



DISCRETIONARY REVIEW ACTION DRA-793

HEARING DATE: AUGUST 25, 2022

AMENDED DATE: OCTOBER 4, 2022

Record No.:	2020-005176DRP
Project Address:	45 Bernard Street
Building Permit:	2020.0822.2415
Zoning:	RH-3 (Residential House- Three Family) Zoning District
	40-X Height and Bulk District
Block/Lot:	0157 / 030
Project Sponsor:	Taylor Huston
	59 Grove Hill South
	San Anselmo, CA 94960
DR Requestor:	Jennifer Mei
	Upper Chinatown Neighborhood Association
	1144 Pacific Avenue
	San Francisco, CA 94133
Staff Contact:	David Winslow – (628) 652-7335
	David.Winslow@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF RECORD NO. 2020-005176DRP AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2020.0822.2415 PROPOSING CONSTRUCTION OF A FOUR-STORY HORIZONTAL REAR ADDITION AT THE EXISTING BASEMENT, FIRST FLOOR, SECOND FLOOR, AND THIRD FLOOR TO A THREE-STORY OVER BASEMENT, FOUR-FAMILY DWELLING WITHIN THE <u>A</u> RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On August 22, 2020, Taylor Huston filed for Building Permit Application No. 2020.0822.2415 proposing construction of a four-story horizontal rear addition at the existing basement, first floor, second floor, and third floor to a three-story over basement, four-family dwelling within the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

On February 23, 2022, Jennifer Mei of the Upper Chinatown Neighborhood Association (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2020-005176DRP) of Building Permit Application No. 2020.0822.2415.

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

On August 25, 2022, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2020-005176DRP.

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

Action

The Commission hereby takes Discretionary Review requested in Record No. 2020-005176DRP and approves Building Permit Application 2020.0822.2415 <u>with modifications</u>.

The reasons that the Commission took the action described above include:

- 1. There are extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code and the General Plan, but does not conform with the Residential Design Guidelines with respect to articulating the building to minimize impacts to light and air to the adjacent buildings.
- 2. The Commission recognizes the Rent Control Ordinance and its direct impact as it relates to tenant rights, owner move-in evictions, the need to be able to locate previous tenants, first right of refusal at their previous rent rates, and that the current tenant may continue their tenancy for as long as they wish. and first right of refusal for evicted tenants.
- 3. <u>The Commission further encourages that the duration of any relocation of the existing tenant will be as</u> short as possible and a green rear yard open space.
- 4. The Commission determined that modifications to the project were necessary, <u>and encouraged greening</u> the rear yard open space and they instructed staff to approve the Project per plans with the following conditions:
 - 1. Eliminate the roof deck.
 - 2. Eliminate the and spiral stair from the third floor to the roof.
 - 3. Configure the third floor to be identical to the second floor.
 - 2.4. Provide the Commission with an update report within six months of BPA issuance.



APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

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

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

I hereby certify that the Planning Commission takes Discretionary Review and approved the building permit as referenced in this action memo on August 25, 2022 and amended on October 4, 2022.

Jonas P. Ionin Commission Secretary

AYES: Ruiz, Imperial, Koppel, Moore

NOES: Diamond

- ABSENT: Fung, Tanner
- ADOPTED: August 25, 2022
- AMENDED: October 4, 2022



45, 47 & 49 BERNARD STREET, SAN FRANCISCO, CA - 94133

SHEET INDEX CONTACT INFORMATION OWNER: GENERAL CONTRACTOR: ENGINEER: ARCHITECTURAL GLOVERS Tina Huston HGCI **CRES** Engineering A0.0 COVER SHEET c:925.337.1755 112 Spaulding St., Unit - A Andres Stambuk A1 0 SITE PLAN & SETBACKS 2420 Sand Creek Rd, Suite C-1252 San Anselmo, CA - 94960 ROBERT C LEVY TUNL EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 1/2 Lindsev Huston p: 415.597.6880 c: Brentwood, CA, 94513 A2.0 40-X c: 925 337 9532 415 509 0304 c[:] 925 487 0895 EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 2/2 A2.1 65-A PROPOSED BASEMENT AND GROUND FLOOR PLANS A3.0 BERNA PROPOSED SECOND AND THIRD FLOOR PLANS A3.0a **PROJECT DATA** A3 1 PROPOSED ROOF DECK FLOOR PLAN AND ROOF PLAN A4.0 EXISTING VS PROPOSED FRONT ELEVATION 45 47 & 49 Bernard St ADDRESS: 40-) SAN FRANCISCO, CA, 94133 EXISTING VS PROPOSED REAR ELEVATION A4 1 BLOCK/ LOT 0157 / 030 A4.2 EXISTING VS PROPOSED EAST ELEVATION LOT SIZE 23' 0" X 60' 0" = ± 1380 SF A4.3 EXISTING VS PROPOSED WEST ELEVATION 50-X 65-A ZONING RH - 3 (RESIDENTIAL HOUSE - THREE FAMILY) A5.0 EXISTING BUILDING SECTION HEIGHT & BULK DISTRICT 65 - A 50-X 65-A5.1 PROPOSED BUILDING SECTION ទុ 50-X SCOPE OF WORK PLANNING DISTRICT: DISTRICT-3 NORTHEAST 65-1 65-A FRONT SETBACK: (E) SETBACK 0'0" OR AVERAGE SET BACK REQUIREMENTS: THIS RESIDENTIAL REMODEL WORK PROPOSES; OF ADJACENT BUILDINGS = 0'0" REAR SETBACK: AVERAGE OF ADJACENT BUILDING FOUNDATION / SEISMIC UPGRADES WITH CEILING CODE HEIGHT ADJUSTMENTS TO COMPLY TO 65-A per SE PLANNING CODE SECTION 134 = NO LESS CURRENT CODE . THAN 17'-9" SEE SITE PLAN REAR YARD ADDITION WITH MISC UNIT UPGRADES INCLUDING MODIFY/RELOCATE PG&E METERS. SIDE SETBACKS: NOT REQUIRED PER SF PLANNING 65-A FUTURE ADU AT BASEMENT UNDER SEPARATE STATE ADU PERMIT CODE SECTION 133 EXISTING BUILDING YEAR BUILT 1906 0 NUMBER OF STORIES: 3 STORIES + BASEMENT 0 65-A BUILDING AREA: 2944 SQFT OCCUPANCY CLASS: R-2 USE TYPE: MULTI-UNIT APARTMENTS NO. OF DWELLING UNITS: 3 DU MOXIE: BUILDING HEIGHT: 32'-6" CONSTRUCTION TYPE V-B 2. ZONING MAP 0 SUBJECT PROPERTY SCALE: NTS PROPOSED BUILDING SIZE PROPOSED NUMBER OF STORIES: 3 STORIES + 0 BASEMENT (NO CHANGE) PROPOSED BUILDING AREA: 3478 SQFT NOTE: IF ANY DEMOLITION IS REQUIRED, IT MAY NOT START UNTIL THE CONTRACTOR 0 PROPOSED OCCUPANCY CLASS: R-2 (NO HAS OBTAINED A PERMIT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT CHANGE) THE PERMIT NUMBER (J#) NUMBER MUST BE PROVIDED TO THE INSPECTOR AND NOTED PROPOSED USE TYPE: MULTI-UNIT APARTMENT ON THE JOBSITE INSPECTION CARD. IF THE BAAQMD HAS DETERMINED THE PROJECT IS (NO CHANGE) EXEMPT, A LETTER FROM THE AGENCY MUST BE PROVIDED. PROOF MUST BE PROVIDED PROPOSED NO. OF DWELLING UNITS: 3 DU TO THE BUILDING INSPECTOR NO LATER THAN THE FIRST INSPECTION. OCCUPANCY LOAD: 1 PER 200 SQFT BUILDING HEIGHT: 32'-6" (NO CHANGE) CONSTRUCTION TYPE V-A **1. LOCATION MAP** SCALE: NTS NONE (E) GARAGE PARKING NONE REQUIRED PARKING AREA CALCULATIONS UPDATED CALCULATIONS 4 DWELLING FIRE SPRINKLERS: Yes - Existing in Basement Unit UNITS (N) Sprinklers for Grd to 3rd floors TOTAL (N) ADDITION IS LESS THAN TOTAL UNIT (E) AREA SF (N) ADDITION DWELLING UNITS (DU) UNIT#1 20% OF TOTAL GROSS FLOOR AREA FIRE ALARM: Yes IN SF AREA IN SF AS DEFINED UNDER SE PLANNING UNIT # 1 - (E) GRD FLR UNIT#2 838 SF 736 SF 102 SF CODE SECTION 102 NO BIKE ROOM APPLICABLE CODES UNIT # 2 - (E) 2ND FLR 736 SF 102 SF 838 SF UNIT#3 RACKS REQUIRED AS PER SE UNIT # 3 - (E) 3RD FLR 858 SF PLANNING CODE SECTION 155.2 736 SF 122 SF TOTAL APPLICABLE CODES: 005 2019 CALIFORNIA BUILDING CODE 2019 CALIFORNIA RESIDENTIAL CODE TOTAL DU FLOOR AREA 2,208 SF 326 SF 2 534 SE EACH DWELLING UNIT HAVE MORE THAN 100 SF 2019 CALIFORNIA ELECTRICAL CODE OTHER QUALIFIED PRIVATE OPEN SPACE 2019 CALIFORNIA MECHANICAL CODE 2019 CALIFORNIA PLUMBING CODE (E) BASEMENT 786 SF 222 SF 1008 SF 2019 CALIFORNIA ENERGY CODE 2019 CALIFORNIA FIRE CODE GROSS USABLE SAN FRANCISCO RESIDENTIAL DESIGN GUIDELINES BLDG TOTALS (E) & (N) 2994 SF 548 SF 3542 SF

