

BOARD OF SUPERVISORS  
SEP 27 2017  
2017 SEP 27 AM 9:48

**LETTER of APPEAL of CATEGORICAL EXEMPTION**

**To:** Supervisor London Breed, President  
San Francisco Board of Supervisors, Room 244  
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102  
<London.Breed@sfgov.org> (415) 554-7630

**Attn:** Brent Jalipa, B.O.S. Legislative Clerk  
<brent.jalipa@sfgov.org> (415) 554-5184

**Cc:** Aaron Peskin, Supervisor, District 3  
San Francisco Board of Supervisors  
City Hall, Room 282  
<Aaron.Peskin@sfgov.org> (415) 554-7450  
<lee.hepner@sfgov.org> (415) 554-7419

**Cc:** Scott F. Sanchez, Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
(415) 558.6350 <scott.sanchez@sfgov.org>

**Cc:** Eiliesh Tuffy (CPC) Planner/Preservation Specialist  
SF Planning Department  
(415) 575-9191 <eiliesh.tuffy@sfgov.org>

**Re: Per San Francisco Administrative Code §31.16(e)(1) an Appeal of a CEQA Categorical Exemption, # 2016-014104ENV, regarding 20 Nobles Alley (Block Lot 0104 / 025), consequent to D.B.I. Notice of Violation # 20160916, Permit Application # 201608094528, a D.B.I. Directors Hearing (January 17, 2017), a Notice of Planning Department Disapproval (May 8, 2017), and an appeal of that Disapproval before the San Francisco Board of Appeals July 12 and September 13, 2017 (# 17-088)**

September 27, 2107

Dear Board President Breed,

Thank you for accepting this appeal of the above referenced categorical exemption for consideration, discussion and vote by the San Francisco Board of Supervisors.

**I. Introduction**

My name is Marc Bruno and my 600 square foot residence is 15 Nobles Alley, San Francisco, across the street and 25 feet to the west of the subject property, 20 Nobles Alley. My northward facing windows face the subject property. The entrance to my apartment requires me to access a door fronting Nobles Alley, 38 feet southwest of the

proposed project: the new construction and/or modification and legalization of a garage and/or garages at 20 Nobles. These various proposals *all* have been proposed under the same permit, the permit on which the subject Categorical Exemption is based.

On or about June 1, 2017, I filed a complaint with the City and County of San Francisco concerning two illegal, un-permitted garages at 20 Nobles Alley. I am the Complainant in the matter. As a consequence of the Building Department determining on or about August 2, 2016 that the subject garages were in fact *illegal*-- no permit, plans, approvals nor job cards for such garages ever having been found-- the property owners received an N.O.V. prior to purchasing the building and as a result applied for a permit to "Seal unpermitted garage door, relocate legal garage door to center of ground floor."

As **neither** garage door was ever found to be legal, it is impossible to know from this permit description what is meant by "legal garage door."

## **II. Objection to and Appeal of Categorical Exemption 2016-014104ENV**

Please know that by this email, delivered today by hard copy as well, I notify you that I object to and appeal the attached Categorical Exemption for 20 Nobles Alley, San Francisco, California, Block / Lot 0104/025; Case Number 2016-014104ENV. The review on which the Categorical Exemption is based is the review of Building Permit Application 201608094528, which was appealed by the permit-holders (subsequent to the N.O.V. and Planning Department Disapproval) to the San Francisco Board of Appeals, a matter heard by that Board on July 12, 2017 and September 13, 2017 (Appeal 17-088).

## **III. Planning Department Email rationalizing "Categorical Exemption" at 20 Nobles Alley**

In an attempt to explain to Marc Bruno, the appellant herein, the rationale for awarding permit-holders a Categorical Exemption based on plans submitted by them that contradict their own permit (Permit Application 201608094528), City Planner Eiliesh Tuffy, in an email dated September 18, 2017, states the following:

"Fr Tuffy, Eiliesh (CPC) <eiliesh.tuffy@sfgov.org> To Marc Bruno  
CC Silva, Christine (CPC) Sanchez, Scott (CPC) Tam, Tina (CPC) Sep 18 at 5:57 PM

Dear Mr. Bruno,

### Standards for CEQA Review

Alterations to a building within the district, whether found to be contributing or non-contributing at the time of the survey, are evaluated for CEQA conformance using the Secretary of the Interior's Standards for Rehabilitation. The Standards apply to publicly visible exterior alterations on otherwise private property.

CEQA review is limited to the proposed scope of work, and what impact – if any - the work would have on the historic integrity of the historic resource.

The historic resource in the case of 20 Nobles is the entirety of the Upper Grant Avenue Historic District.

The proposal to remove unapproved door, window and vent openings from the publicly visible façade of 20 Nobles -- because it was restorative in nature and was based on documented pictorial evidence -- qualified for a Categorical Exemption from CEQA under Standard 6:

'6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.'

The scope of work for this project did not require new evaluative analysis of the property's historic status, as the work proposes to remove unpermitted alterations and bring the façade back to a more historic appearance.

Sincerely,

Eiliesh Tuffy, Planner/Preservation Specialist"

**IV. A Categorical Exemption at 20 Nobles Alley based on the above-referenced Interior Department "Rehabilitation Standards" is a misapplication of Federal Law and Policy, and therefore should be Overturned**

IV. (1.)

The department's Categorical Exemption is misapplied at 20 Nobles Alley because it is inconsistent with law, practice and policy. Nothing in the Secretary of Interior's Standards for Rehabilitation of Historic Structures encourages, permits, recognizes or condones the legalization of an illegally built addition that as of the day of the Categorical Exemption never had been made legal by any governmental agency, inspection process or review board.

