANCISCO	CA	
5639	005	E & K DONDELINGER		SAN FRANCISCO	CA	
5639	023	BOETTCHEER HONORA		SAN JOSE	CA	
5639	024	ARASH BABAKI TRS		SAN FRANCISCO	CA	
5639	025	MICHAEL BAILEY		SAN FRANCISCO	CA	
5639	026	ALICIA SPIVAK		SAN FRANCISCO	CA	
5639	027	D & M DUNAWAY TRS		SAN FRANCISCO	CA	
5639	028	E & M LARKIN		SAN FRANCISCO	CA	
5639	029	MITZI NGIM		SAN FRANCISCO	CA	
5639	030	HELMUTH & HAGUE		SAN FRANCISCO	CA	
5639	031	ERIC ANDERSEN		SAN FRANCISCO	CA	
5639	032	MICHELLE WOLF		SAN FRANCISCO	CA	
5639	033	LARRY BLACK TRS		SAN FRANCISCO	CA	
5639	034	MEEHAN & KOORY		SAN FRANCISCO	CA	
5639	035	B & M BRIONES TRS		SAN FRANCISCO	CA	
5639	036	THE COHN TRS		SAN FRANCISCO	CA	
5639	037	JOVANKA SOLORZANO TRS		SAN FRANCISCO	CA	
5639	038	G & M ZINGESER TRS		SAN FRANCISCO	CA	
5639	039	E & S HILDUM		SAN FRANCISCO	CA	
5639	040	CAROL GREY		SAN FRANCISCO	CA	
5640	001	STILLERMAN		SAN FRANCISCO	CA	
5640	002	KELLA SVETICH		SAN FRANCISCO	CA	
5640	003	K & M KOVACS		S SAN FRANCISCO	CA	
5640	004	SIOU ARENBERG TRS		SAN FRANCISCO	CA	
5640	005	JACK YEADAKER		SAN FRANCISCO	CA	
5640	006	ELIZABETH BROWN		SAN FRANCISCO	CA	
5640	010	NOT AVAIL FROM COUNTY		SAN FRANCISCO	CA	
5640	019	SF REAL ESTATE DEPT		SAN FRANCISCO	CA	