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BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

PERMIT NUMBER:

- BP#2020.0822.2415
- 2020-05176PRJ
- BB#368-912-764
- 2020-0822-2415

PROJECT ADDRESS

45. 47 & 49 BERNARD ST., SAN FRANCISCO, CA 94133

MANAGED BY: HGCI **B-GENERAL BUILDING CONTRACTOR** LIC.# 720437

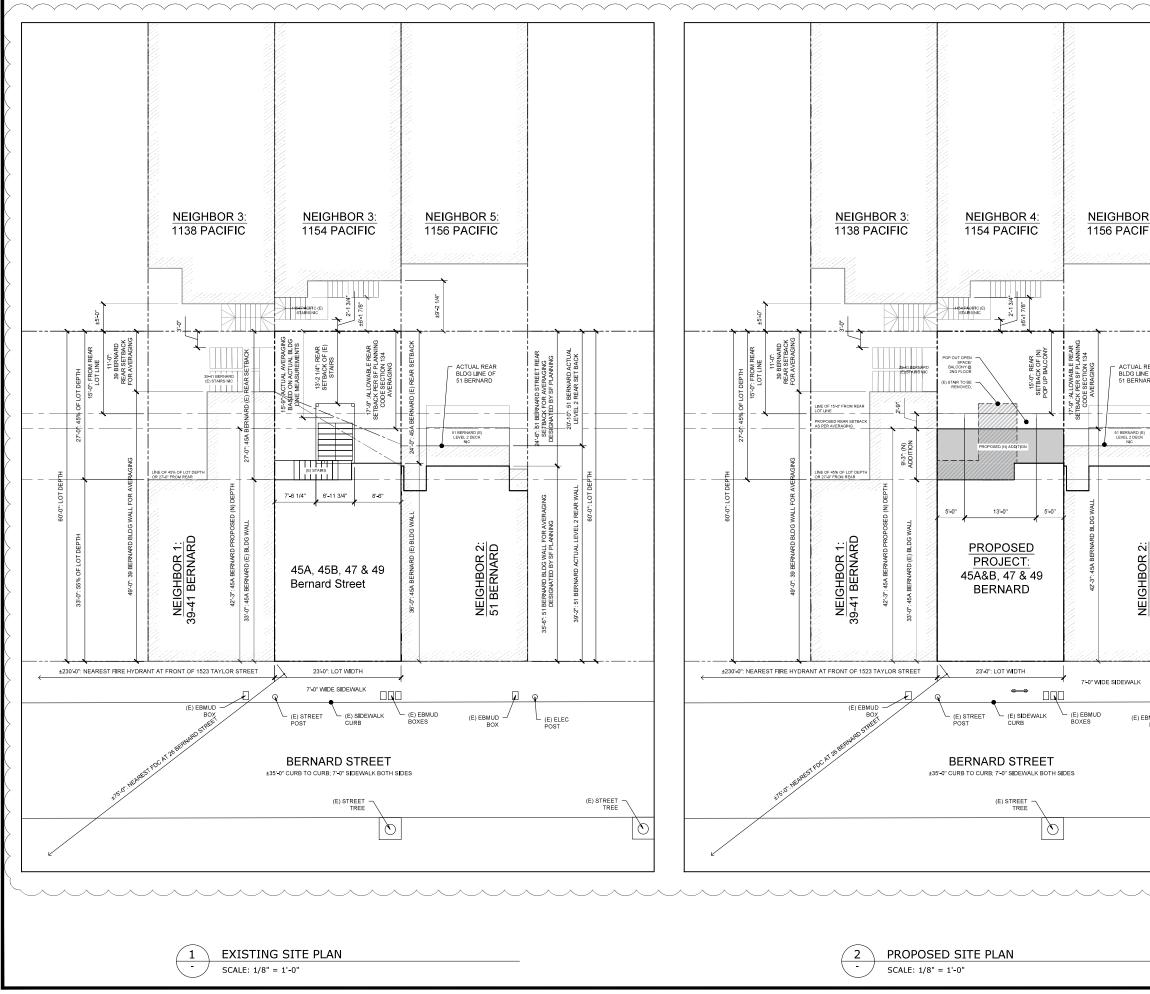
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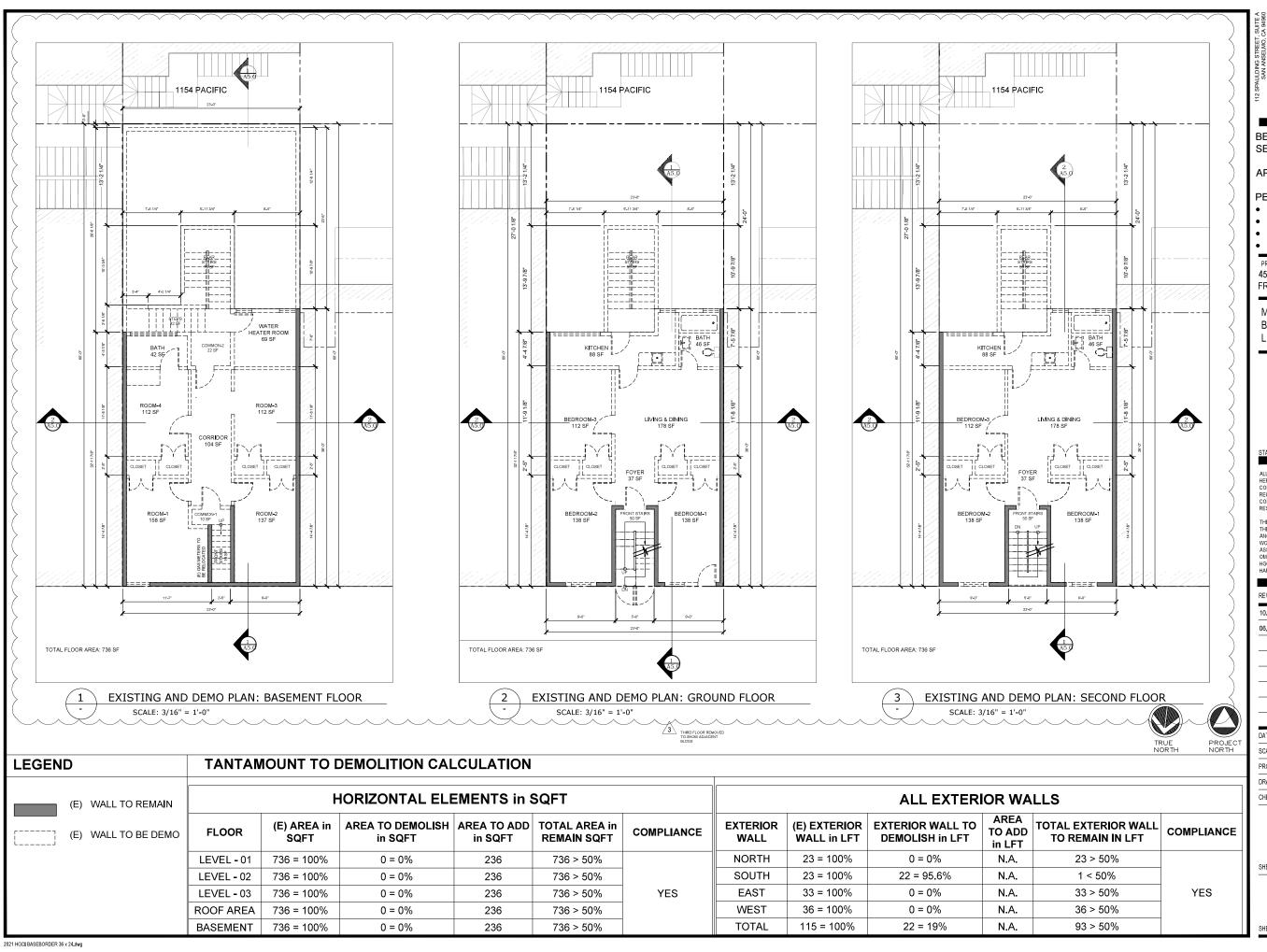
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APN # 0157030