That is particularly true here, where, as a consequence of the illegal addition-- illegal garages built in 1997 or 1998 up to and including the day Planner Tuffy issued the Exemption-- the historic integrity of the building, and the historic integrity of the immediate neighborhood and of the North Beach Historic District itself were all damaged by the very act of the garages being illegally installed in the first place.

Garages built without plans, without permits, without input from the neighborhood. Without even an inkling of a request for approval by any city agency or department. Garages that do not conform to the history and style of the building, the alley, the neighborhood or the historic district.

Planner Tuffy takes the liberty of taking permit-holders at face value when they label these garages (or, at least, one of them) "legal". There is no basis in the law or public policy for her doing so.

Both garages were *illegal* on the day of the Categorical Exemption, September 8, 2017. As illegal as the day they were built. Ms. Tuffy's fellow City Planner, Zoning Administrator Scott Sanchez, confirms this before the Board of Appeals on July 12, 2017. And in Ms. Tuffy's own "Notice of Disapproval" (May 8, 2017), she states unequivocally the garages never went through any form of permitting and were therefore illegal. (Attached, "Notice of Planning Department Disapproval," p. 2)

**Scott Sanchez Testimony regarding legality of garages at 20 Nobles, Board of Appeals Meeting 07.12.17, Time Code 1:57:13, Appeal # 17-088:**

Zoning Administrator Scott Sanchez:

"There was never a permit as a garage. There was a permit from the late '90s that showed an existing garage. But there was no permit adding that."

Board of Appeals President Darryl Honda:

"But there was an existing garage there at one time, right?"

Sanchez:

"Not legally. So, we have a member of the public, Mr. Bruno, who I believe can provide more information. We have a photo from the early '90s showing no garage, no garage in this building."

Honda:

"Okay."

Sanchez:

"Then there's a permit from the late '90s showing an existing garage. Existing condition. Magically appearing as an existing condition. There's no evidence of any permit from the date of that photo until the date of the permit that shows it as an existing condition. There is no evidence of any permit establishing that garage. And then, beyond that, they went ahead to install a second garage without any permits."

The categorical exemption is ill-considered and unjustified because it is based on a plan that falsely labels the existing condition on the property the exact opposite of what it is: illegal.

The permit holders at 20 Nobles Alley consistently write on their plans, their permit applications and on their appeal to the Board of Appeals, "legal garage," as if saying so enough times will make it true. This is no different than appearing with expensive movie cameras in another country and shouting at people in English to get out of the way, even though nobody there speaks English (nor should).

All the elaborate recording instruments and all the shouting in the world doesn't change the fact that on the day of the Categorical Exemption the garages at 20 Nobles were deemed illegal by every city agency and department that investigated them. And had been illegal since the day they were built almost 20 years before.

They were deemed illegal by Building Department Inspector Maurizio Hernandez, after extensive research. They were deemed illegal by the Department of Public Works upon the request by the current owners for a curb cut in 2016. And they were deemed illegal by Ms. Tuffy herself in the Planning Department *Notice of Disapproval* of the project ("Notice of Planning Department Disapproval," May 8, 2017, addressed to Eustache and Dudley de St. Phalle).

It is obvious that permit-holders do not want to admit they bought 20 Nobles Alley completely aware-- and made aware in-person by the City-- of purchasing two illegal garages. In an Enforcement Division DBI Director's Hearing January 17, 2017 (a hearing I attended), inspectors had to repeat their question concerning this issue to the permit-holders five times: "Did you know about this problem before buying the building?" It was only after grilling them that the permit-holders admitted to having pre-sale knowledge of the illegal garages.

#### IV. (2.)

The assumption that a garage might remain at 20 Nobles as part of a plan to "rehabilitate" the building contradicts the Interior Secretary's *Guidelines* for implementation of the Interior Department's Rehabilitation Standards. Such garage or garages, even with the so-called rehabilitation of two apertures attempting to duplicate the facade shown in a 1958 photo of the building (the building was constructed 52 years earlier), contradict those sections of the *Guidelines* addressing "Wood," "Masonry," "Entrances" and "New Additions" to historic buildings. (Each is a separate section of the *Guidelines*.)

In the *Not Recommended* chapter of the "Entrances" section of the *Guidelines*, for instance, the Secretary warns,

- "A. Cutting new entrances on a primary elevation *is not recommended*.
- B. Altering utilitarian or service entrances so they appear to be formal entrances by adding paneled doors, fanlights, and sidelights *is not recommended*."

Yet this is exactly what City Planner Tuffy would be allowing the permit-holders to do at 20 Nobles Alley, were the Categorical Exemption not overturned. All as an excuse to build a garage where the City and its elected officials have long since legislated that no such garages should be. (City Planning Code, Section 249.49)

In the "New Additions," *Not Recommended* chapter of the *Guidelines*, the Secretary warns,

- "D. Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages *is not recommended*."

While it is obvious the Secretary is here referring to the preservation of *both* commercial *and* residential buildings, the *not recommended* label is no less relevant to 20 Nobles. Under the rubric of a "categorical exemption," an ersatz restoration would be permitted, only for the sake of a garage, which is itself an expressly "not recommended" addition to the facade.

The only way for the City to prevent this-- and to be consistent with the Secretary's Standards and *Guidelines*-- is for the Board of Supervisors to decisively overturn the categorical exemption and apply nothing less than a mitigated negative declaration to a review of the project at 20 Nobles Alley.

#### IV. 3.

The garage at 20 Nobles, under a Categorical Exemption, also would be non-conforming with the neighborhood. For this and the additional reasons here listed, such a structure, build out and curb cut would contradict the Planning Department's own *Guidelines for Adding Garages and Curb Cuts*, Zoning Administrator Bulletin Nos. 2006.1a and 2006.1b.

#### IV 4.

The remaining garage door also undermines express provisions of the Planning Code, specifically Section 249.49, passed by the elected officials of the City and County of San Francisco in 2010, which read, in part,

"Purposes. To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, nor impair pedestrian use on narrow public rights- of-way."