5640	023	GARCIA TRS	ELK GROVE	CA
5640	024	BENJAMIN BROWN	SAN FRANCISCO	CA
5640	025	GARCIA TRS	ELK GROVE	CA
5640	030	STEVEN RUDSER TRS	SAN FRANCISCO	CA
5640	031	MICHAEL SNEAD TRS	SAN FRANCISCO	CA
5640	032	CUNNINGHAM-MCKNIGHT TRS	SAN FRANCISCO	CA
5640	033	MARY QUINTO TRS	SAN FRANCISCO	CA
5640	035	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5640	036	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	004	ANGELA SNEAD TRS	SAN FRANCISCO	CA
5641	005	ANGELA HO TRS	SAN FRANCISCO	CA
5641	006	F & V SINKAVICH	SAN FRANCISCO	CA
5641	007	LESSING & KO	SAN FRANCISCO	CA
5641	008	BARBARA UNDERBERG	SAN FRANCISCO	CA
5641	010	MARY CONSOLO	SAN FRANCISCO	CA
5641	011	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	012	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5641	018	ARTHUR SCHWARTZBERG	SAN FRANCISCO	CA
5641	019	SABELO NARASIMHAN	BROOKLYN	NY
5641	021	WU-CHIN TRS	SAN FRANCISCO	CA
5641	022	WU-CHIN TRS	SAN FRANCISCO	CA
5641	023	WU-CHIN TRS	SAN FRANCISCO	CA
5641	024	WU-CHIN TRS	SAN FRANCISCO	CA
5641	025	WU-CHIN TRS	SAN FRANCISCO	CA
5641	030	SF REAL ESTATE DEPT	SAN FRANCISCO	CA
5654	001	INEZ ANDERSON TRS	SAN FRANCISCO	CA
5654	002	JUDY HISERMAN	SAN FRANCISCO	CA
5654	003	G & M VRANIZAN	SAN FRANCISCO	CA
5654	004	CHRISTOPHER WITTEMAN	SAN FRANCISCO	CA
5654	005	RANCHER TRS	SAN FRANCISCO	CA
5654	006	ROSIE MAXWELL	SAN FRANCISCO	CA
5654	007	JENNIFER DEVLIN	SAN FRANCISCO	CA
5654	008	L & C SZER	SAN FRANCISCO	CA
5654	039	R & P SANCHEZ TRS	SAN FRANCISCO	CA
5654	040	MARSHA WILLIAMS	SAN FRANCISCO	CA
5654	041	M & G MARRELLI	SAN FRANCISCO	CA
5655	001	ELIZABETH BROWN	SAN FRANCISCO	CA
5655	002	NELSON KOBAYASHI	SAN FRANCISCO	CA
5655	003	PONTEJOS TRS	SAN FRANCISCO	CA
5655	003A	PETER DARDIS	SAN FRANCISCO	CA
5655	004	AQUINO TRS	SAN FRANCISCO	CA
5655	005	DOMINIQUE TRS	SAN FRANCISCO	CA
5655	006	ANTHONY SPADARELLA	SAN FRANCISCO	CA
5655	007	COLIN PETHERAM	SAN FRANCISCO	CA
5655	008	M & A SOLIS	ANTIOCH	CA
5655	009	BOBBI FRIOLI	SAN FRANCISCO	CA
5655	026	STEVEN LEE	SAN FRANCISCO	CA
5655	027	L & L SATHITPONG	SAN FRANCISCO	CA
5655	028	KARTEEK PATEL	NAPA	CA
5655	029	CARLSON & RUDMAN TRS	SAN FRANCISCO	CA
5655	030	KATHLEEN SCHEIBLE	SAN FRANCISCO	CA
5655	031	D & I BERRIOS	SAN FRANCISCO	CA
5655	032	SUZANNAH STASON	SAN FRANCISCO	CA
5655	033	M & A PETERSON	SAN FRANCISCO	CA
5655	034	H & S CAVELIE	SAN FRANCISCO	CA
5655	035	W & A CHANG	SAN FRANCISCO	CA
5656	001	WILFORD EVANS	SAN FRANCISCO	CA
5656	002	NIALL DOLAN	SAN FRANCISCO	CA
5656	003	LUCA VANNINI	SAN FRANCISCO	CA
5656	004	J & J VILLEGAS	SAN FRANCISCO	CA
5656	005	ANER YOUNG-PAYNE TRS	SAN FRANCISCO	CA
5656	006	STEPHEN ALLEN TRS	NEVADA CITY	CA
5656	006A	ANNA LI TRS	SAN FRANCISCO	CA
5656	010	LAWRENCE OCONNOR TRS	SAN FRANCISCO	CA
5656	013	MELISSA SHAW TRS	SAN FRANCISCO	CA
5656	014	DEBORAH BARRON	SAN FRANCISCO	CA

5656	014A	AMY RETICKER	SAN FRANCISCO	CA
5656	015	N & L CABA	SAN FRANCISCO	CA
5656	016	GUPTA & PIERSANTI	SAN FRANCISCO	CA
5656	017	RITA FARR	SAN FRANCISCO	CA
5656	018	S & T PATTERSON TRS	SAN FRANCISCO	CA
5656	019	ALICIA SHEPHARD	SAN FRANCISCO	CA
5656	041	SAEED IRFAN	SAN FRANCISCO	CA
5656	042	B & A HARVEY	SAN FRANCISCO	CA
5656	043	ESSIE WEEKS TRS	SAN FRANCISCO	CA
5656	044	MICHAEL LERNER	SAN FRANCISCO	CA
5656	045	MALINAO TRS	SAN FRANCISCO	CA
5657	012	JULIE WALCER TRS	SAN FRANCISCO	CA
5657	013	ALAN BAVOSA	SAN FRANCISCO	CA
5657	014	CAESAR BURDEKIN TRS	SAN FRANCISCO	CA
5657	015	DEBORAH RUSKAY TRS	SAN FRANCISCO	CA
5657	016	DOLLY VANCE TRS	SAN FRANCISCO	CA
5657	016A	KENNETH AHN	SAN FRANCISCO	CA
5657	017	J & S LINDLEY	SAN FRANCISCO	CA
9999	999	.....	.....	.....