PERMIT NUMBER:

- BP#2020.0822.2415
- 2020-05176PRJ
- BB#368-912-764
- 2020-0822-2415

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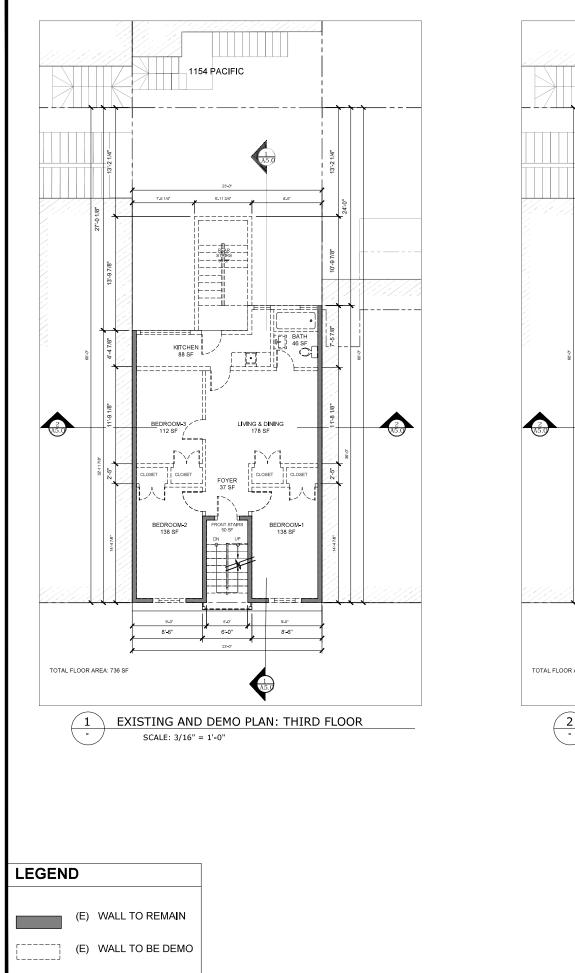
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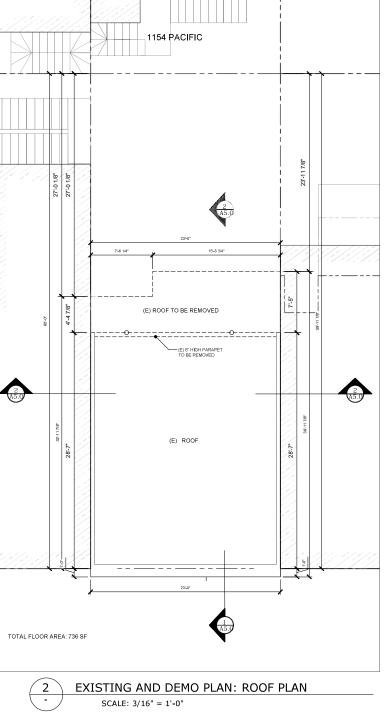
REVISIONS		
10.08.2021	2	PLAN REVIEW RESPONSE #1
06.28.2022	3	PLAN SET UPDATE
DATE		04.27.2020
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EXISTING/ DEMO FLOOR PLANS - REFERENCE 1 OF 2