San Francisco Planning Code Section 249.49

Neither CEQA nor the Secretary of Interior's Rehabilitation Standards contemplate the use of state and federal law to overturn local legislation, especially when, as here, the express purpose of that local legislation is to embrace and adopt for local purposes the goals of national and state environmental policy. To educate. To conserve. To better know. To enhance. To honor and respect the physical and cultural environment in all its stunningly beautiful forms.

Were a "categorical exemption" to be used to install a garage at 20 Nobles Alley, where no legal garage had ever before existed, the 2010 legislation drafted and passed by the City's elected officials to deliberately block such structures would be undermined, and the Supervisors' intentions circumvented by administrative fiat.

Further, no plans were ever submitted for public review of the project until just before the second and final hearing on it-- September 13, 2017. This severe lack of transparency is evidence of a planning process that contradicts one of the primary purpose of environmental review: Public input in open forums noticed to the

community in a meaningful and timely manner. The City's failure to reveal the plans for this project in a timely manner is a violation of public records laws, including the City's Sunshine Ordinance. The records were available to the City and requested by me and others for over one year before they were ever made available. The plans finally given to us by the Department and permit-holders were not the original plans-- not the plans we asked for-- as they are dated more than one year later.

**V. San Francisco Elected Officials, as well as representatives of the City's Planning Department, have expressed the views of the community at-large regarding the environmental fragility and cultural significance of 20 Nobles Alley. They have done this in notices of determination, reports, surveys, letters of advice, and amendments to the Planning Code, including the passage in 2010 of Planning Code §§ 249.49 et, seq.**

Were the Department to allow one or more garages in the narrow space fronting 20 Nobles, or permit the building of a new garage there, it would effectively circumvent the express purposes of Planning Code §§ 249.49 et, seq. (2010). Planning Department rep Scott Sanchez labeled this ordinance "confusing" at the July 12, 2017 Board of Appeals hearing, but the Code is not at all confusing when it comes to the purposes of the law:

**"San Francisco Planning Code Section 249.49. Purposes.** To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights- of-way in the District; and to prevent the ability to add parking from providing an incentive to convert residential buildings from rental buildings to tenancies-in-common."

To regulate. To decrease pollution. To protect rental units. That is directly from the law as written. What "narrow public right of way" in the entire City of San Francisco is narrower than the sidewalks adjacent to and across from 20 Nobles Alley? You will not find them. Sidewalks traversed hourly by residents of the alley who enter and exit 45 units accessible only via Nobles Alley.

The City has cited the permit-holders of this property for illegally using 20 Nobles for Short Term Rentals in a manner prohibited by the Short Term Rental Control Ordinance (Administrative Code Chapter 41 (A)). As it is recognized that such short term rentals-- especially illegal ones, as here-- have an adverse effect on the availability of rental properties for San Francisco residents, to legalize a garage here *undoes* what the City's elected legislative body has chosen in this and other legislation to *do*, to support and encourage a housing stock of variably priced rental properties that are open and available to *all* residents, be they homeless, poor or middle-class.

Prior property owners and other interested parties (for instance, the City itself) had the means at their disposal to initiate action to legalize the un-permitted garages at 20 Nobles in a timely manner, for more than ten years up to and including December 31, 2010, the day prior to the City's implementing Planning Code Section 249.49.

The burden of the negligence in this respect-- of a continued lack of interest in legalizing what these prior owners must have known was *illegal*--- must fall on them rather than on the neighborhood as a whole. In this regard, Streets Use and Mapping has noted that there never has been a curb cut at this address, a clear indication that the garages were known to be illegal by everyone who took possession of the property.

The current property owners, while innocent of the installation of the illegal garages in 1998, were told in person by Building Inspector Mauricio Hernandez and other DBI reps prior to their purchase of the building that the garages were unpermitted and illegal. The current owners also received a formal "Notice of Violation" tacked to the building stating these facts, prior to their purchase of the property. For these same owners to come before the City's Appeal Board (just three months after being cited for illegal short term rentals) and ask that they be given a garage in an alleyway were garages are now *prohibited* (under Planning Code 249.49) is unwarranted and insulting.

If the elected members of the Board of Supervisors chose to add exceptions to the 2010 amendment to the Code, Section 249.49, exceptions, for instance, for "unused garages," "illegal garages," "un-permitted garages" "obstructive garages" "unsightly garages" or "historically anachronistic garages" (all of which accurately describe the illegal garages at 20 Nobles Alley), the Board of Supervisors in 2010 *would have included such language as part of the Ordinance*. They choose not to for good reason, and public policy now dictates that the Planning Department follow the lead of your predecessor Board and prohibit garages in this alley.

#### **VI. Historic Significance of 20 Nobles Alley, Nobles Alley in its entirety and the North Beach Historic District**

As noted in the City's own review, the two buildings located at 20 Nobles are "Class A" contributors to the Historic District. The City has, by its own words at the Board of Appeals, by its website and by the attached "Categorical Exemption" made it increasingly difficult if not impossible to understand whether 20 Nobles is or is not a "contributor," what the City means by "contributor" and what category of contribution this entails. This confusion is so extreme that at the hearing of July 12, 2017, on this very subject, the single architect on the Board of Appeals, Mr. Frank Fung, was left with the impression by the City that the building might be considered a "B" contributor, even though here, by writing, and just two months later, 2016-014104ENV labels the property an "A."

This confusion has a profound effect on the ability of neighbors to participate in a review of the project and is once again evidence of a process out of synch with CEQA and other policies requiring environmental review.

As noted by Mr. Albert Yee, whose sworn testimony before the Board of Appeals is attached, no changes were ever made to the property during the ownership and tenancy of the property by his family (1958 - 1997), with the exception of the application of a stucco frontage to one of the two buildings there, this frontage being applied in a careful manner to preserve and not alter the existing redwood siding, beveled, that is still on the face of the building and has never been removed.