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Thursday, September 17, 2015 8:29 AM  
**To:** Panopio, Sandra (ADM); Hooker, Sarah (ADM) (311)  
**Cc:** Pon, Adrienne (ADM); BOS Legislation, (BOS)  
**Subject:** Translation Request (Public Notice) - 150858  
**Attachments:** HEARING NOTICE.doc

**Categories:** 150858

Good morning,

Please translate the following public notice into Chinese, Spanish, and Filipino:

Link Language:

September 29, 2015 - Board of Supervisors - Appeal Hearing - Parkmerced Project

Public Hearing Notice:

**Date:** Tuesday, September 29, 2015

**Time:** 3:00 p.m.

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

**Subject:** Hearing of persons interested in or objecting to the decision of Public Works dated August 24, 2015, approving a proposed 4-lot subdivision located at 40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010; and making environmental findings under the California Environmental Quality Act. (District 9) (Appellant, Betsy Brown and Chris Witteman, on behalf of Bernal/Powhattan Neighbors) (Filed September 3, 2015).

Angela Calvillo  
Clerk of the Board

**Dated:** September 15, 2015

**Posted/Published:** September 18, 2015

Pursuant to the protocols, the translations in each language should be received **by replying to all recipients of this e-mail within three business days, or by 5:00 p.m. on Tuesday, September 22, 2015.**

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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

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

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

**Carroll, John (BOS)**

---

**From:** glenda\_sobrique@dailyjournal.com  
**Sent:** Wednesday, September 16, 2015 9:26 AM  
**To:** Carroll, John (BOS)  
**Cc:** glenda\_sobrique@dailyjournal.com  
**Subject:** CNS:Documents for Reference No: JEC - 150858 - 40 Bernal Heights Blvd Ten Map Appeal Hearing Notice, OrderNo: 2796145  
**Attachments:** b9a1f138-7f92-4c26-baec-7bf4edf6cc66.pdf  
**Importance:** High  
**Categories:** 150858

Attached are the following documents:

Thank you.

Glenda\_Sobrique

**Carroll, John (BOS)**

---

**From:** glenda\_sobrique@dailyjournal.com  
**Sent:** Wednesday, September 16, 2015 9:26 AM  
**To:** Carroll, John (BOS)  
**Subject:** Confirmation of Order 2796145 for JEC - 150858 - 40 Bernal Heights Blvd Ten Map Appeal Hearing Notice

**Categories:** 150858

Dear Customer:

The order listed below has been received and processed. If you have any questions regarding this order, please contact your ad coordinator or the phone number listed below.

Customer Account Number: 120503  
Type of Notice : GPN - GOVT PUBLIC NOTICE  
Ad Description : JEC - 150858 - 40 Bernal Heights Blvd Ten Map Appeal Hearing Notice  
Our Order Number : 2796145  
Newspaper : SAN FRANCISCO EXAMINER 10%  
Publication Date(s) : 09/18/2015

Thank you.

GLENDASOBRIQUE  
DAILY JOURNAL CORPORATION  
CALIFORNIA NEWSPAPER SERVICE BUREAU  
Phone: (800) 788 7840 / (213)229-5300  
Fax: (800) 540 4089 / (213)229-5481

# CALIFORNIA NEWSPAPER SERVICE BUREAU

## DAILY JOURNAL CORPORATION

Mailing Address : 915 E FIRST ST, LOS ANGELES, CA 90012  
Telephone (213) 229-5300 / Fax (213) 229-5481  
Visit us @ WWW.LEGALADSTORE.COM

John Carroll  
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

EXM 2796145

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description JEC - 150858 - 40 Bernal Heights Blvd Ten Map

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/18/2015

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$258.75
NetTotal	\$232.87

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DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

#### NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: Date: Tuesday, September 29, 2015 Time: 3:00 p.m. Location: Legislative Chamber, City Hall, Room 250 1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102

**Subject: File No. 150858.** Hearing of persons interested in or objecting to the decision of Public Works dated August 24, 2015, approving a proposed 4-lot subdivision located at 40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010; and making environmental findings under the California Environmental Quality Act. (District 9) (Appellant, Betsy Brown and Chris Witterman, on behalf of Bernal/Powhattan Neighbors) (Filed September 3, 2015).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94012. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, September 25, 2015. Angela Calvillo Clerk of the Board





BOARD of SUPERVISORS



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

September 9, 2015

PLEASE COMPLETE &  
RETURN TO JOHN  
CARROLL FOR  
THE FILE:

John

**FILE NO. 150858**

Received from the Board of Supervisors  
in the amount of Three Hundred and Six Dollars (\$306),  
representing filing fee paid by Chris Witteman (Appellant) for  
Appeal of the Tentative Map for the 40 Bernal Hill Boulevard.

**PUBLIC WORKS**

**By:**

*Seema Adina*

Print Name

A handwritten signature in black ink, appearing to be "Seema Adina", written over a horizontal line.