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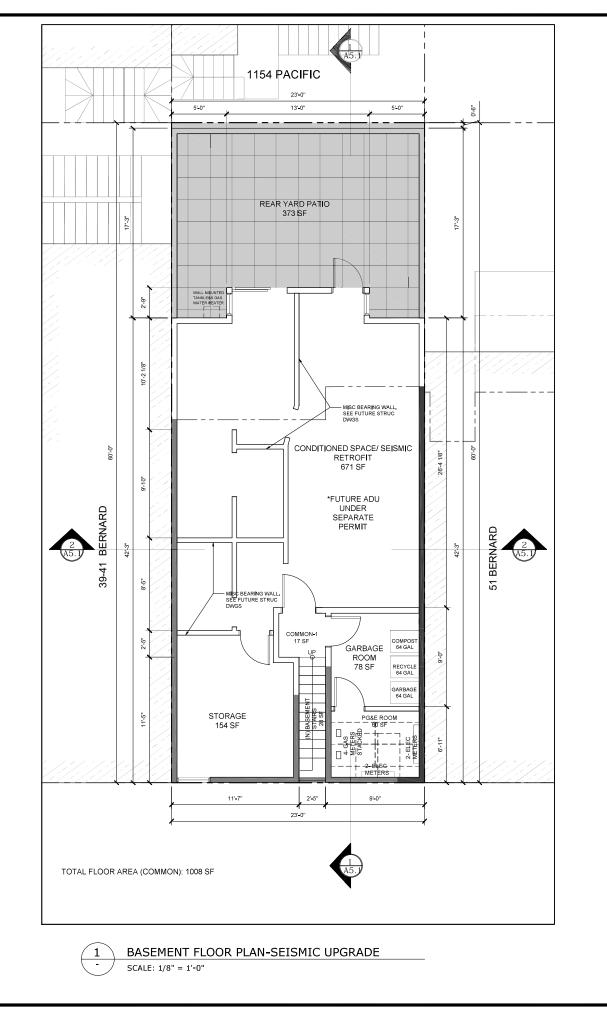
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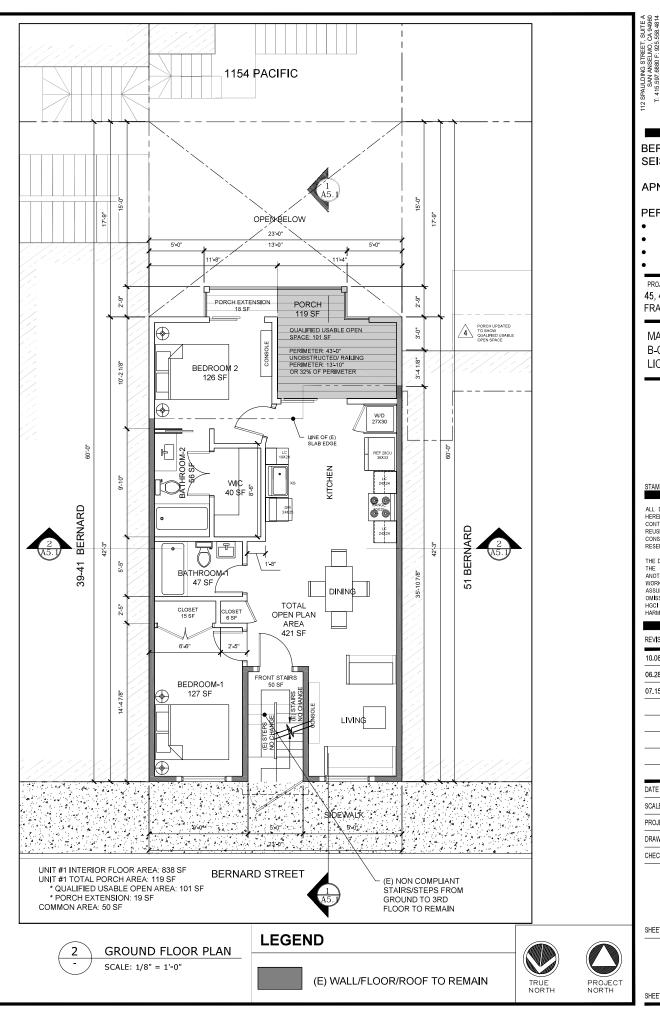
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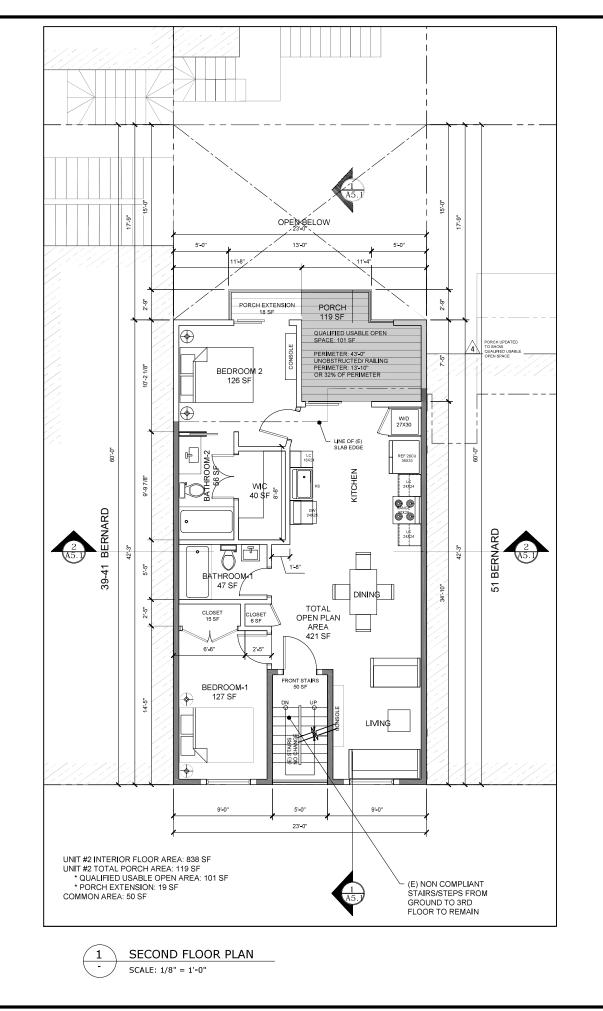
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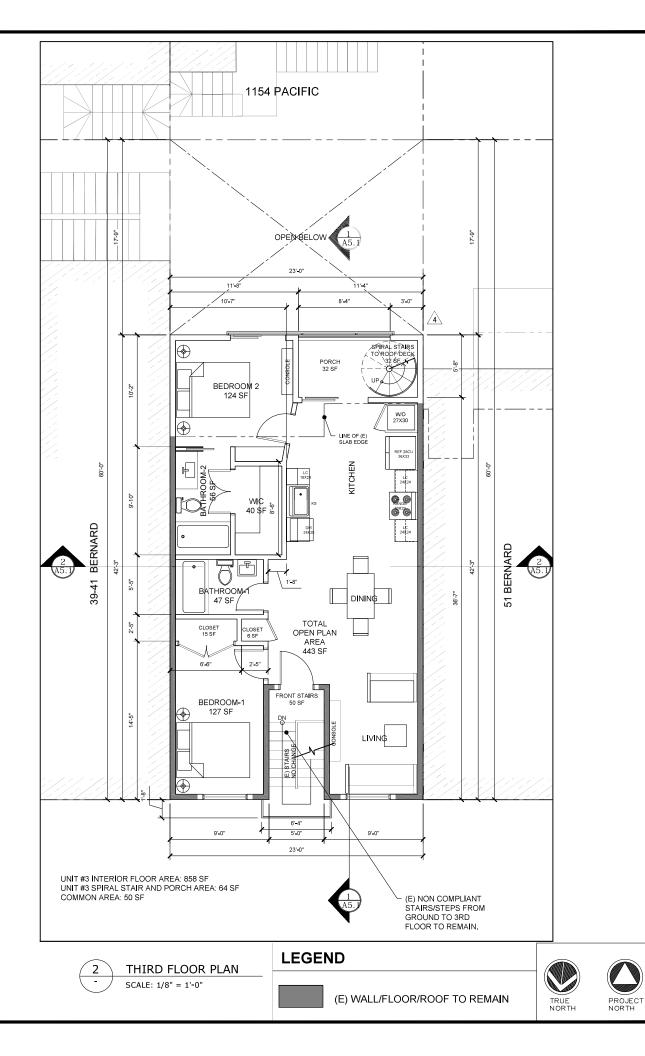
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07.15.2022	4	PLAN SET UPDATE 2
DATE		05.26.2022
SCALE		AS NOTED
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BASEMENT SEISMIC UPGRADE **GROUND FLOOR PLAN**