Mr. Yee also notes in his testimony that neither he nor any member of his family has ever been contacted by the Planning Department, or by other City agencies to ascertain the cultural value or architectural history of the buildings at 20 Nobles, an error in applying CEQA requirements to this review. His family was part of a significant vanguard of Chinese land-owners in North Beach who achieved a number of “firsts” that must be recognized by the City at-large and by any reasonable environmental review.

Even if Planning Department reviewer Eiliesh Tuffy, the City Planner who wrote the attached report labeling 20 Nobles Alley 'categorically exempt' has completed all 'paper trail review' requirements (City phone books, reverse address directories, Sanborn Maps, etc.) *even then*, the City is obligated to personally contact former owners of the property when those owners, as is the case here, have made themselves available to planners and have a significant narrative to add to the planner's understanding of the historical, architectural and cultural value of a property and district.

To legalize one or more of those garages in this narrow space, or to permit the building of a new garage, is to necessarily have a negative impact on the natural environment, the historic context of the property and the cumulative effect of this and the surrounding structures that make 20 Nobles part of a vivid and significant portrait of San Francisco, the adjacent block of Grant Avenue, North Beach, and, indeed, the nation at-large. A notable and uniquely preserved architectural gem in America.

#### **VII. The Plain Meaning Interpretation of the California Environmental Quality Act (CEQA) requires environmental review at 20 Nobles Alley**

I base my appeal of the above referenced Categorical Exemption on the language and plain meaning interpretation of the California Environmental Quality Act (CEQA), to wit, that CEQA provides that a project "may not be categorically exempt from further environmental review if substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment."

Among other causes, this project will have substantial effect on the natural environment because it would add a legal garage at the end of an 11' wide alleyway, circumscribed tightly by three adjacent apartment buildings and located in one of the most densely populated blocks of the City, used constantly by pedestrian traffic traversing a tightly knit matrix of historic buildings, with little or no available green space, public or private.

(The ratio of residents to green space in the four block area surrounding Nobles Alley is one of the highest ratios in the City and County of San Francisco. If, in addition to this four block area, the residents and visitors to Chinatown are included, a 16-block area, the ratio of people-to-open space parkland is the worst-- that is, least green space available-- in the entire state of California.)

Vehicular traffic is projected to rise, based on increased tourism, reverse-commute tech workers who live in this and adjacent blocks on Grant Avenue and travel by jitney, car share and other means to places of work in Silicon Valley. The area is frequented as well by users of AirBnB and other short-term rental programs adding to the density and frequency of intermittent travel made by tourists to and from the adjacent blocks.

Additionally, CEQA Guidelines Section 15300.2 provides that a project "shall not be exempt from environmental review if the project may cause a substantial adverse change in the significance of a historic resource or where the project may contribute to a cumulative impact on a historic district."

That would be the precise impact of allowing a garage at 20 Nobles Alley. As was pointed out by numerous witnesses and by in-person testimony offered by sworn witnesses at the aforementioned hearings, the current illegal garages have never been used. To make one or both of the garages "legal" at 20 Nobles is to make them usable. To effectively add a garage in a historic North Beach structure, namely, 20 Nobles, contrary to the Secretary of Interior's Standards for Rehabilitation, cited above, among other provisions of this and other state and national environmental laws.

### **VIII. CONCLUSION**

The burden of a new or legalized garage or garages falls squarely on the shoulders of the property owners who purchased the building knowing full well it had no legal garages. Their desire for a garage at this late date should not supersede the neighborhood's needs--nor the provisions of local, state and federal law guaranteeing something that all urban dwellers strive to create, cherish and protect: A clean environment, a vibrant and diverse culture, a respect for historic resources and a fostering of our streets and sidewalks to meet our ever-growing pedestrian needs.

Nobles Alley is an intimate and unusual urban space, a narrow and steep ascent marked by historic integrity, cultural diversity, physical serenity and grace. We ask that CEQA be applied with due process and environmental justice to this corner of the City. We demand as renters and residents, businesses and property owners, old and young that a robust and responsive review-- not a "categorical exemption" but, at the very least, a mitigated negative declaration--be applied as the standard of review at 20 Nobles.

Whether a garage is built from scratch or "legalized," refurbished into existence or, in the mysterious words of the permit-holders, "move legal garage to center"-fied, the effect on the existing neighborhood, and on limited transportation and cultural resources, is the same. An effect that cannot be comprehended nor integrated into the matrix of this Special Use and Historic District without a meaningful application of CEQA.

Thank you for your considered attention and discussion of this appeal.

Signed,



Marc Bruno  
15 Nobles Alley  
San Francisco CA 94133  
415-434-1528 <marcabruno@yahoo.com>

Note : It is our intention to submit additional documents supporting this appeal prior to the 30 day expiration period. Thank you.



**SAN FRANCISCO  
PLANNING DEPARTMENT**

BOARD OF SUPERVISORS  
2017 SEP 27 AM 9:48

**CEQA Categorical Exemption Determination**

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address		Block/Lot(s)	
20 Nobles Alley		0104/025	
Case No.	Permit No.	Plans Dated	
2016-014104ENV		Rec'd 9/1/2017	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification <b>(GO TO STEP 7)</b>
Project description for Planning Department approval. Remove unpermitted, second garage door and restore facade with original pedestrian door and adjacent window. Remove window to the right of the (E) ground floor entry door.			

