# 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 A 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 with modifications.

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. The Commission further encourages that the duration of any relocation of the existing tenant will be as short as possible and a green rear yard open space.
4. The Commission determined that modifications to the project were necessary, and encourag greening the rear open space and they instructed staff to approve the Project per plans with the following conditions:
5. Eliminate the roof deck.
6. Eliminate the spiral stair from the third floor to the roof.
7. Configure the third floor to be identical to the second floor.
Z.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 refenenced in this action memo on August 25, 2022 and amended on October 4, 2022.


Jonas P Ionin
Jonas P. Ionin
Commission Secretary

AYES: Ruiz, Imperial, Koppel, Moore

NOES: Diamond

ABSENT: Fung, Tanner

ADOPTED: August 25, 2022

AMENDED: October 4, 2022

## BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/REMODEL

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

## CONTACT INFORMATION

| OWNER: | GENE | ENGINEER: |
| :---: | :---: | :---: |
| Tina Huston |  | CRES Engineering |
| c:925.337.1755 | 112 Spaulding St., Unit - A | ${ }_{2}^{\text {Andres Stambuk }}$ |
| on | p: 415.597.6880 | Brentwood, CA. 9 |
| c: 925.337.9532 | 415.509.0304 | c: 925.487 .0895 |

PROJECT DATA
ADDRESS: 45,47 \& 49 Bermard St.,
LOT SIZE:
ZONING:
HEIGHT \& BULK DISTRICT
PLANNING DISTRICT:
Set back requirements:
$0157 / 030$

RH-3(RESIDENTIAL HOUSE - THREE FAMLY)
$65-\mathrm{A}$
DISTRICT-3 NORTHEAST

Existing building

PROPoSED BULLDING SIZE:

| - Yearbuilt: 1906 <br> - NUMBER OF STORIES: 3 STORIES + BASEMENT <br> : BUILDING AREA: 2944 SQFT <br> : OCCUPANCY CLASS: R-2 <br> : NO TYPE:MULT-UNIT APARTMENTS <br> - NO. OFDWELLNG UNTTS: 3 DU <br> $\therefore \quad$ BUILDING HEIGHT: 32-6" |
| :---: |
| - PROPOSED NUMBER OF STORIES: 3 STORIES + <br> bASEMENT (NO CHANGE) <br> - PROPOSED BUILDING AREA: 3478 SQFT <br> - PROPOSED OCCUPANCY CLASS: R-2 (NO <br> - PROPOSED USE TYPE: MULTI-UNIT APARTMENT <br> - (NROCHANGE) <br> - PROPOSED NO. OF DWELLING UNITS: 3 DU <br> : OCCUPANCY LOAD: 1 PER 200 SQFT <br> - CONSTRUCTION TYPE V-A |


| (E) GARAGE PARKING: | NONE |
| :--- | :--- |
| REQiIIED PARKKIN: | NONE |
| FIRE SPRINKLERS: | Yes. Existing in Basement Unit |
| FIRE ALARM: | (N) Sprinkers for Grd to 3rd flors |

APPLICABLE CODES
APPLICABLE CODES

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 2019 CALLIFRRNNA MECHANLCALL2019 CALIFORNA A ENERGY COD CODE
2019 CALIFORNIA FRE CODE
SAN FRANIISCO RESIDENTIAL DESIGN GUIDELINES SAN FRANCISCO HOME-SF DESIGN GUIDELINE
SAN FRANCISCO URBAN DESIGN GUIDELINES

## SHEET INDEX

$\begin{array}{ll}\text { A0.0 } & \text { COVER SHEET } \\ \text { A1.0 } & \text { SIIE PLAN \& SETBACKS } \\ \text { A2. } & \text { EXISTING } / \text { DEMO FLOOR PLANS - REFERENCE ONLY } 12 \\ \text { A2. } & \text { EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY } 2\end{array}$
$\begin{array}{ll}\text { A2.0 } & \text { EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 1/2 } \\ \text { A2.1 } & \text { EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY } 2 / 2\end{array}$ 3.0 PROPOSED BASEMENT AND GROUND FLOOR PL A3.Oa PROPOSED SECOND AND THIRD FLOOR PLANS
A3. 1
PROPOSED ROOF DECK FLOOR PLAN AND ROOF PLAN A4.0 EXISTING vs PROPOSED FRONT ELEVATION
A4.1 ExIITTNG VS PROPOSED REAR ELEVATION
A4. 2 EXISTING VS PROPOSED EAST ELEVATION
A4.3 ExISTING vS PROPOSED WEST ELEVATIO
A5.0 Existing bullding section
A5.1 PROPOSED BUILDING SECTION
this residental remodel work proposes:
. FOUNDATION / SEISMIC UPGRADES WITH CELIIIG CODE HEIGHT ADJUSTMENTS TO COMPLY TO
2. REAR MARD ADDITION MTH MISC UNIT UPGRADES INCLUDING MODIFYYRELOCATE PGQE METERS,


2. ZONING MAP





(1) BASEMENT FLOOR PLAN-SEISMIC UPGRADE

SCALE: $1 / 8^{"}=1$ 1-0


APN \# 0157030
mernt number

|  |  |
| :---: | :---: |
|  |  |

- | 2020-05178PRJ |
| :--- |
| BB $\# 368-912-764$ |

2020-0822-2415

45,4NCISCO, CA 94133
FRA
MANAGED BY: HGCI
B-GENERAL BUILDING CONTRACTOR LIC.\# 720437





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BERNARD ST 3-UNITS APARTMEN BERNARD ST. 3-UNITS APARTM
SEISMIC RETROFIT/REMODEL

APN \# 0157030
PERMIT NUMBER:

| - BP\#2020.0822.2415 |
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| 2020-05176PRJ |
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| 2020-05176PRJ |
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| BB\#368-912-764 |

PROEET AODRESS
$45,47 \& 49$ BERNARD ST
MANAGED BY: HGCl
B-GENERAL BUILDING CONTRACTOR LIC. 720437

 BERNARD ST. 3-UNITS APARTMENT
SEISMIC RETROFIT/ REMODEL SEISMIC RETROFIT/REMODEL

APN \# 0157030
PERMIT NUMBER


- 2020-05176PRJ
$\begin{array}{r}-\quad \text { BB\#30 } \\ -\quad 2020-022-2415 \\ \hline\end{array}$

45, 472 \& 49 BERNARD
FRANCCOO, CA 94133
MANAGED BY: HGC
B-GENERAL BUILDING CONTRACTOR B-GG.NERAL
LIC.\# 720437