SHEET TITLE









APN # 0157030

VULDING STREET, SUITE / SAN ANSELMO, CA 9496(15.597.6880 F: 925.558.4814

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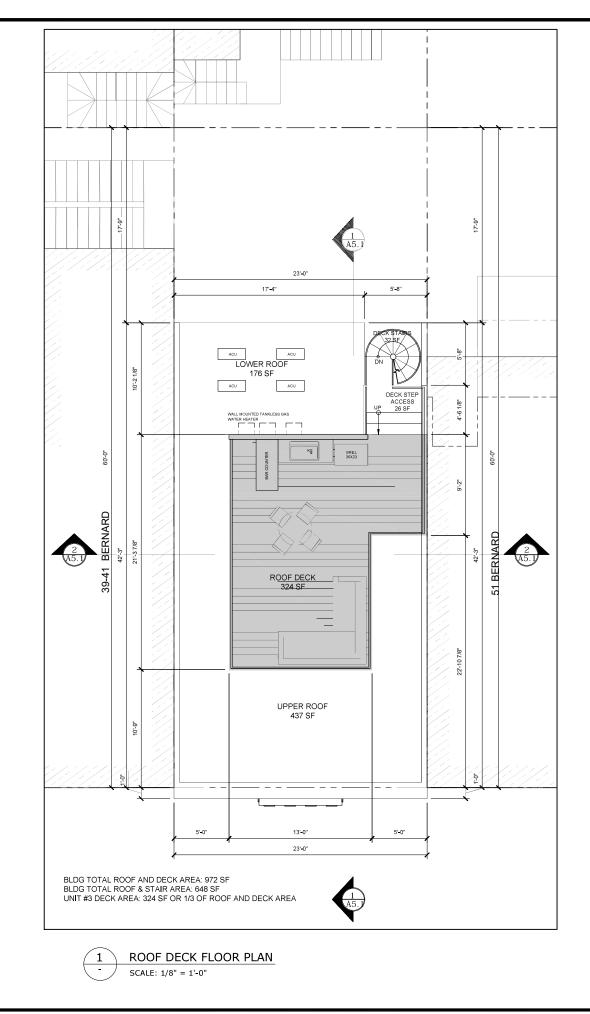
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SECOND FLOOR PLAN THIRD FLOOR PLAN

SHEET TITLE

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112 SPAULDING STREET, SUITE / SAN ANSELMO, CA 9496 T: 415.597,6880 F: 925.558,481



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

PERMIT NUMBER:

- BP#2020.0822.2415
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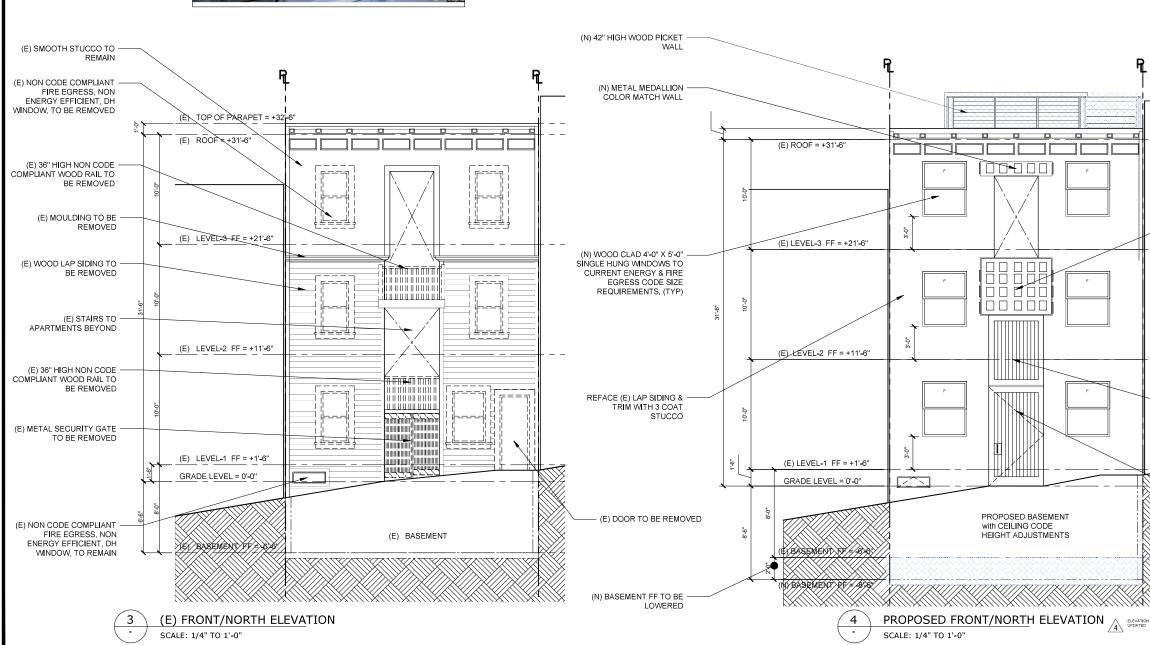
ROOF DECK FLOOR PLAN ROOF PLAN



SHEET TITLE











SUBJECT

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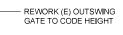
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SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

(E) REAR/SOUTH VIEW SCALE: NTS



MODIFY (E) WOOD RAIL TO METAL AND CODE HEIGHT





BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

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MANAGED BY: HGCI **B-GENERAL BUILDING CONTRACTOR** LIC.# 720437

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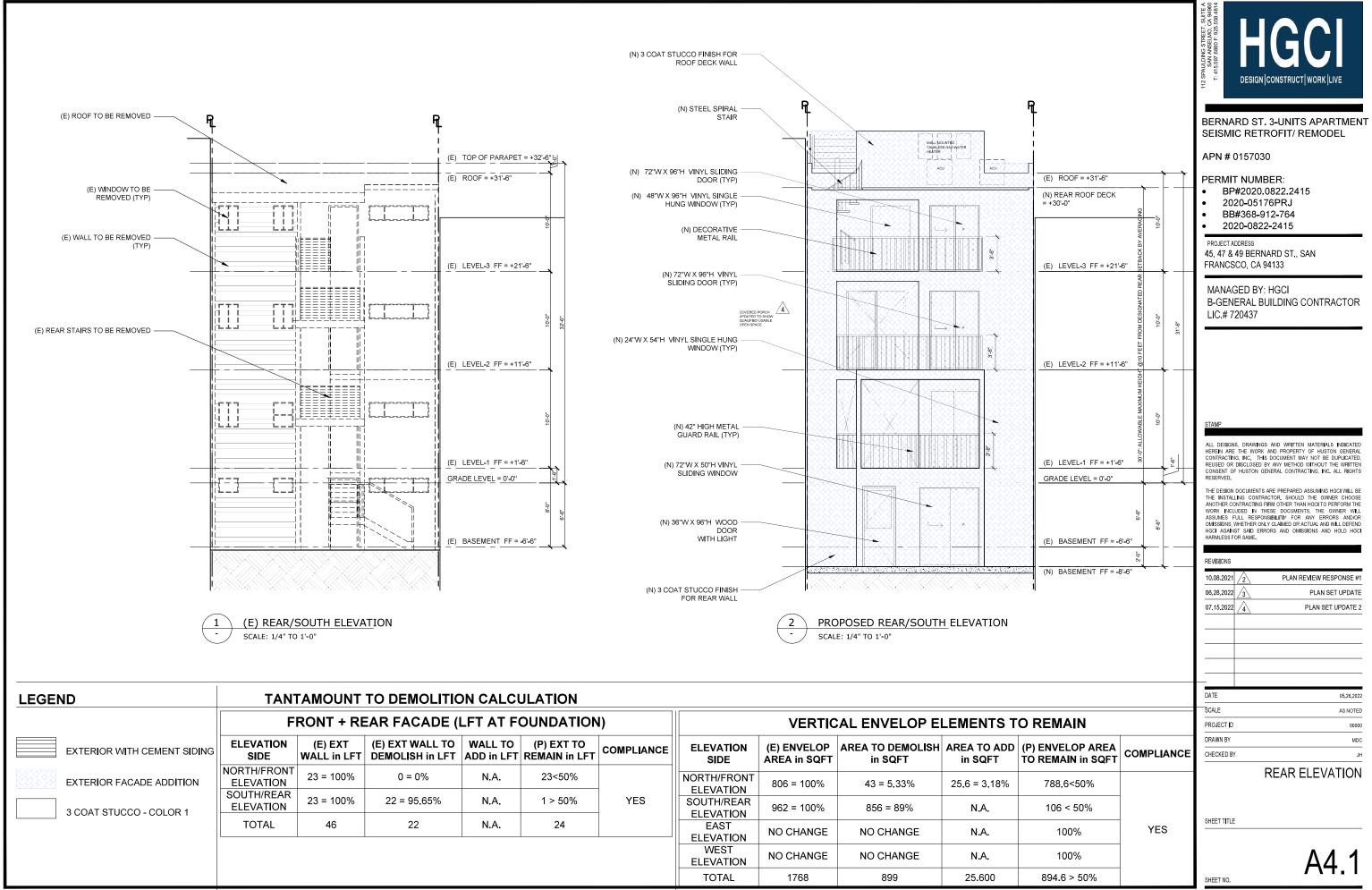
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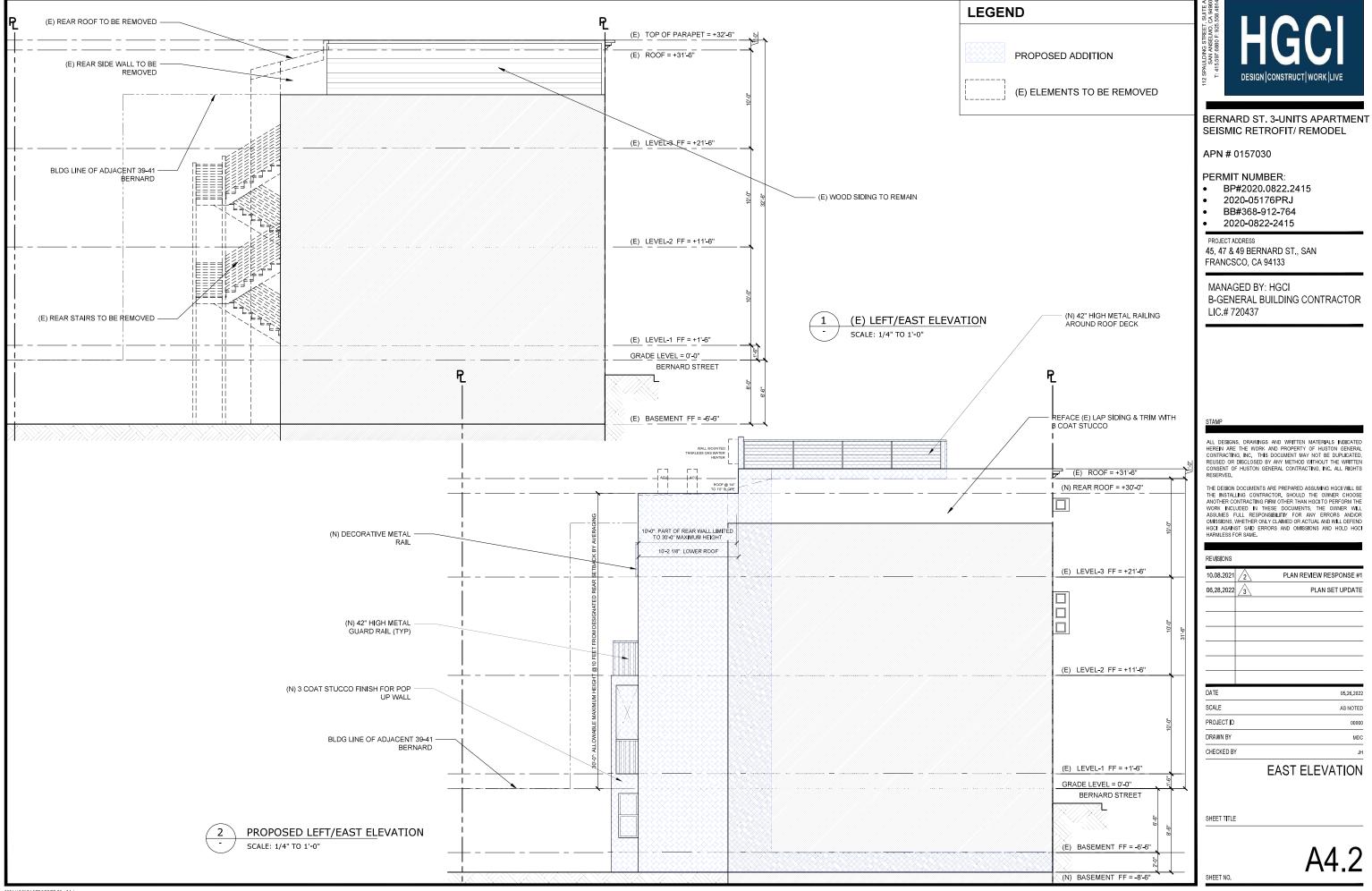
REVISIONS		
10.08.2021	2	PLAN REVIEW RESPONSE #1
06.28.2022	3	PLAN SET UPDATE
07.15.2022	4	PLAN SET UPDATE 2
DATE		05.26.2022
SCALE		AS NOTED
PROJECT ID		00000
ORAWN BY		MDC
CHECKED BY	(JH

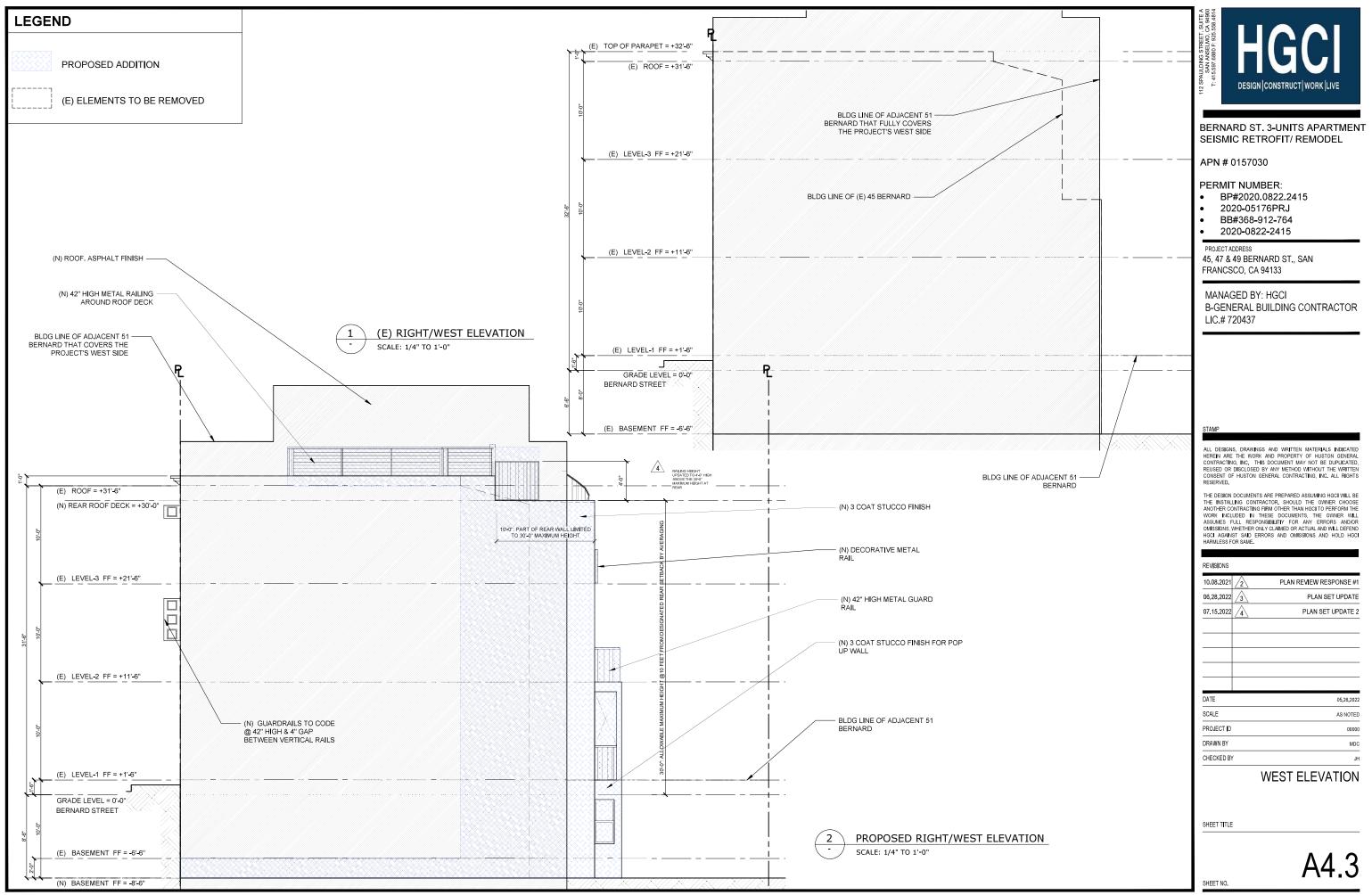
FRONT ELEVATION

SHEET TITLE

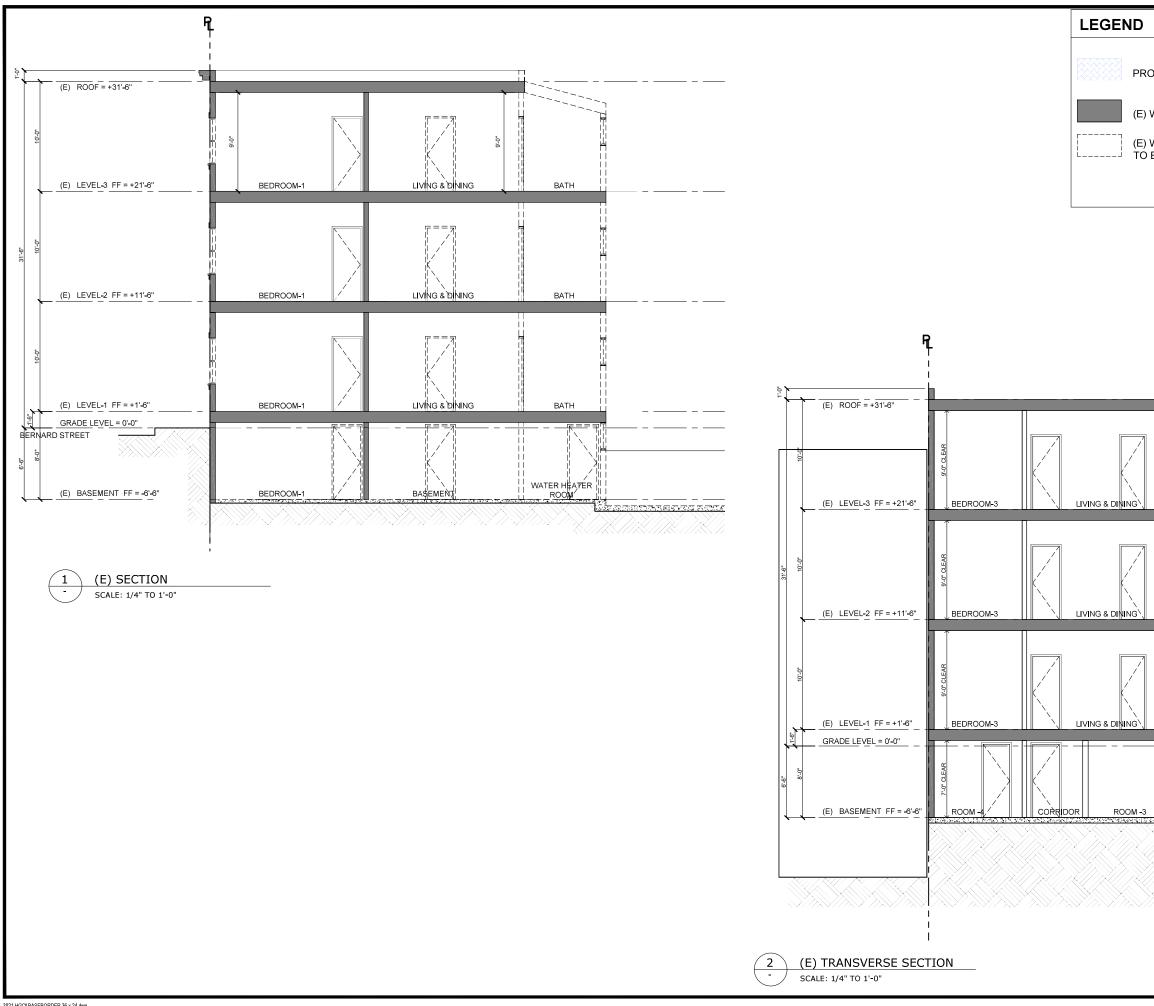




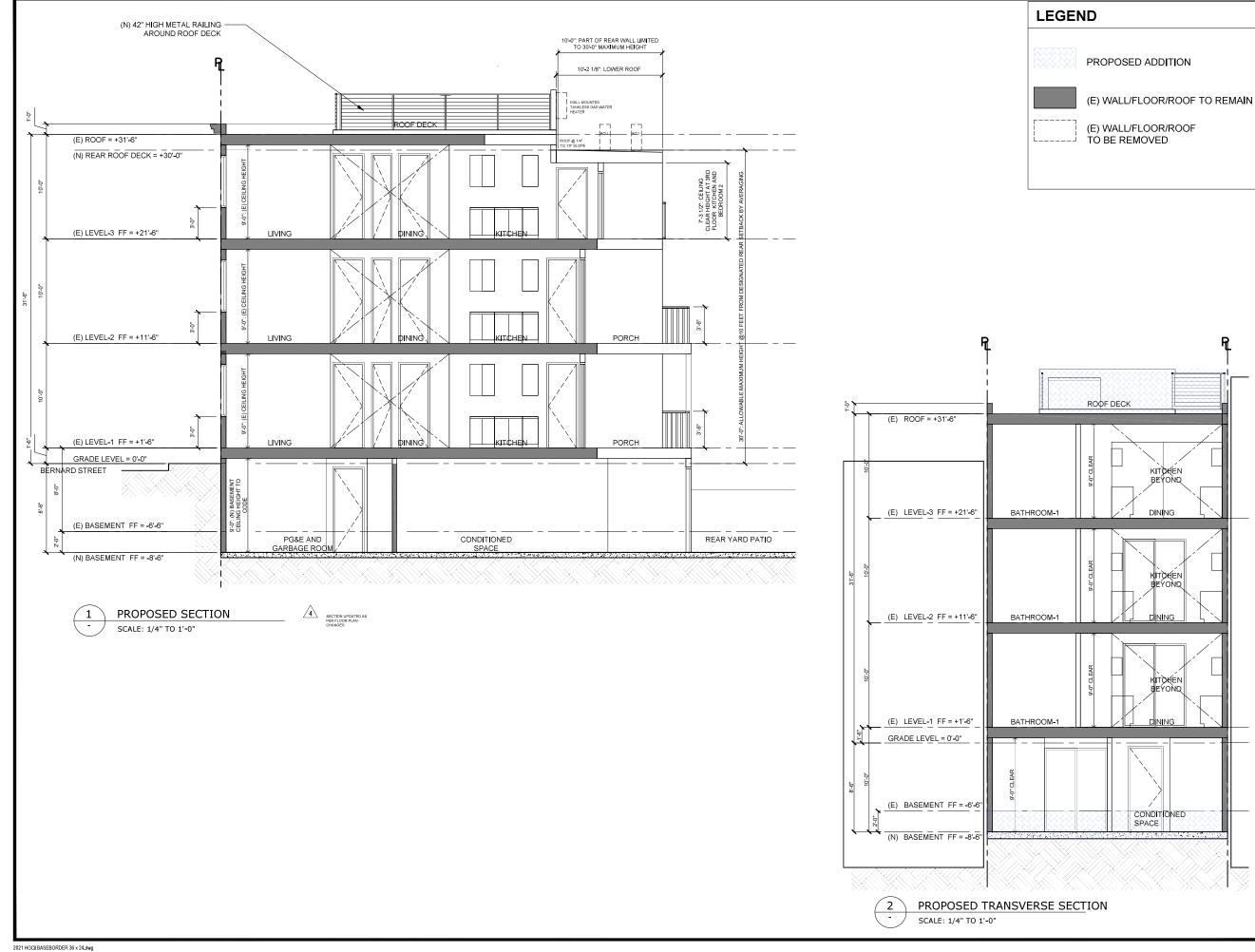




2021 HGCI BASEBORDER 36 x 24 dwg



DPOSED ADDITION WALL/FLOOR/ROOF TO REMAIN WALL/FLOOR/ROOF BE REMOVED	BERNARD ST. 3-UNITS APARTMEN SEISMIC RETROFIT/ REMODEL APN # 0157030 PERMIT NUMBER: BB#368-912-764 2020-0822-2415 PROJECT ADDRESS 45, 47 & 49 BERNARD ST., SAN FRANCISCO, CA 94133
FL	MANAGED BY: HGCI B-GENERAL BUILDING CONTRACTOR LIC.# 720437
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	DATE 05,28,2027 SCALE AS NOTED PROJECT ID 00000 DRAWN BY MDC CHECKED BY J+ EXISTING BUILDING SHEET TITLE
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DESIGN CONSTRUCT WORK LIVE

APN # 0157030

PERMIT NUMBER:

- BP#2020.0822.2415 •
- 2020-05176PRJ •
- BB#368-912-764 •
- 2020-0822-2415

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SECTION

SHEET TITLE