**STEP 1: EXEMPTION CLASS  
TO BE COMPLETED BY PROJECT PLANNER**

**\*Note: If neither class applies, an *Environmental Evaluation Application* is required.\***

<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class__

**STEP 2: CEQA IMPACTS  
TO BE COMPLETED BY PROJECT PLANNER**

**If any box is checked below, an *Environmental Evaluation Application* is required.**

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>
<b><u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u></b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b>	

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

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

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p><input type="checkbox"/> Reclassify to Category A      <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>:</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input checked="" type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b> Staff analysis of project proposal summarized in Preservation Team Review Form, dated 9/8/2017.</p>	
<p>Preservation Planner Signature: Eiliesh Tuffy</p> <p style="text-align: right; font-size: small;">Digitally signed by Eiliesh Tuffy DN: cn=Eiliesh Tuffy, o=San Francisco Planning Department, ou=City/Planning, ou=Current Planning, email=Eiliesh.Tuffy@sfdph.org Date: 2017.09.08 15:22:02 -0700</p>	

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

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>									
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Planner Name: <b>E. Tuffy</b></td> <td style="width: 50%;">Signature:</td> </tr> <tr> <td>Project Approval Action:</td> <td></td> </tr> <tr> <td>Other (please specify) CEQA - Historical rev</td> <td></td> </tr> <tr> <td colspan="2"> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> </td> </tr> </table>		Planner Name: <b>E. Tuffy</b>	Signature:	Project Approval Action:		Other (please specify) CEQA - Historical rev		<p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	
Planner Name: <b>E. Tuffy</b>	Signature:									
Project Approval Action:										
Other (please specify) CEQA - Historical rev										
<p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>										
<p><b>APPROVED</b> By Eiliesh Tuffy at 3:22 pm, Sep 08, 2017</p>										
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>										

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT  
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. <b>DATEX FORM</b>	

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:





# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion:</b>	9/8/2017
--	--	---------------------------------	----------

PROJECT INFORMATION:		
<b>Planner:</b>	<b>Address:</b>	
E. Tuffy	18, 18A & 20 Nobles Alley	
<b>Block/Lot:</b>	<b>Cross Streets:</b>	
0104/025	Grant Avenue	
<b>CEQA Category:</b>	<b>Art. 10/11:</b>	<b>BPA/Case No.:</b>
A		2016-014104ENV

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

<b>DATE OF PLANS UNDER REVIEW:</b>	Rec'd 9/1/2017
------------------------------------	----------------

PROJECT ISSUES:	
<input type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Project proposes to reverse ground floor exterior work completed without benefit of a permit. Work to include the removal of 1 non-historic window, 2 wall vent openings, and 1 out of 2 existing garage doors. Based on the statement of a previous owner, historic property records and photographs of the building, the ground floor alterations were made after the building was sold in June of 1997. The current owners purchased the property in 2016 and seek to legalize 1 existing garage door.	

PRESERVATION TEAM REVIEW:			
<b>Category:</b>	<input checked="" type="radio"/> A	<input type="radio"/> B	<input type="radio"/> C
<b>Individual</b>		<b>Historic District/Context</b>	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 1 - Event:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Criterion 2 - Persons:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input type="radio"/> No
Criterion 3 - Architecture:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 3 - Architecture:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input type="radio"/> No
Period of Significance:	<input type="text"/>	Period of Significance:	1880s-1929
		<input type="radio"/> Contributor <input checked="" type="radio"/> Non-Contributor	

Complies with the Secretary's Standards/Art 10/Art 11:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A
CEQA Material Impairment to the individual historic resource:	<input type="radio"/> Yes	<input type="radio"/> No	
CEQA Material Impairment to the historic district:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

PRESERVATION TEAM COMMENTS:
<p>The subject property under review at 20 Nobles Alley is a 2-story-over-basement, flat-front wood-frame vernacular building containing three dwelling units. Based on plans dated The south elevation has 26'-9" of building frontage along the north side of Nobles Alley. Sanborn maps of the area indicate that prior to the 1906 earthquake and fire, the subject lot had a 1-story dwelling facing Nobles Alley with a 1-story bakery immediately behind the residential dwelling. In 1905 the property held the address of 9 Noble Alley. By 1915, following the area's post-earthquake period of reconstruction, the existing building had been constructed on the subject lot, was identified as 20 Noble Alley, and housed 2 apartment flats in the front structure and 2 flats at the rear. The width of the street on the 1915 Sanborn map is shown to be 16 feet.</p> <p>In 1982, an architectural survey was conducted of the North Beach neighborhood which included Nobles Alley and the subject property. As a result of that survey, the Upper Grant Historic District was identified as a National Register-eligible district under CEQA. The district runs along the Grant Avenue commercial corridor and includes residential parcels to the east and west, from Medau Place at the northern boundary to Fresno Street and Columbus Avenue at the southern boundary. The district was identified as significant for its land use pattern of densely-built streets that are indicative of the city's early urban development, for the close proximity of commercial and residential development, for its vernacular building types constructed immediately following the 1906 earthquake, and for its association with the following themes: Economic/Industrial and Social/Education primarily related to the history of various ethnic communities in the area. In total, nine properties line the north and south sides of Nobles Alley. At the end of the alley, partial rear elevations of two additional properties are also visible. The survey noted 6 properties with frontage on Nobles Alley as contributors to the historic district: #2, #15 and #21-25 Nobles Alley, #1508-1512 and #1522-1526 Grant Ave., and #478-482 Union St. While the subject property is a vernacular residential building constructed immediately following the earthquake, it was not identified at the time of the 1982 survey as a contributor to the historic district.</p> <p>Currently, the ground floor includes 1 man-door, 1 window &amp; 2 garage doors. The project proposes to remove 1 non-historic window, 2 wall vent openings &amp; 1 garage door. (cont'd)</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
<i>Smade</i>	9-8-2017

The project would restore the ground floor façade in the proposed areas of work to a prior condition, based on historic photographic documentation that is included on Sheet A5.1 of the plan set.

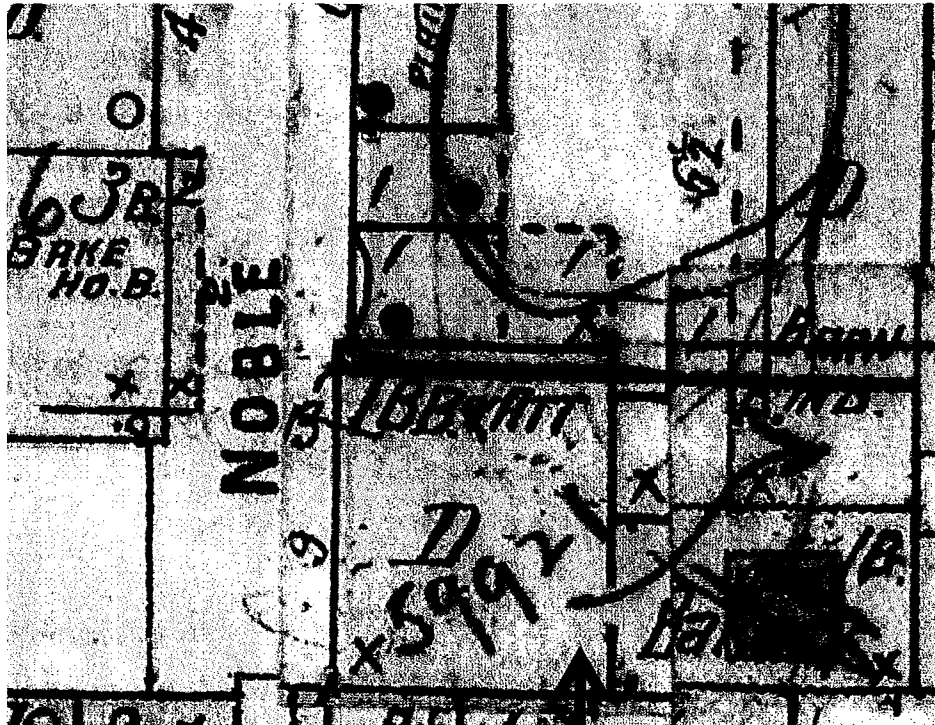
As proposed, the scope of work is in accordance with Standard #6 of the National Park Service's *Secretary of the Interior's Standards for Rehabilitation*, which states:

Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The ground floor wall areas proposed for rehabilitation, which includes the removal of two non-historic wall vent openings, would be clad in stucco to match the existing façade cladding in material and finish. The proposed wood man-door and wood double-hung window are compatible with the door and window that previously existed at that ground floor location, based on historic photos.

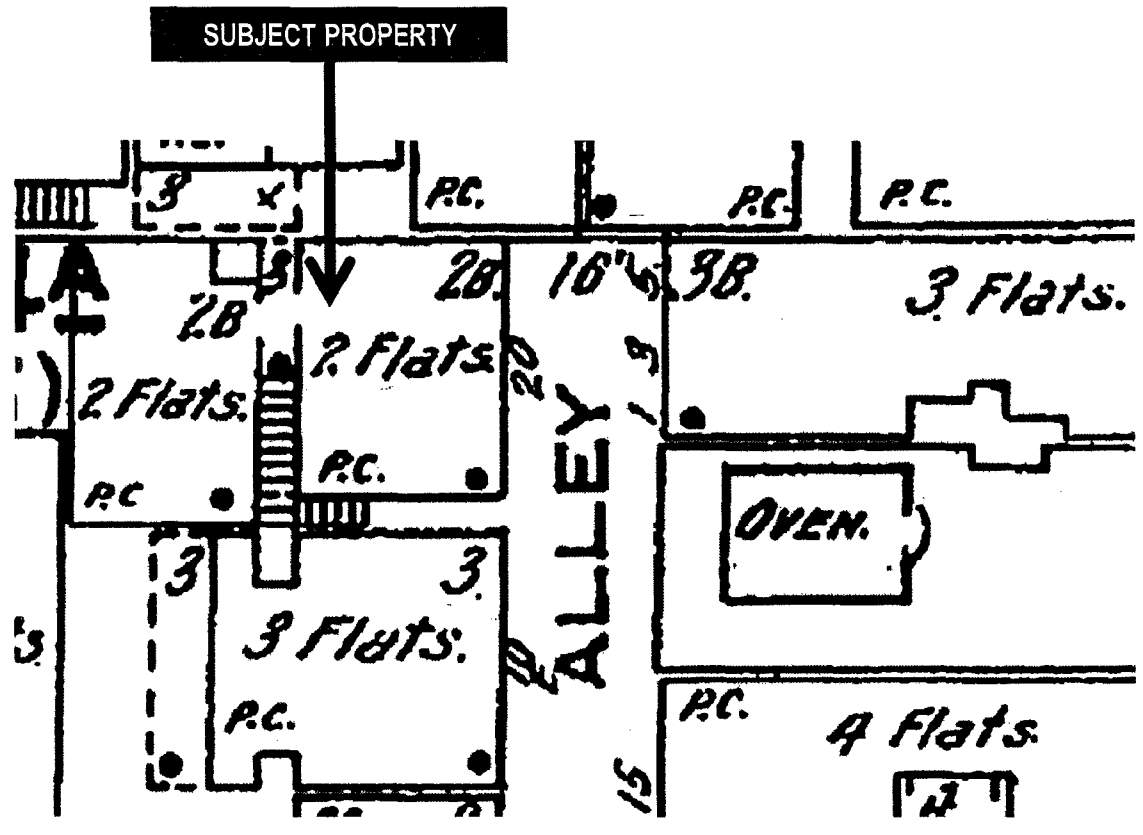
Based on the details provided in the plan set, the project returns the subject property to a documented prior condition using exterior cladding and fenestration that is compatible with the district's period of significance. Therefore, pursuant to the California Environmental Quality Act, the project would not cause a substantial material impact to the Upper Grant Historic District.

20 Nobles Alley (previously #9 Noble)  
Sanborn Map -- 1905

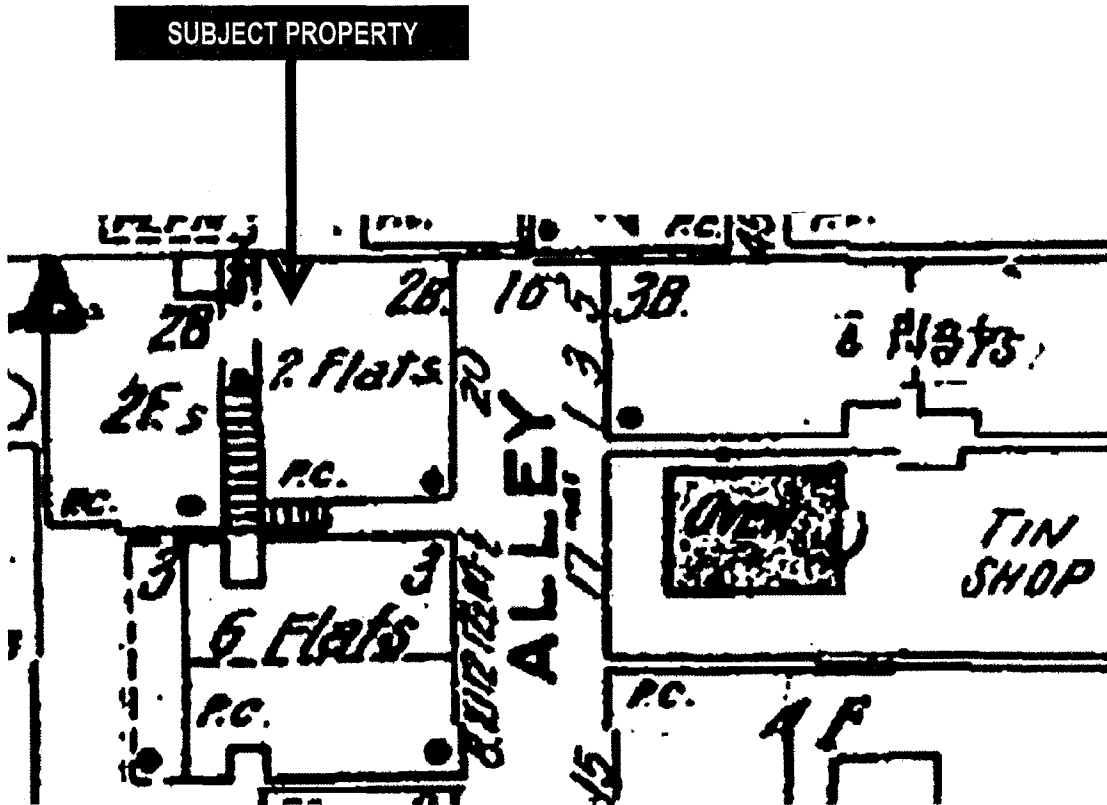


SUBJECT PROPERTY

20 Nobles Alley  
Sanborn Map -- 1915



20 Nobles Alley  
Sanborn Map -- 1950





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SFARMLS

Statement of Albert Yee to the San Francisco Board of Appeals  
San Francisco City Hall, Rm 416  
"General Comment," August 23, 2017

My name is Albert Yee. I appeared here two weeks ago to address a proposed garage at 20 Nobles. I am here today to clarify my position and give you several documents you do not have.

The Yee family owned 20 Nobles for almost 40 years. My parents purchased it in 1958, and, following the death of my parents, my brothers and I sold the property in June, 1997.

During the entire time we owned the property, we never installed a garage. On the contrary, we made almost no additions to the property except to envelope the original wooden structure in stucco.

I lived at 20 Nobles until I left for college. I attended University of California at Berkeley, and I received a degree in engineering. From then until my retirement. I worked in the United States as Senior Principal Engineer for a consulting engineering company.

Based on my experience as an engineer, and based on my experience at 20 Nobles, I can tell you that no garage should have been placed there without proper permits. To do so without specs, without drawings, without any calculations for soft story framing is an indication that someone made a major structural change outside the parameters of the law.

I feel it is unfair to suggest the garages were ever there when my family sold the house, as if we placed them there illegally. We didn't.



Statement of Albert Yee to  
San Francisco Board of Appeals  
August 23, 2017 Page 2 of 2

Here is a photo of the house when we bought it. Here is a photo of the house 40 years later when we sold it. The earlier photo is from the Assessor-Recorder's Office. The one in 1997, when we sold, from the realty offering.

You can see that the apertures at the front of the house are identical. You also can see that except for the stucco envelope, the house is historically preserved. When my family added the stucco envelope, we did it properly. We got a permit.

I do not believe the new owners-- who, I'm told, were informed by the City about this problem before they bought the house -- should be allowed to place a new garage there, based on the two illegally built garages. This would only invite more people to circumvent the planning and building codes all of us are asked to obey as property owners.

Thank you for your time, and thank you for allowing me to clarify the permitting history at 20 Nobles Alley.

[Exactly **2:10 Minutes**, with the moving of the photos under the audiovisual aid.]



# SAN FRANCISCO PLANNING DEPARTMENT

## Notice of Planning Department Disapproval

May 8, 2017

Dudley and Eustace de Saint Phalle  
20 Nobles Alley  
San Francisco, CA 94133

RE: 20 Nobles Alley (Address of Permit Work)  
0104/025 (Assessor's Block/Lot)  
2016.08.09.4528 (Building Permit Application Number)  
Telegraph Hill-North Beach Residential SUD (Special Use District)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Building Permit Application #2016.08.09.4528 has been received by the Planning Department and assigned to planner Eiliesh Tuffy. Eiliesh has completed review of the application for corrective work to address Notice of Violation #201620916. The scope of work for the project as stated on the application is: "garage door correction per NOV 201620916- seal unpermitted garage door, relocate legal garage door to center of ground floor."

Please be advised that the Planning Department has disapproved Building Permit Application No. 2016.08.09.4528. This notice is to alert the project sponsor of the process of review for the submitted application and to convey the Department's findings that, due to restrictions enacted with the adoption of the Telegraph Hill-North Beach Residential Special Use District in 2010, the Planning Department cannot approve the proposed relocation of the existing garage door at the front façade of the existing residential structure.

### CEQA – Historical Review

The North Beach neighborhood was surveyed in 1982 to identify cultural resources of significance in the area. The findings of the North Beach survey, which was adopted by the Board of Supervisors in 1999, included areas within the neighborhood that qualified for designation in the California Register of Historical Resources. The subject property at 20 Nobles Alley is located within the boundaries of the Upper Grant Avenue Historic District, but was not found to be a contributing building to the district at the time of the survey due to its extensive alterations. Visible alterations to "Non-Contributing" buildings are typically reviewed for their general compatibility with the surrounding district.

The Historical Review of the design proposal determined that the existing two-garage door design could not be supported because it would not conform to Sec. 144 of the Planning Code, which limits garage openings to no more than one-third of the width of the ground story along the front lot line. However, because some historic buildings in the historic district have single garage door entrances of a modest scale, the removal of the second unpermitted garage door and restoration of a prior man-door and window opening was reviewed as a means of returning the ground floor design to a more historic appearance. This determination was predicated on the sponsor's ability to provide evidence of the single garage door's legal installation.

Sent to:  
Dudley and Eustace de Saint Phalle  
20 Nobles Alley  
San Francisco, CA 94133

May 8, 2017  
2016.08.09.4528  
20 Nobles Alley

### **Building Permit Review**

Building permits and plans were reviewed to determine a record of work at the property. Plans associated with permit applications (nos. 9723784 and 9723786) filed in 1997 to remove kitchens, remove interior, non-load bearing wall and combine units 20 and 20A into one unit," show a single garage opening. However, the creation of a ground floor garage was not part of the approved project scope for that permit or any other permit on file with the Department of Building Inspection. Similarly, there are no permits on file that approved the creation of a second garage door opening at the subject property. Lacking any evidence of the legal construction of the ground floor garage doors, the proposal to "seal unpermitted garage door, relocate legal garage door to center of ground floor" was reviewed as a "new" garage installation in an existing residential structure.

### **Planning Code Review**

The Planning Code Review determined that legalization of either a 2-door garage or a 1-door garage at the subject property would not meet the requirements of Section 144 and Section 249.49 of the Planning Code, with the latter code section preventing the installation of new garages in existing residential structures.

### **SEC. 144 - STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.**

#### **Section 144(b)(1) Entrances to Off-Street Parking**

Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

### **SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.**

#### **Section 249.49(a) Purposes.**

To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

#### **Section 249.49(c)(2)(4) Installation of a Parking Garage**

**In approving installation of the garage, the Commission must find that ....(4) the garage would not front on a public right-of-way narrower than 41 feet.**

Sent to:  
Dudley and Eustace de Saint Phalle  
20 Nobles Alley  
San Francisco, CA 94133

May 8, 2017  
2016.08.09.4528  
20 Nobles Alley

The project proposes to install a new garage door at the front façade of an existing residential building located on an alley narrower than 41 feet in the Telegraph Hill-North Beach Residential Special Use District. Therefore, the Planning Department cannot approve permit application #2016.08.09.4528 to seal unpermitted garage door, relocate legal garage door to center of ground floor. Permit application #2016.08.09.4528 will be returned to the Department of Building Inspection for cancellation.

**Please note that, due to the Notice of Violation on the property, the Enforcement case for this property will remain active until the project sponsor submits an application to abate the violation.** Please contact the assigned Enforcement staff planner, Chaska Berger, by phone at 415-575-9188 or by email at [chaska.berger@sfgov.org](mailto:chaska.berger@sfgov.org) regarding timeframes for submitting materials to address the Notice of Violation.

**Planning Department & Planning Commission Denials.**

Project sponsors seeking to appeal the denial of a permit application by the Planning Department or Commission may not file an appeal until the Department of Building Inspection (DBI) issues the Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of DBI's Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by DBI.

For further information regarding how to appeal the disapproval of this building permit application, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Eiliesh Tuffy  
Current Planning Division

Cc: Scott Sanchez, Zoning Administrator  
Chaska Berger, Zoning and Compliance  
Tom C. Hui, Director of DBI

**Jalipa, Brent (BOS)**

---

**From:** Ko, Yvonne (CPC)  
**Sent:** Tuesday, September 19, 2017 8:15 AM  
**To:** Jalipa, Brent (BOS)  
**Cc:** Marc Bruno (marcabruno@yahoo.com)  
**Subject:** Cat. Ex. CEQA Appeal Fee Waiver Request to BOS

Hi Brent,

Just want to confirm with you that Mr. Marc Bruno is qualified and approved for the Appeal Fee waiver to our Case # 2016-014104 ENV for 20 Nobles Alley. Since his fee waiver request has already been approved by the Planning Department, he does not need to submit a check with his CEQA appeal package to the Board of Supervisors.

If you have any question, please don't hesitate to contact me.

Thank you very much for your continuous support.

Yvonne Ko, Revenue Team Supervisor  
**San Francisco Planning Department**  
**Finance Division**  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
(W) 415-558-6386  
(F) 415-558-6409

2017 SEP 27 AM 9:48  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
*[Handwritten signature]*