Signature and Date

09/15/2015

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

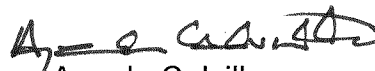
**Date:** Tuesday, September 29, 2015

**Time:** 3:00 p.m.

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

**Subject:** File No. 150858. Hearing of persons interested in or objecting to the decision of Public Works dated August 24, 2015, approving a proposed 4-lot subdivision located at 40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010; and making environmental findings under the California Environmental Quality Act. (District 9) (Appellant, Betsy Brown and Chris Witteman, on behalf of Bernal/Powhattan Neighbors) (Filed September 3, 2015).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94012. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, September 25, 2015.

  
Angela Calvillo  
Clerk of the Board

DATED: September 15, 2015  
POSTED/PUBLISHED: September 18, 2015



公聽會通知

三藩市市及縣市參事委員會

- 日期: 2015年9月29日星期二
- 時間: 下午3時
- 地點: 市政廳，立法會議廳 250 室，1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 150858。聆訊感興趣或反對人士對工務局於2015年8月24日所作出的決定的意見，該項決定通過了一項提議的4地段區劃，地址：Bernal Heights道40號，評估的街區號碼5640，地段號碼010；並依據「加州環境質量法」（California Environmental Quality Act）作出環境裁斷。（第9選區）（上訴人：Betsy Brown與Chris Witteman，代表Bernal/Powhattan鄰里）（於2015年9月03日已提交）。

  
Angela Calvillo  
市參事委員會書記

日期: September 15, 2015  
張貼/公佈: September 18, 2015



**NOTIFICACIÓN DE AUDIENCIA PÚBLICA**

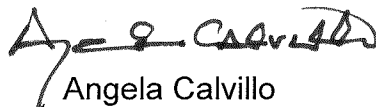
**JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO**

**Fecha:** Martes, 29 de septiembre 2015

**Hora:** 3:00 p.m.

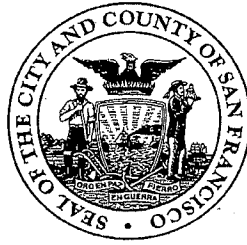
**Lugar:** Alcaldía, Cámara de Supervisores, Salón 250  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

**Asunto:** Expediente N° 150858. Audiencia de las personas interesadas o que se oponen a la decisión del [Departamento de] Obras Públicas fechada el 24 de agosto de 2015, aprobando una sub-división propuesta de 4-lotes localizada sobre la 40 de Bernal Heights Boulevard, Bloque del Tasador No. 5640, Lote No. 010; y haciendo hallazgos medioambientales bajo la Ley de Calidad Ambiental de California. (Distrito 9) (Apelante, Betsy Brown y Chris Witteman, en nombre de los vecinos de Bernal/Powhattan) (Archivado el 3 de septiembre, 2015).

  
Angela Calvillo  
Secretaria de la Junta

FECHADO: 15 de septiembre 2015  
Publicado/Publicado: 18 de septiembre 2015

BOARD of SUPERVISORS



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

September 8, 2015

Betsy Brown and Chris Witteman  
on behalf of Bernal/Powhattan Neighbors  
c/o 114 Nevada Street  
San Francisco, CA 94110

**Subject: Tentative Map Appeal - 40 Bernal Heights Boulevard**

Dear Ms. Brown and Mr. Witteman:

This is in reference to the appeal you submitted concerning approval of the subject Tentative Map for properties located at:

40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010.

Pursuant to Subdivision Code, Section 1314, an appeal hearing has been scheduled on **Tuesday, September 29, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by 12:00 noon:

**11 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

**8 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and one hard copy of the documentation for distribution.

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

If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

Sincerely,



Angela Calvillo  
Clerk of the Board

c:  
Project Contact, Peggy Berlese  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
John Malamut, Deputy City Attorney  
Mohammed Nuru, Director, Public Works  
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping  
Fuad Sweiss, City Engineer, Public Works  
Bruce Storrs, Public Works  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**


Clerk of the Board

**Subject:**

Public Hearing - Appeal of Tentative Map - 40 Bernal Heights Boulevard

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the decision of Public Works dated August 24, 2015, approving a proposed 4-lot subdivision located at 40 Bernal Heights Boulevard, Assessor's Block No. 5640, Lot No. 010; and making environmental findings under the California Environmental Quality Act. (District 9) (Appellant: Betsy Brown and Chris Witteman, on behalf of Bernal/Powhattan Neighbors) (Filed September 3, 2015).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: