

October 21, 2022

VIA ELECTRONIC SUBMISSION

President Shamann Walton and Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Sponsor Response to Appeal of Exemption Determination for 45 Bernard Street
(Case No. 2020-005176ENV)

Dear President Walton and Supervisors:

We are in possession of the request for an Appeal Determination on the project to renovate our home at 45-49 Bernard Street which was lodged by the Upper Chinatown Neighborhood Association (UCNA) on September 26, 2022. The UCNA Leadership Team are our adjacent neighbors. John and Sandra Leung live at 39A-41 Bernard Street, a 3-unit property which is occupied as a single-family home. It abuts the subject property to the East. Hanmin Liu and Jennifer Mei own 1144-1146 Pacific Avenue. 1144 Pacific Avenue is a Commercial Unit, with a residential unit 1146 Pacific Avenue. It abuts the subject property to the South. The Appeal request was submitted in pursuant to Administrative Code § 31.16(e) alleging:

1. The Project Description is Not Accurate, Stable, or Finite
2. The Project May Have a Significant Effect on Historic Resources

In opposition to this Appeal, we offer the following:

Project Overview

The building at 45-49 Bernard Street is 100+ years old and in a deteriorated condition. Much of our proposed work is fixing critically necessary components of the property, including seismic/structural, electrical, and plumbing. We are also creating a legal unit in the currently uninhabitable basement. Our family lives here, and has lived here for over 2 years, and we intend to continue living here as we work in the city, and our lives, friends, and family are here. When we moved in, the “potentially historic courtyard” (i.e. our private rear yard) was, in fact, an unmaintained trash dump. This is detailed in our tenant’s letter of support for the project. In fact, we have letters of support from 2 tenants, both of which speak to the condition of the property that was maintained by the prior landlord. We respect our current tenant’s rights: she will be compensated for any needed relocation (which will be as short as possible because this is our home, too, so we want to get work done as soon as possible). Ultimately, she will be able to move into a fully refurbished unit at a rent-protected price.

The Project is Stable and Unchanged

1. **Our project has not changed in scope and is not altered from what was analyzed as part of the Exemption.** Rather, SF Planning required us to split the project into 2 permits—one for the 3 units, and 1 for the ADU, because Planning considered the state law ADU would need to be permitted separately. Because the state law ADU is ministerially approvable, it is not subject to CEQA review. Regardless of this split, the 311 notices detailed the entire project under both permits, the plans for the expansion shows the future ADU location, the scope of work has not changed, and the ADU was discussed at length at the Planning Commission hearing. This, in effect, improperly subjected a State ADU to Discretionary Review. In short, there is no danger of misleading the public simply because the Planning Department directed us to submit the ADU as a separate permit.

The Project is Extremely Modest, CEQA Exempt and Not Historic

1. **Our project qualifies for a categorical exemption under CEQA.**

Under the CEQA Guidelines, an addition to an existing structure that will result in an increase of less than 10,000 square feet is categorically exempt from CEQA review, *14 CCR section 15301*. The scope of work here includes the addition of only around 102SF of interior space per existing unit, and around 548SF total, which is very modest, and a small fraction of the threshold that triggers further CEQA review.

The Planning Department correctly determined that this Project is categorically exempt. This means the burden is on the appellants to show that the Project will “cause a substantial adverse change in the significance of a historical resource.” The appellants cannot show this because: (1) neither the property nor the neighborhood is an historic resource (as the Planning Department determined); and (2) even if there were an historic resource, the Project will not cause a substantial adverse change to it.

2. The property is **located in Nob Hill. It has no historic or cultural significance.** It is **not a known historic resource.** It is **not within a historic district.** Thus, there are **no character-defining features** to protect. It is absurd for the appellants to suggest that this area is a potentially historic resource, simply on the basis it has not been surveyed. The appellants have provided no factual evidence supporting their argument that this is an historic district, or that the “pattern of mid-block open space” is a character-defining feature. To the contrary:
 - a. If there *was* a “character defining feature” of the block it would be **limited rear yards** and **dense housing**. A simple Google Earth view clearly demonstrates this.
 - b. If it *was* to be designated as a historic district, **our private rear yard is not visible from public-right of way.** Historical Districts protect features that are visible from the public-right-of way, as they are maintained for the benefit of the public, **not for the private benefit of abutting neighbors who complain**¹.

¹ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS, Section 1001: “The purpose of this legislation is to promote the health, safety and general welfare of the public”

- i. Per Census records available **from at least the 1920's to the 1970s, the midblock was an incredibly diverse area, made up of many different "countries of origin"**. This included Italians, Mexicans, Spaniards, French, Chinese, and Irish, among others. Census records have been attached, which again contradict the neighbor's "evidence".
- 3. UCNA offers **conflicting rationales for the "potential historicity" of the private rear yard, which is not visible from-a-public-right of way**. They state both these points regarding the midblock:
 - a. It is "tenement-like" and "dense" and "unchanged for 100 years"
 - b. Chinese immigrants came to this specific block seeking more open space.

Which is it? Dense and tenement like ... or has significant open space? How can something be dense, tenement-like and unchanged for 100 years, but then have open space as a character-defining feature that drew people here?

- 4. Though they state the block remains "unchanged" and thus "should be preserved", Jennifer and Hanmin **conveniently omit their own vertical and horizontal extensions at 1144-46 Pacific Avenue**, which were allowed and determined to be categorically exempt (records attached) with no issue. UCNA's concerns about expansions into mid-block space (and OMIs, for that matter) seem to apply to others and not themselves. The scope of work on their property has included:
 - a. **Vertical expansion** to add a 4th floor and roof deck
 - b. **Horizontal expansions into the midblock open space**
 - c. **Interior remodels**
 - d. **Facade remodels, both facing the street, and along the back of the property**
- 5. As proposed, **45-49 Bernard will conservatively fit within the existing character of the block**.
 - a. Our building is currently **the shortest on the block and will remain one of the shortest once complete**. Current planning codes set a 15' rear yard minimum setback. Given the age of the buildings on the block, many properties do not comply with the current 15' setback and go much deeper into the rear yard, including both petitioning neighbor's properties.
 - b. By removing the large stairwell that currently exists in the private rear yard, the proposed design actually **increases the amount of unobstructed rear yard**

ARTICLE 10, SEC. 1005. CONFORMITY AND PERMITS: "Where so provided in the designating ordinance for a historic district, **any or all exterior changes visible from a public street or other public place shall require approval** in accordance with the provisions of this [Article 10](#), regardless of whether or not a City permit is required for such exterior changes."

A Certificate of Appropriateness (C of A) is the authorization designated City Landmarks and Historic Districts require for the following types of work: 1) Designated City Landmarks -- exterior alterations requiring a permit and demolitions of a site or structure; and 2) **Designated City Historic Districts -- alterations requiring a permit and other types of exterior changes visible from a public street or other public places** (as provided in the historic district ordinance, even when a permit is not required), demolitions and new construction of a site or structure within the district

(pictures attached), as well as increases the **amount of open space overall** by providing private open space on each floor.

- c. This means that there will be no adverse impacts, let alone substantial adverse impacts, on the rear yard or neighborhood.

- 6. **We have concerns about the tactics used to** secure support for the DR and whether or not they were ethical. There were undisclosed conflicts of interest. There were several private, undisclosed meetings held with planning commissioners prior to our hearing and their quasi-judicial votes. This resulted in the whittling away at our planning code-compliant project. A summary of this has been attached.

In summary, the appellants are asking the Board of Supervisors to find that *a private rear yard, in a non-historic building, and in a neighborhood not designated as having cultural or historic significance, is of such importance that a Code-compliant building expansion will destroy the cultural fabric of the neighborhood.* On the appellants' reasoning, no building in this neighborhood could ever be expanded horizontally or increase density. The Planning Code and Residential Design Guidelines already protect midblock open space, and this Project complies with them, as the Planning Department and Planning Commission concluded. It would be absurd and completely unprecedented for the City to order a full historic review of a Code-compliant horizontal extension into a private rear yard.

Conclusion

We ask the Board of Supervisors to protect the City's finite resources and deny this nuisance CEQA request. Our project description is stable, and our private rear yard, not visible from the public right-of way, is not a historical resource that would be protected. Further, this continued delay would stop critically necessary improvements to our home—including seismic—and also delay a new, legal unit from being built. CEQA was enacted to protect the environment - not adjudicate neighbor disputes. But as the Court of Appeal recently noted, it has instead devolved into "a formidable tool of obstruction, particularly against proposed projects that will increase housing density." CEQA can too easily be leveraged as an "instrument for the oppression and delay" that has "become its own reward for project opponents." *Tiburon Open Space Committee v. County of Marin* (May 12, 2022, A159860) __ Cal.Rptr.3d __.

This is another unfortunate example of how the SF's permitting process allows neighbors to weaponize the Discretionary Review and CEQA processes against their fellow neighbors. **The DR process has already resulted in modifications that turned 3Br units into 2Br units due to setback interpretations, and now our neighbor seeks to reduce it more.** It has become clear to us that this is a common playbook, as noted in the Proposed Housing Element, "Opponents to residential projects may use local administrative CEQA appeal processes and courts as a threat, negotiating, or delay tactic".

To be clear: our project should be allowed to a depth that is allowable per the Planning Code. The neighbors are asking you to delay, defer, and ultimately reduce the density of our project,

and, as a result, the future ability of others to increase their own density in code-complaint manner. If our neighbors wish to continue spending *tens of thousands, if not hundreds of thousands of dollars* they could be spending in helping their community to fight our small project, they may continue to do so.

We ask the Board of Supervisors to uphold our legal right to enhance our property within the boundaries of existing Planning and Building Codes.

Thank you,

Lindsey and Tina Huston
45-49 Bernard Street

Attachment: Supporting Information

Supporting Information

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CEQA Assessment for Hanmin Liu & Jennifer Mei Remodel (Categorically Exempt)

4th floor addition and rear yard notes, with Hamin Liu's signature

City and County of San Francisco

Department of Public Works
Bureau of Building Inspection



NOTIFICATIONS OF STRUCTURAL ADDITION

MAILED: 10/14/93

PAGE: 1

APPLICATION NUMBER: 9317171
BUILDING LOCATED AT: 1144 -
PERMIT HOLDER: LIU G HANMIN

PERMIT NUMBER: 731984
PACIFIC AV

PERMIT ISSUED: 10/14/93
BLOCK/LOT: 0157 /013
ADDRESS: 1146 PACIFIC AV
SAN FRANCISCO CA 94133

PESC CODE:
PESC: HORIZONTAL ADDITION.

ADDRESSEE

MAILING ADDRESS

ADJACENT PARCEL LOCATION

COLTON, ROBERT F & DIANE C

2175 14TH AV
SAN FRANCISCO CA

94116

1154 -1156 PACIFIC AV
BLOCK/LOT: 0157 /014

LEE SACK KWAN

1485 18TH AV
SAN FRANCISCO CA

94122

51 BERNARD ST
BLOCK/LOT: 0157 /029

CHAK WAI O

147 BERNARD ST
SAN FRANCISCO CA

94109

45 - 49 BERNARD ST
BLOCK/LOT: 0157 /030

SAM SHUI YAU LEE

1142 PACIFIC AV
SAN FRANCISCO CA

94133

1140 -1142 PACIFIC AV
BLOCK/LOT: 0157 /063

TANG KENNETH & PUI HING

1826 20TH AV
SAN FRANCISCO CA

94122

39 - 41 BERNARD ST
BLOCK/LOT: 0157 /064

Resident 1144 Pacific

site has a valid Business Tax Registration Certificate on file in the San Francisco Tax Collectors Office which contains the following information:

NAME:

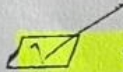
DBA:

PLACE OF BUSINESS:

BTRC #:

I, as owner or lessee or his authorized agent of the proposed job site address:

am exempt from the Business Tax Registration Certificate requirement because:



This is my residence.



The apartment building consists of less than four units.



Other: Please explain:

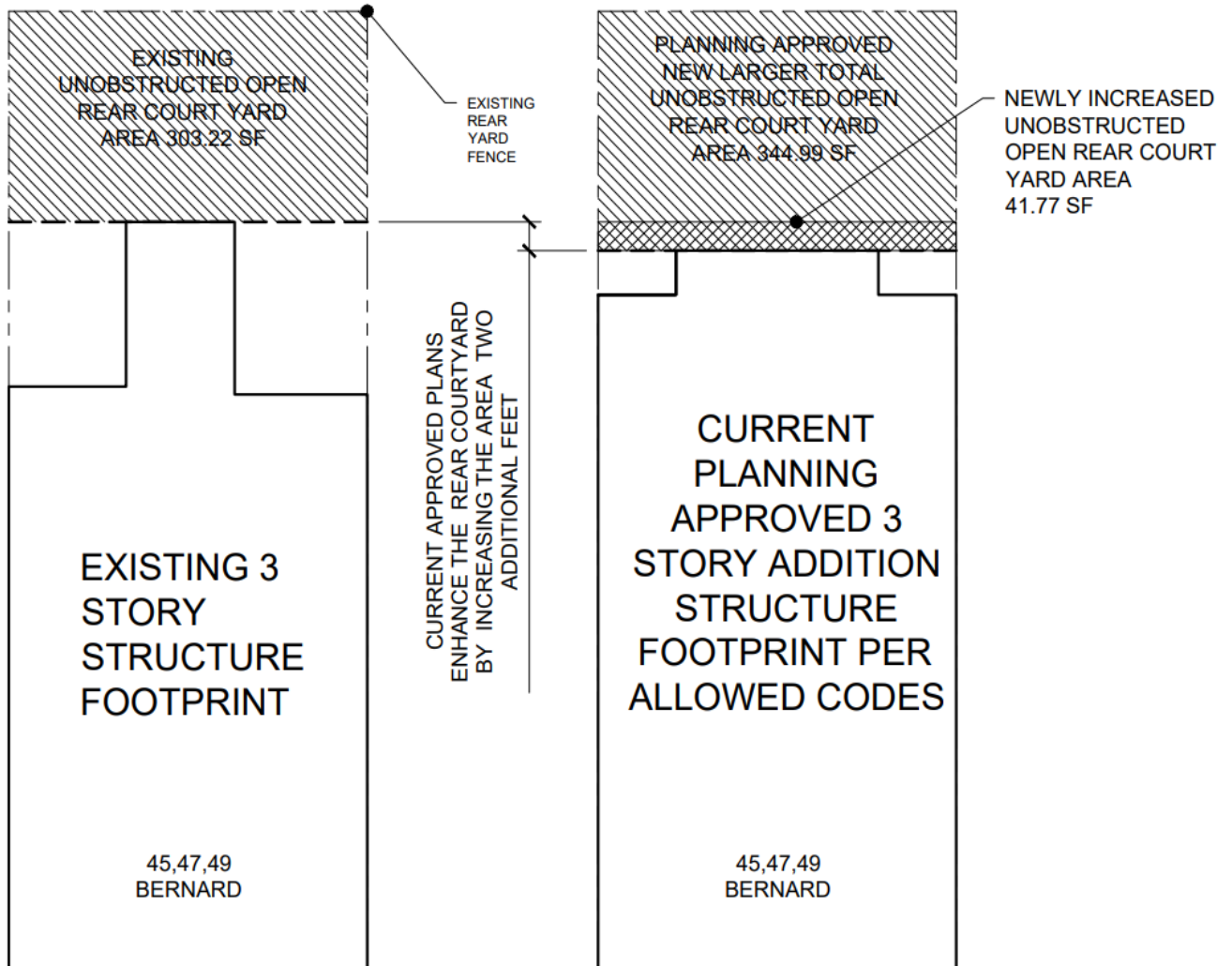
NON-profit business and residence

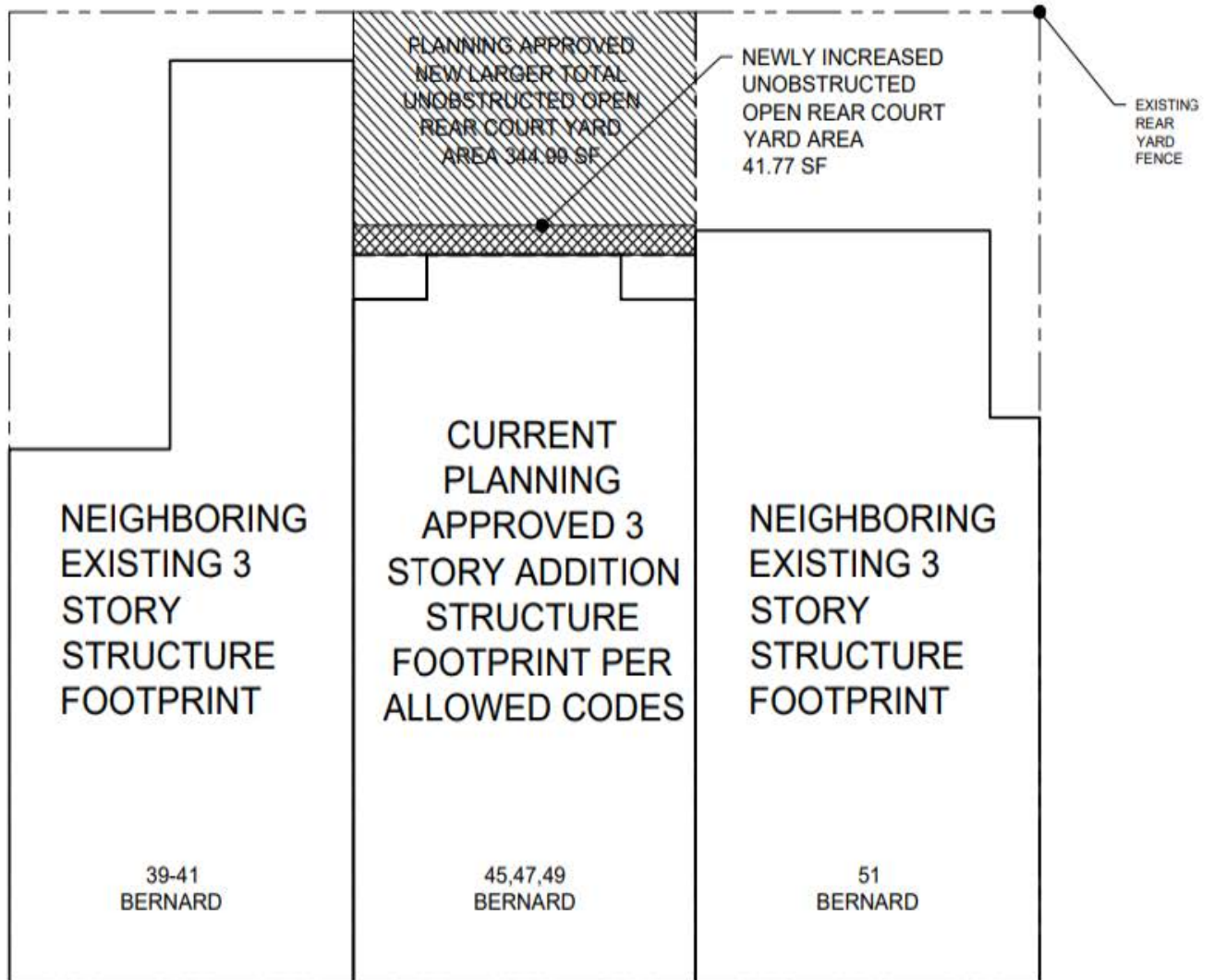
Date:

Signature:

Appendix 2: Rear Yard Setback Analysis

Showing increase in total depth with existing large fire stairs removed.





Appendix 3: DR/Planning Commission Hearing Summary of Concerns

Summary of Discretionary Review and Planning Commission Experience

- The DR Requester asked the Planning Department and Planning Commission to Apply More Punitive Interpretation of Planning Code and Residential Planning Guidelines to Sponsor's Project given the Predominant Race, Age and Overall "Culture"² of Neighborhood
- Members of Planning Commission Colluded with the DR Requesters and their Permit Consultant to Modify the Project and Applied Disparate Treatment. The Modification of a Code-Complying Project was enabled by undisclosed Conflicts of Interest and Ex-Parte Communication by the Planning Commission
 - Non-Disclosure of Conflicts of Interest by Commissioner Ruiz
 - Non-Disclosure of Ex-Parte Communications by Commissioner Imperial with the Wildflowers/UCNA
 - During Planning Commission Hearing, Planning Commission Verbally Applied Planning Guidelines Disparately
 - Non-Disclosure of Ex-Parte Communications and Private Communications by Commissioner Moore with UCNA/Wildflowers
 - Non-Disclosure of Apparent Ex-Parte Communications DR Requestor's Permit Consultant
 - Votes, Modifications, Conditions and Findings
 - Attempt to Change (Post-Hearing) the Motion
 - Noncompliance with Sunshine Public Records and Use of Private Emails to Circumvent Records Request
- City Supervisor Office been Involved with Hanmin and Jennifer
 - Hanmin Liu/UCNA/Wildflowers have been corresponding with Supervisor Peskin since at least February of 2021
 - Hanmin states "Aaron Peskin suggested I contact you request a letter of determination..." - February 21, 2021

² Merriam Webster defines Culture as, "the customary beliefs, social forms, and material traits of a racial, religious, or social group"

Summary of impacts below:

- Loss of 2" extra feet despite code-complying, loss of 3rd bedroom in all 3 units legal units. These changes reduced the density of the project in violation of the Housing Accountability Act - any additional reduction in the size of the Project would illegally reduce its density further.
- Reduced size of State ADU by 2" in violation of state law.
- Renovation has languished for 2.5 years; increased interest rate increases and increases in construction costs
- Hundreds of hours of time and expense, having to take of work to attend reviews and meetings)
- Emotional distress associated with project

Note: this is based on the records received to-date; however, much communication took place via phone call or private email, which still has not been disclosed.

Wildflower Institute doing business as (dba) Upper Chinatown Neighborhood Association (UCNA)

Per Wildflower's website, this is not new for Wildflowers: "Instead of nonprofits seeking grants from foundations, we help foundations and local governments seek out the informal ways of communities sustaining themselves." In 2012 and 2013, Jennifer led a grassroots neighborhood effort of over five hundred residents to work on local projects, community improvements, and outreach to political leaders."

Wildflowers Institute

1144 Pacific Avenue

San Francisco, California

94133

415.775.1151

- i. Hanmin Liu and Jennifer Mei are President and Vice President, respectively, of Wildflowers Institute ("Wildflowers"), a registered non-profit organization, from which they receive an annual salary for 40H/Week and write-off expenses.
- ii. While Wildflowers file with the IRS as a 501 c3 public charity, no other salaries are paid to board members or employees per these filings.
- iii. Jennifer and Hanmin own the property at 1144-1146 Pacific Avenue, a SFR and Commercial Space where they operate their non-profit Wildflowers. Per Hanmin Liu, "The commercial space at 1144-1146 Pacific Avenue is the headquarters of

the Wildflowers Institute, a grassroots organization that encourages cross-cultural exchanges to strengthen communities”.

- iv. According to Wildflower’s IRS 990, Wildflower Institute rents the space at 1144 Pacific Avenue, and pays rental income to Jennifer and Hanmin through the non-profit (noted IRS 990 as an insider transaction).
- v. While the DR was filed as representing the “UCNA” it was filed via Jennifer’s nectar.wildflowers@gmail.com email and cites (415) 775-1151 as the contact email, which is the Wildflower Institute’s phone number.
- vi. “UCNA” held private meetings in Wildflower’s office at 1144 Pacific Avenue with Commissioner Theresa Imperial prior to the Planning Commission meeting.
- vii. Many emails to and from the San Francisco Planning department, San Francisco Planning Commission, the San Francisco City Supervisors office are from the Wildflowers organization
- viii. There is reportedly a CTA “case file” and at least one organization CC’s Wildflowers in their Letter of Support.

DR Requestor Asked the Planning Department and Planning Commission to Apply Disparate Interpretation of Planning Code and Residential Planning Guidelines to Sponsor’s Project given the Predominate Race, Age and Overall “Culture”³ of Neighborhood

1. Wildflowers/UCNA’s DR asked that the Planning Commission apply residential guidelines differently based on race⁴ and age. When meeting with Richard Hillis, Planning Department director, the Wildflowers/UCNA were very clear about their intent and position: “the purpose of the meeting is to discuss the Residential Design Guidelines as they apply to the proposed plans for 45-49 Bernard Street. We are especially interested in the application of the guidelines to the structures and to open spaces of a predominately Chinese immigrant and Chinese American populations.”⁵ In the same email, they indicated they had already been in contact with Commissioner Imperial and Commissioner Moore as well.
2. Wildflowers/UCNA/Hanmin Liu asserted in their DR and numerous memos to the Planning Commission that the Sponsor’s private rear yard was “communal space” that should be protected. Specifically, they noted the “proposed increase in size and scale of the building eliminate the Chinese courtyard” and asked the Planning Commission to modify the Project Sponsor’s code-compliant set back to “maintain[ing] the Chinese courtyard experience”⁶. They state, “plans and design of 45 Bernard Street undermine

³ Merriam Webster defines Culture as, “the customary beliefs, social forms, and material traits of a racial, religious, or social group”

⁴ The Fair Housing Act (“FHA”), passed by Congress as Title VIII of the Civil Rights Act of 1968, prohibits housing discrimination on the basis of, inter alia, race, religion, and national origin. 42 U.S.C. §§ 3601 et seq.

⁵ Direct Citation from Hanmin Liu’s February 9, 2022 email to Planning Director Richard Hillis, with Imperial, Theresa (CPC); Moore, Kathrin (CPC); Peskin, Aaron (BOS); Angulo, Sunny (BOS) CC’ed

⁶ Citation from 2022 Discretionary Review Request

the cultural⁷ fabric of this community by eliminating the Chinese courtyard experience, a local asset of the neighborhood.” Additionally, the DR requester asserted that “In 2013, 80% of the homeowners were Chinese American. In 2021, their homeownership dropped to 60% and Chinese immigrants and low-income Chinese American individuals and families were displaced. What is emerging in our neighborhood is a younger, less diverse, and more affluent population of individual tenants who will likely be more transient”⁸, again, taking issue with the sponsors race, and age.

Members of Planning Commission worked with with the DR Requestors and their Permit Consultant to Modify the Project, and did, in fact, apply Disparate Treatment. The Modification of a Code-Complying Project was enabled by undisclosed Conflicts of Interest and Ex-Parte Communication by members of the Planning Commission

1. Non-Disclosure of Conflicts of Interest – Commissioner Ruiz

- Chinatown Community Development Center (CCDC) and THC represented OMI tenants. Commissioner Ruiz is both a board member at THC and full-time Planner at CCDC.
- Hanmin wrote a letter regarding concerns with the project to the Planning Commission (sent directly to Commissioners June 9, 2021) and requested that UCNA and “friends” CCDC be kept updated on the project due to concerns. This letter was sent directly to planning commissioners.
- CCDC planners wrote letters of support for Discretionary Review (attached in July 21, 2022 DR packet).
- THC attorney for tenants called in and voiced support
- At the hearing, Commissioner did not disclose these conflicts of interest and acted against the project:
 - i. Commissioner Ruiz spent a majority of her time speaking about the tenants. She motioned to provide “lifetime guarantee to the current tenant”; to “include a guarantee that the tenant pay the same rent they pay now for the rest of their life”; to include a condition that Sponsors “make the construction as short as possible, and return the tenant to a completely refurbished apartment”; inquired about the ability to require rent control on State-ADU; and, ultimately, Commissioner Ruiz motioned for the physical modifications made on the project in concert with two other Commissioners involved in private and ex-parte communications
 - ii. Commissioner Ruiz has not filed required filings with ethics commission

⁷ Merriam Webster defines Cultural as, “of or relating to culture or culturing”

⁸ Citation from 2022 Discretionary Review Request

- iii. Project sponsors were not made aware of these connections at or prior to the DR hearing. Rather, Sponsors discovered these conflicts of interest from watching subsequent Planning Commission meetings in which Commissioner Ruiz did disclose these connections. In one instance, she noted the connection and that she would still be able to remain impartial. In a separate subsequent matter, she outright recused herself.
- iv. There has been a lot of reference to a CTA memo, which we have not received a file of, but is referenced by CCDC's letter of support.

2. **Non-Disclosure of Ex-Parte Communications by Commissioner Imperial with the Wildflowers/UCNA**

- Commissioner Theresa Imperial met privately with the DR Requestors at the Wildflower Institute's office at 1144 Pacific Avenue.
 - i. In an email to the Planning Director, Hanmin Liu notes, "Commissioner Theresa Imperial met with our team recently". The meeting was held after UCNA/Wildflowers distributed a memo to the Planning Commission regarding our project. Commissioner Theresa Imperial notes, "Apologies in delayed response. I received your memo and recently reviewed it. I can be available to meet either on Feb. 8 or 11th after 4pm.". She continues, "We can meet in-person. I'm also fully vaccinated. Let me know where I can meet your team"

3. **During Planning Commission Hearing, Planning Commission Applied Planning Guidelines Disparately, in Effect Subjecting Sponsor to Different Standards than Those Applied to the Greater Block**

- Statement by Commissioner Imperial (Beginning Hour 4:34 of August 25, 2022 DR Hearing)
 - i. "In terms of the context of the neighborhood, the DR requestor is referring to the "cultural preservation" of this neighborhood. **Yes, it's a code-complaint project. Yes, it might be the shortest in the neighborhood,** [but] for me that's something that still sticks out is the roof deck."
 - ii. Commissioner Imperial continues, "There is no special land use controls for this area, this is a regular 25% rear yard, which this building is complaint for, however, what the DR requestor is asking for is for us to look into the **cultural aspect of this neighborhood**, of the people living in this 2-block radius, the importance of that. The planning department, we have not looked at that, outside of Chinatown, where neighborhoods, especially this neighborhood, where there is a predominate Chinese community and they keep emphasizing the importance of the mid-block open space. So, I am trying to.. Yes, this is a code complaint project, however, perhaps there is something we can do to culturally context it. Especially since **the DR**

requestor keeps emphasizing that⁹. And what still bothers me is the OMI... and the families are no longer there. **I cannot take this as no DR.”**

- Then, Commissioner Imperial calls up DR Requestor Hanmin Liu again, and gives him another opportunity to speak and provides input on midblock open space. She also asks “if they are planning on potentially considering advocating for a change in the zoning”, which, **oddly enough**, is exactly what ended up occurring subsequent to the hearing in the 09/26/2022 CEQA filing.

4. Non-Disclosure of Ex-Parte Communications and Private Communications by Commissioner Moore’s with UCNA/Wildflowers

- Commissioner Moore used private pre-hearing communication and private records/documents, collected in advance of our hearing directly from the DR Requestor, to advance DR interests at the Commission hearing.
- Notably, Commissioner Moore proactively reached out to DR Requestors and requested information directly. Hanmin Liu notes, “Commissioner Kathrin Moore called us in mid-January asking for additional information about the evicted tenants. We have reached out to the SF Rent Board and will be sending her the information shortly”
 - i. Despite multiple reminders about Sponsors Public Record request and a specific request from Secretary Ionin to the Commissioners to provide any communication on private devices, Sponsors have not received any disclosures regarding these communications, and it has been indicated the record is complete.

5. Non-Disclosure of Apparent Ex-Parte Communications DR Requestor’s Permit Consultant

- David Winslow arranged a meeting between the DR requesters and sponsors in Spring of 2022. In attendance at that meeting, were the Sponsors, their contractor, and the DR Requestors Hanmin Liu/Jennifer Mei, Attorney Ryan Patterson and Permit Consultant John Lum. At the beginning of the meeting, both parties (Sponsors team and DR Requestors team) explicitly and verbally agreed that the discussions held that day were confidential. Subsequently, John Lum and Hanmin Liu then apparently divulged the substance of these conversations in private meetings to members of the Planning Commission. In particular, a topic of discussion at that Spring meeting was the design of the front gate, and how it may not be code compliant at DBI. At the hearing, Commissioner Moore motioned for Mr. Lum to come up (similar to Hanmin Liu) and gave him additional time to speak to his concerns. At the end, he states “It’s appalling to me that something that has so

⁹ Importantly, when Commissioner Imperial is making these statements, she had already had one private and undisclosed meeting with the DR applicant

many code issues *continues to be resubmitted without correction*". To which Commissioner Moore responded, **"that includes the front gate, yes"**.

- The prior discussion of Sponsors front gate was discussed only confidentially and was never noted in any public records, nor in any public records documentation Sponsor have received. How could Commissioner Moore have this very specific knowledge about "the front gate"? This indicates that 1) Commissioner Moore and the DR applicant's Permit Consultant held additional (more than just the meeting noted above) ex-parte communications prior to our hearing which were never disclosed to Sponsor at or before our hearing, or through our public records request. Secondly, it indicates that the DR Requesters and their Permit Consultant violated the confidential agreement explicitly agreed to during the pre-hearing meeting with the Planning Department, and provided this information to Commissioner Moore¹⁰, who then used this confidential information in her decision-making process to advance the interests of the DR requestors. This confidential information was also apparently provided to other community organizations connected with Wildflowers (there is substantial reference to a "CTA case file") who then used it to speak out about the project.
- In addition to the apparent unfettered pre-hearing access afforded to Permit Consultant John Lum by Commissioner Moore, Mr. Lum was able to provide building interpretations at the hearing that were not made available to the Sponsors prior to, nor at, the August 25, 2022, Planning Commission hearing. The same commissioners that voted against Sponsors, most notably Commissioner Moore, made substantial reference to this unknown document throughout the hearing, even going so far as to consider making Sponsors quote, "go back to the drawing board". After the 7 minutes already afforded to the DR requestor, Commissioner Moore proactively called Mr. Lum up to speak **twice** to his concerns, but then did not call up the Sponsors to respond, rather interpreted Mr. Lum's guidance as fact.
- Egregiously, (4:51) Commissioner Moore applied conditions in the recorded motion **(that the Planning Department consult with Mr. Lum, the DR Requestor's permit consultant, before letting the project move forward to DBI.** Specifically, she stated, *"the issue I would like to add [to the motion] is staff, perhaps with some conversation with Mr. Lum, look one more time at the plans so that what is in front of us is really is code-compliant. All the things pointed out by Mr. Lum are real and since Mr. Lum is practicing in that field and is building buildings, I think it would be good to have some guarantee..."*

6. Potential Collusion on Votes, Modifications, Conditions and Findings

- a. Prior to the 08/25/2022 Hearing

- a. By at least 2 of the Commissioners (per documentation provided—may be more) meeting with the DR requestors prior to the DR hearing, then not disclosing it, it gave the impression of vote-securing
 - b. Sponsors heard from Planning Department days before hearing that they should be prepared to speak to “why we did not make the 3rd Floor like the 2nd”
- b. At the Hearing
 - a. When Commissioner Imperial brings up the roof deck initially, she notes that that was limited roof decks in the area and she asks if the area does have flat roofs (4:02) (keep in mind, she already went to the property next door... she knows the answer to this). The sponsor then responds that was incorrect, all 3 adjacent properties have roof decks. Commissioner Imperial seems surprised, and begins, “Did we have a...” and glances at Commissioner Moore, stops, and then moves on. From these interactions, it appears as though Commissioner Moore and Imperial discussed the roof deck prior to the hearing, as well as the notification prior to the meeting that there was an ask about this.
 - b. Commissioner Imperial “So even if there is not any change in the building itself, I’d like to add conditions.” Hillis to Imperial: “Happy to include a report at 6 months if you want that? Commissioner Moore (4:40) leans over to Imperial and whispers “no no no”; then Commissioner Imperial changes her mind. As we understand it, there is not supposed to be influence between commissioners on the vote.
 - c. Commissioner Moore then brings up wanting to modify the physicality, and then Commissioner Imperial votes with her.
 - d. All involved in ex-parte and conflicts of interest voted to modify the project in the exact manner that was suggested days before the hearing (3rd be identical to the 2nd)

7. Attempt to Change (Post-Hearing) the Motion

- As Commissioners Moore, Ruiz, and Imperial (the same commissioners who acted against the project) realized the outcome of phrasing the modification (3rd be Identical to the 2nd), they then attempted to change the minutes and modify their motion at the next two hearings
- DR Requestors and their were allowed to testify with attorney and provide formal input
- On September 08, 2022, Commissioner Moore stated, “this particular case [45 Bernard] is important to us and is exemplary for other similar situations” and thus wanting to change the way she phrased the motion to ensure the

“intention” was captured (i.e., reducing the rear wall and impact to open space)

8. Potential Noncompliance with Sunshine Public Records and Use of Private Emails to Circumvent Records Request

- The planning department has stated their record is complete; however, we have not received any records relating to these ex-parte communications and private email communications, even though we followed up and specifically asked for them.
- Commissioner’s and Supervisor private email addresses are evident in the small sample of records able to be generated by back end discovery

9. Even Though Adding a Unit, Code-Compliant Project Modified—which Potentially Qualified it as a Housing Development Project

- Though the project was initially found to be code-compliant, through the DR process, SF Planning forced our building back 2 feet because “the city made a mistake 10 years ago” at 51 Bernard. This resulted in the loss of a 3rd bedroom in all 3 units, reducing density. Again, this action further supports applying different treatment to Sponsor than other permit applicants on the block. Further, the project was significantly delayed.

10. Planning Commission Subjected State ADU to Discretionary Review

- Hour 4:16 DR Requester Permit Consultant states the “ADU is not code compliant”
- Hour 4:33 DR Requester Permit Consultant talks about State ADU
- Hour 3:59 – Commissioner Imperial discusses on State ADU at DR Hearing
 - “One of the issues is you’re applying for State ADU”
 - “This commission prefers local ADU. That is a concern for me.”
- Hour 4:28 Commissioner Moore, “A number of things I don’t like [about the project]—I do not like the state ADU that comes in under a future promise *that I don’t have a say over*”

11. Did Not Follow State-Mandated Timelines

- Project has taken 2.5 years thus far

12. State ADU will be subject to further delays based on CEQA even though the allowable depth is what is in Code

Appendix 4: Supplemental Project/Neighborhood Details

Project Description remains the same, with minor reduction in square footage due to planning and 311 inputs.

Project description for Planning Department approval.

The project proposes renovation of a 3-story, 4-unit apartment building and includes a seismic/soft-story foundation upgrade with a rear-yard addition. The project includes façade alterations, and the proposed addition would add approximately 996 square feet.

The subject property is in Nob Hill, on the border of Russian Hill (See Figure 1). There is no such area as Upper Chinatown.

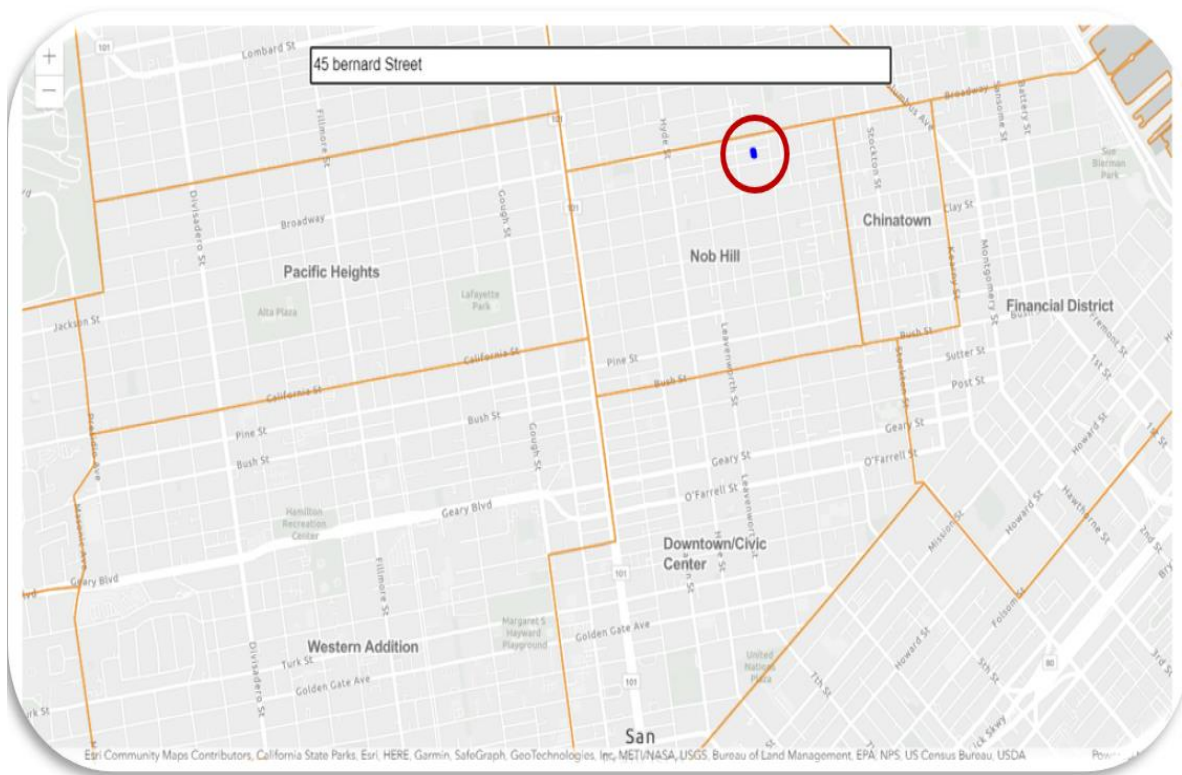


Figure 1: Location of Subject Property (<https://sfplanning.org/resource/neighborhood-group-organizations>) Mr. Liu and Ms. Mei (Appellants) are direct rear neighbors of our property (See Figure 2). The Lueng's (also part of UNCA) are directly to the east. Figure 3 shows the midblock space and neighborhood character, which is like many R3H neighborhoods in San Francisco.

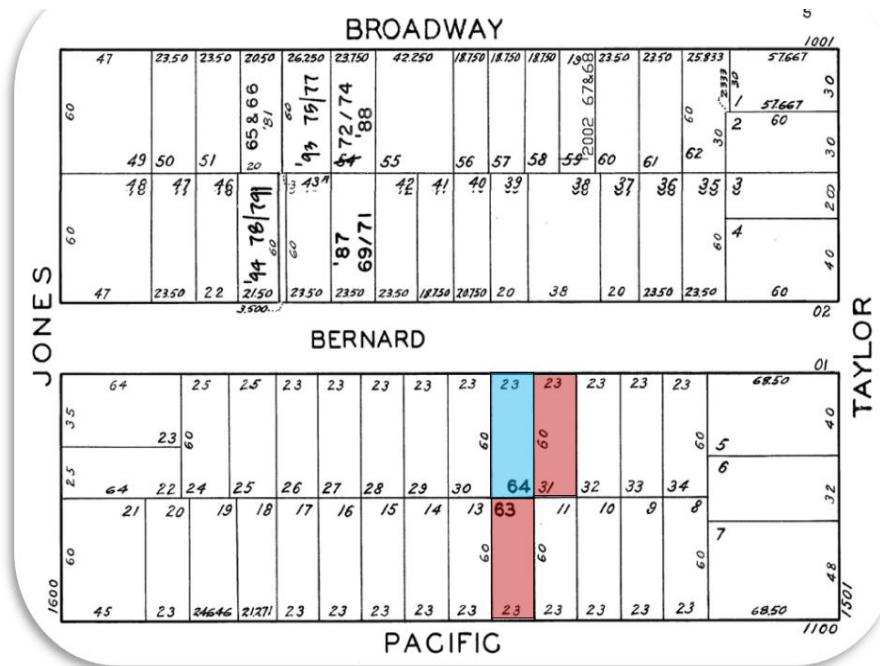


Figure 2: Block Plan

LEGEND

- Lot 23 (Blue): Huston Residence – 45-49 Bernard (Subject Property)
- Lot 11 (Red): Hanmin Liu and Jennifer Mei Residence/Business (UCNA/Wildflowers)
- Lot 32 (Red): John and Sandy Leung Residence (UCNA)



Figure 3: Character of the Neighborhood

Appendix 5: Images of Rear Yard Pre- and Post-Sponsors

Chinese Courtyard did not exist

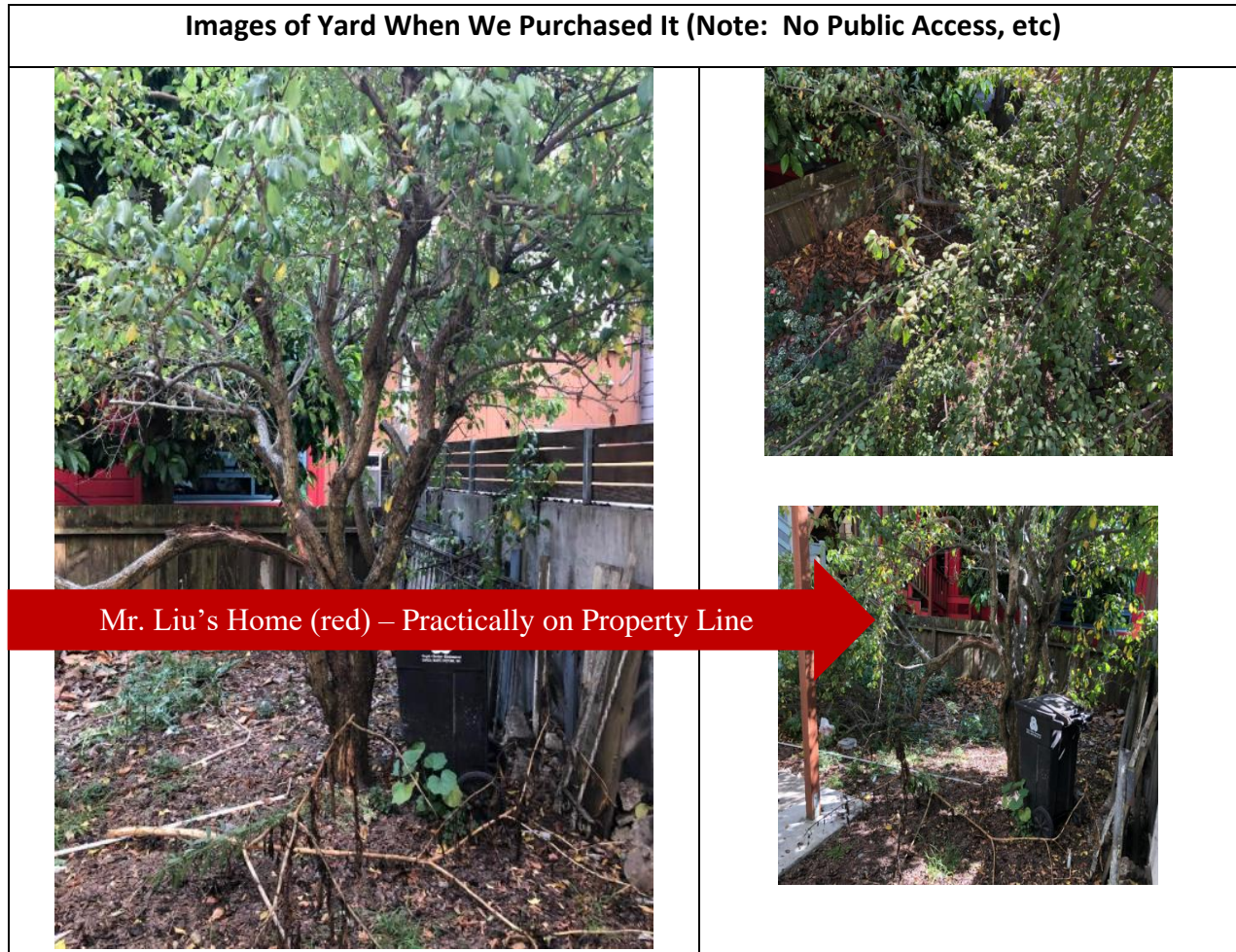
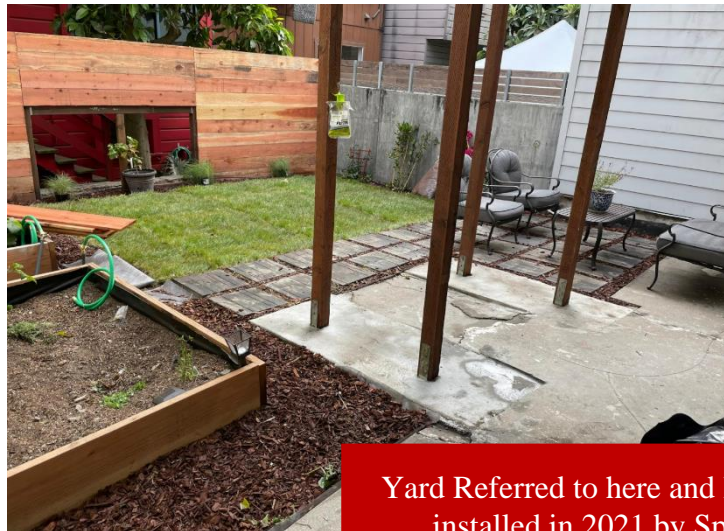


Figure 4: Private Rear Yard Before Sponsors purchased proerty

**Images During Our Work to Improve the Yard
(Installed in 2021)**



**Image in the Petitioner's Response –
Referring to Chinese Courtyard used for 35
years**

For over thirty five years, we observed that the Chinese families who lived at 45-49 Bernard Street immediately on the open space in their modest courtyard as their unofficial temple. It was a space where family members of all ages would freely come and go as they pleased, but they were more stable and connected when they were undisturbed and together in the courtyard. As Professor Laurence G. Lau of Architectural Design and Graduate Programmes at Southeast University, Nanjing, Jiangsu, China, wrote in a landmark reference book: "... people actually lived in an unstable, transient world ... the communistic character of the family system, the inward feeling of withdrawal from the outside world, the idea of plain living ... contributed to the formation of the courtyard house. ... Because the center of all activities was the courtyard, there was no privacy concerning the movement and activities of all family members ... it was an organization which had the distinction of seclusion. Furthermore, it created a layout and a form which rallied all the members of a family psychologically to live in a spiritual refuge together. ... Only through the unity of thought and the force of a family were they able to confront and survive the misfortunes of life." (See figure 2.)

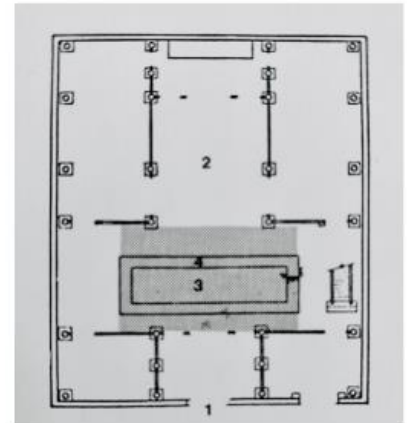


Figure 2. An illustration from *Chinese Architecture* showing a compact courtyard house in Anhui Province, China. 1. Entrance. 2. Hall. 3. Pavement. 4. Courtyard, p. 165.



Appendix 6: TWO Related Permits for 45 Bernard

Permits split due to ADU/UDU not being submittable under City – moved to the State Program.

Permit Application: 2020-005176PRJ

2020-005176PRJ Project Profile (PRJ) 45 BERNARD ST

Opened: 5/15/2020

Status: Under Review 10/11/2022

Assigned Planner: Guy Kevin: kevin.guy@sfgov.org / 628-652-7325

The project proposes renovation of a 3-story, 4-unit apartment building and includes a seismic/soft-story

2020-005176DRP Discretionary Review - Public Initiated (DRP) 45 BERNARD ST

Opened: 2/24/2022

Status: Under Review 2/25/2022

Assigned Planner: Winslow David: david.winslow@sfgov.org / 628-652-7335

Discretionary Review Application for BPA 2020.0822.2415. The project proposes renovation of a 3-story, 4-unit apartment building and includes a seismic/soft-story foundation upgrade with a rear-yard addition.

The project includes façade alterations, and the proposed addition would add approximately 996 square feet.

Address: 45 BERNARD ST 94133

Further Info:

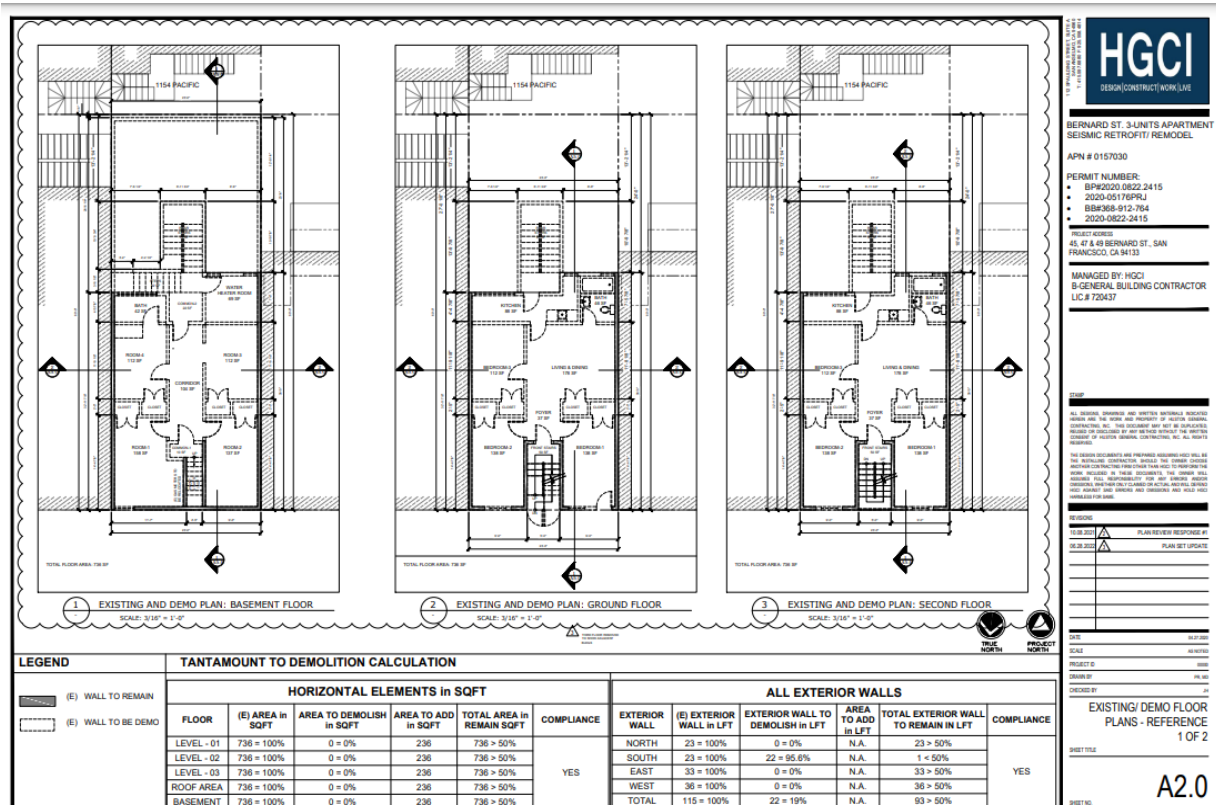
[Related Documents](#)

[Accela Citizen Access](#)

Related Records:

[2020-005176PRJ](#)

[-2020-005176DRP](#)



Permit Application: 2021-011324PRJ

2021-011324PRJ Project Profile (PRJ) 45 BERNARD ST

Opened: 11/7/2021

Status: Under Review 8/31/2022

Assigned Planner: Chandler Mathew: mathew.chandler@sfgov.org / 628-652-7340

Legalizing existing illegal and unoccupied basement unit into 2BD/2BR 837SF ADU. Includes 232SF extension in the rear yard to the allowable depth determined by the in-progress related overall building application.

Note: Building is from 1906 but historic preservation has already been completed through work completed in related permit. Please reference that if necessary. Site permit: no

Address: 45 BERNARD ST 94133

Further Info:

Related Records:

[Related Documents](#)

[202201075581](#)

[Project Features](#)

[Accela Citizen Access](#)

EXISTING BUILDING OCCUPANT LOAD SCHEDULE					
FLOOR	OCCUPANCY	FLOOR	OCCUPANT LOAD	MAX NO. OF	EXIT WIDTH
BASEMENT	RESIDENTIAL	738 SF	280 SF	5.68 OCCUPANTS	2" X 3.68+ 738"
LEVEL-1	RESIDENTIAL	738 SF	280 SF	5.68 OCCUPANTS	2" X 3.68+ 738"
LEVEL-2	RESIDENTIAL	738 SF	280 SF	5.68 OCCUPANTS	2" X 3.68+ 738"
LEVEL-3	RESIDENTIAL	738 SF	280 SF	5.68 OCCUPANTS	2" X 3.68+ 738"
TOTAL		2944 SF		14.72 OCCUPANTS	

EXISTING STRUCTURE AND PROPOSED WORK AT LEVELS 1 TO 3 AND ROOF ARE UNDER SEPARATE PERMIT AND ONLY SHOWN HERE FOR EGRESS PLAN.

Existing Egress Plan
SCALE: 1/8" = 1'-0"

PROPOSED BUILDING OCCUPANT LOAD SCHEDULE					
FLOOR	OCCUPANCY	FLOOR	OCCUPANT LOAD	MAX NO. OF	EXIT WIDTH
ADU BASEMENT	RESIDENTIAL	837 SF	300 SF	6.19 OCCUPANTS	2" X 4.19+ 837"
LEVEL-1	RESIDENTIAL	837 SF	300 SF	6.19 OCCUPANTS	2" X 4.19+ 837"
LEVEL-2	RESIDENTIAL	837 SF	300 SF	6.19 OCCUPANTS	2" X 4.19+ 837"
LEVEL-3	RESIDENTIAL	837 SF	300 SF	6.19 OCCUPANTS	2" X 4.19+ 837"
TOTAL		3341 SF		24.76 OCCUPANTS	

EXISTING STRUCTURE AND PROPOSED WORK AT LEVELS 1 TO 3 AND ROOF ARE UNDER SEPARATE PERMIT AND ONLY SHOWN HERE FOR EGRESS PLAN.

Proposed Egress Plan
SCALE: 1/8" = 1'-0"

HGCI
DESIGN/CONSTRUCT/WORK LINE

45A BERNARD STREET
LEGALIZATION OF ADU

BLK/LOT: 0157/030

PLANNING APP # 2021-011324PRJ

PROJECT ADDRESS
45A BERNARD ST.
SAN FRANCISCO, CA 94133

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

DATE: 8/31/2022

SCALE: AS SHOWN

PROJECT NO: 2021-011324PRJ

DESIGNED BY: HGCI

CHECKED BY: HGCI

EGRESS PLAN

A3.2

City Website / Planning Permit Cross References Both Plan Sets

45 BERNARD ST



Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the [Planning Code](#) . The 'Project' is the activity being proposed. For a glossary of terms, visit [Planning Code section 102](#), or the [Help](#) section of this site.

Report for: **45 BERNARD ST**



2021-011324PRJ Project Profile (PRJ) 45 BERNARD ST

Opened: 11/7/2021

Status: Under Review 8/31/2022

Assigned Planner: Chandler Mathew: mathew.chandler@sfgov.org / 628-652-7340

Legalizing existing illegal and unoccupied basement unit into 2BD/2BR 837SF ADU. Includes 232SF extension in the rear

[> MORE DETAILS](#)

2021-007584GEN Generic (GEN) PRR - 45-49 Bernard

Opened: 7/28/2021

Status: Closed - Informational 7/23/2021

Assigned Planner: Son Chanbory: Chanbory.Son@sfgov.org / 628-652-7346

PRR - Public Records Request - 45-49 Bernard

[> MORE DETAILS](#)

2020-005176PRJ Project Profile (PRJ) 45 BERNARD ST

Opened: 5/15/2020

Status: Under Review 10/11/2022

Assigned Planner: Guy Kevin: kevin.guy@sfgov.org / 628-652-7325

The project proposes renovation of a 3-story, 4-unit apartment building and includes a seismic/soft-story foundation

[> MORE DETAILS](#)

2020-005176DRP Discretionary Review - Public Initiated (DRP) 45 BERNARD ST

Opened: 2/24/2022

Status: Under Review 2/25/2022

Assigned Planner: Winslow David: david.winslow@sfgov.org / 628-652-7335

[> MORE DETAILS](#)

2020-005176ENV Environmental (ENV) 45 BERNARD ST

Opened: 9/22/2020

Status: Closed - CEQA Clearance Issued 4/13/2021

Assigned Planner: Gordon Jonckheer Elizabeth: Elizabeth.Gordon-Jonckheer@sfgov.org / 628-652-7365

[> MORE DETAILS](#)

Appendix 5: 45 Bernard Tenant Letter Regarding Property Condition & Yard

President Rachel Tanner and Commissioners
SF Planning Commission
49 South Van Ness Avenue
San Francisco, CA 94103

Dear SF Planning Commission & Other Relevant Parties:

This letter is a qualified letter of support for the project at 45-49 Bernard street. The rear-yard extension is supportable as many buildings in the neighborhood are of similar depth. The project would be a great benefit to the neighborhood, as the building is in need of significant repair. I cannot stress enough how dire it is for this building to be renovated, including the rear-yard. The living conditions of this building prior to Ms. Lindsey Huston's acquisition was almost uninhabitable due to the following reasons

1. Rear-yard rat infestation due to the lack of maintenance for greater than 30 years - it is **VERY IMPORTANT** to note that this rear-yard was **NEVER** used by anyone except for the previous landlord to discard construction spoils and when my brothers and I would go play there as young children. Also note that the rear-yard extension will help the renovation of my mother's unit which will finally give the master bedroom a window (it is currently windowless), and will also help get the kitchen and sun-room area up to code.
2. Approximately 15 years ago, the ceiling collapsed in the bathroom and tons of termites and other unidentified insects landed on me in the tub. I was fortunate to not have the drywall collapse on me.
3. There has not been any insulation in the walls or between each floor so it often gets very cold, damp and noisy. This has been the case for as long as I can recall.
4. Water damage in my bedroom which leaked from the ceiling - I believe the previous landlord redid the roof after ~15 years of leakage and this has stopped.
5. Mosquitoes infestation due to inoperable windows that couldn't close. I had to buy my own wood planks to hold up the double-hung windows just to keep warm and also keep insects out.
6. Major water damage in the rear-yard entrance, kitchen and sun-room due to clogged gutters - this had gone on for approximately 15-20 years. Note that each time it rained, my elderly mother would have to lay down at least 10 articles of clothing to soak up the rain water. Ms. Huston has resolved this issue.
7. Gas and electric systems that are inefficient and are 50+ years old needing significant maintenance. Despite the little gas my mother (who lives alone) uses, the PG&E bill shows very high gas usage on a monthly basis. Note that my mother's gas usage for this ~700 square foot unit is nearly triple the amount I use in a 1,300 square foot single-family home.
8. Electrical issues - lights flicker due to deteriorated electrical lines (note that they will easily flicker if someone upstairs is walking).

In summary, almost every aspect of the building is not up to code. Please note that approximately 30 years ago, I had let in a building/safety inspector which led to my previous landlord getting fined. Following the incident, my family was reprimanded by the landlord.

Since Ms. Huston acquired the building, many improvements have been made. However, the key improvements that need to be made will not be completed unless the SF Planning Commission approves the upgrades Ms. Huston has requested for this project. Ms. Huston has been very active in keeping us up-to-date on the project and discussing any concerns we may have.

Furthermore, I can vow that Ms. Huston has been very kind to my mother as her tenant. Since the building was acquired by Ms. Huston in 2019: rent has not increased, the rear-yard is actually decent looking now and can be enjoyed, water seepage during rainy days no longer occurs, and best of all, Ms. Huston helps my elderly mother take out the trash on a weekly basis.

Sincerely,

Stella Lew

Former tenant at 45 Bernard (resided from 1983-2011)

Representative of mother, Qi Pin Lei - current tenant at 45 Bernard (since 1983-present)

E-mail: lew.stella@gmail.com

Address: 460 Dellbrook Ave, South San Francisco, CA 94080

Phone: 415-298-0168

Appendix 6: Census Records

Census records show demographics and occupancy of this 45-49 Bernard through 1950. This being included to refute portions of the UCNA claims regarding the neighborhood history and the Chinese Courtyard.

1920s – 3 Italian Families (45, 47, 49 Bernard) – 50 Records on this Sheet, 0% Listed Origin as China

[illegible]

1930s – Italian Family (45), 1 Salvador (47), No Record (49) – 50 Records on Sheet, 0% Listed origin as China

DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS
FIFTEENTH CENSUS OF THE UNITED STATES: 1930
POPULATION SCHEDULE

State California Incorporated place San Francisco city Ward of city 88 Block No. 88

County San Francisco Township or other division of county San Francisco Unincorporated place San Francisco

Enumeration District No. 38-347 Sheet No. 23 B
Superior's District No. 6 Enumerated by me on April 11, 1930, Lillian Charlotte, 7405

LINE	NAME	RELATION	HOMER DATA	PERSONAL DESCRIPTION	EDUCATION	PLACE OF BIRTH			MOTHER TONGUE OR NATIVE LANGUAGE OF FOREIGN BORN	CITIZENSHIP, ETC.	OCCUPATION AND INDUSTRY	EMPLOYMENT	VETERANS
						FATHER	MOTHER	PLACE OF BIRTH					
51	Eugene	Head	R 3500	W 49 M 23	70	France	France	France	French	12 12 v 1891 A 1	None	70	81
52	Donkorich Joseph	Head	R 3500	W 49 M 23	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
53	John	Brother		W 33 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
54	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
55	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
56	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
57	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
58	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
59	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
60	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
61	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
62	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
63	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
64	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
65	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
66	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
67	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
68	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
69	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
70	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
71	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
72	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
73	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
74	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
75	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
76	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
77	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
78	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
79	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
80	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
81	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
82	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
83	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
84	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
85	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
86	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
87	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
88	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
89	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
90	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
91	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
92	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
93	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
94	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
95	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
96	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
97	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
98	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
99	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70
100	Francis Frank	Brother		W 30 S	70	Austria	Austria	Austria	Austrian	12 12 v 1901 A 1	Builder	6X99M 1/2	70

ABBREVIATIONS TO BE USED IN COLUMNS INDICATED: (See instructions on page 1 of this schedule.)

OTHERS ARE REQUIRED IN THE SEVERAL COLUMNS AS FOLLOWS: (See instructions on page 1 of this schedule.)

State California Incorporated place San Francisco Ward of city _____ Unincorporated place _____
County San Francisco Township or other division of county _____ Block No. 13 Institution _____
DEPARTMENT OF COMMERCE-BUREAU OF THE CENSUS
SIXTEENTH CENSUS OF THE UNITED STATES: 1940
POPULATION SCHEDULE
R. D. No. 4 E. D. No. 38-141 Sheet No. 7 B
Enumerated by me on April 11, 1940. Howard Ben Enumerator

PERSONS 14 YEARS OLD AND OVER-EMPLOYMENT STATUS

LINE NO.	SEX	AGE	MARRIAGE	NAME	RELATION	EDUCATION	PLACE OF BIRTH	RESIDENCE, APRIL 1, 1940		PERSONS 14 YEARS OLD AND OVER-EMPLOYMENT STATUS	
								CITY, TOWN, OR VILLAGE	COUNTY	EMPLOYED	UNEMPLOYED
41	M	30	1	Asforzano, Martin	Son	M	California	California	YES		
42	F	25	1	—, Tony	Daughter	F	California	California	YES		
43	F	20	1	—, Margaret	Daughter	F	California	California	YES		
44	M	25	1	Kelley, Earl	Head	M	California	California	YES		
45	F	20	1	—, Vera	Wife	F	California	California	YES		
46	M	20	1	—, Dennis	Son	M	California	California	YES		
47	M	20	1	Cayla, Euphrasia	Head	M	France	Same Place	YES		
48	F	20	1	—, Rosalia	Wife	F	Italy	Same Place	YES		
49	M	20	1	—, Salvatore	Son	M	California	Same Place	YES		
50	M	20	1	—, Robert	Son	M	California	Same Place	YES		
51	M	20	1	Gonzales, Irene	Head	F	California	Same Place	YES		
52	F	20	1	—, Marcia	Daughter	F	California	Same Place	YES		
53	M	20	1	—, Mary	Head	M	Mexico	Same Place	YES		
54	M	20	1	—, Ralph	Son	M	California	Same Place	YES		
55	F	20	1	—, Helen	Daughter	F	California	Same Place	YES		
56	M	20	1	—, Richard	Son	M	California	Same Place	YES		
57	F	20	1	—, Emma	Daughter	F	California	Same Place	YES		
58	M	20	1	—, Rudolph	Son	M	California	Same Place	YES		
59	F	20	1	—, Era	Daughter	F	California	Same Place	YES		
60	M	20	1	—, Robert	Son	M	California	Same Place	YES		
61	M	20	1	Ferrero, Catalda	Head	M	Italy	Same Place	YES		
62	F	20	1	—, Jennie	Wife	F	Italy	Same Place	YES		
63	M	20	1	—, Attilio	Son	M	California	Same Place	YES		
64	M	20	1	Gasivada, Guido	Head	M	New York	Same Place	YES		
65	F	20	1	—, Maria	Wife	F	Italy	Same Place	YES		
66	M	20	1	Cava, Frank	Head	M	California	Same Place	YES		
67	F	20	1	—, Josephine	Wife	F	California	Same Place	YES		
68	M	20	1	—, Ronald	Son	M	California	Same Place	YES		
69	M	20	1	Gales, Lucien	Head	M	France	Same Place	YES		
70	F	20	1	—, Virginia	Wife	F	Italy	Same Place	YES		
71	M	20	1	Campagna, Peter	Head	M	Italy	Same Place	YES		
72	F	20	1	—, Carmella	Wife	F	Italy	Same Place	YES		
73	M	20	1	Palacios, Gregory	Head	M	Mexico	Same Place	YES		
74	F	20	1	—, Lupe	Wife	F	Mexico	Same Place	YES		
75	M	20	1	—, Carmen	Daughter	F	Mexico	Same Place	YES		
76	M	20	1	—, Fernando	Son	M	Mexico	Same Place	YES		
77	F	20	1	—, Emma	Daughter	F	California	Same Place	YES		
78	M	20	1	Basuino, Phillip	Head	M	Italy	Same Place	YES		
79	F	20	1	—, Marie	Wife	F	Italy	Same Place	YES		
80	M	20	1	—, Teresa	Daughter	F	California	Same Place	YES		

SUPPLEMENTARY QUESTIONS

For Persons Enumerated on Lines 55 and 65

NAME	FATHER	MOTHER	EDUCATION	EMPLOYMENT STATUS
55	Abina, Helen	Mexico	English	YES
65	Cava, Ronald	California	English	YES

FOR PERSONS

1950s -Hispanic/Cal (45),Philippines (47), Italy (49); 60 on sheet, 12% (7) listed China Origin

45 Bernard -

U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS
1950 CENSUS OF POPULATION AND HOUSING

April 19
James Chan
George Brock

FOR HEAD OF HOUSEHOLD

NAME
Pineda, Pete D. Head

RELATIONSHIP
Head of household

SEX
M

AGE
52

What State (or foreign country) was he born in?
Mexico

FOR ALL PERSONS

NAME
Mary Y. wife

RELATIONSHIP
Wife

SEX
F

AGE
48

What State (or foreign country) was she born in?
Mexico

NAME
Rudolph Y. son

RELATIONSHIP
Son

SEX
M

AGE
20

What State (or foreign country) was he born in?
Cal

NAME
Richard Y. son

RELATIONSHIP
Son

SEX
M

AGE
18

What State (or foreign country) was he born in?
Cal

NAME
Emma Y. daughter

RELATIONSHIP
Daughter

SEX
F

AGE
15

What State (or foreign country) was she born in?
Cal

NAME
Rudolph Y. son

RELATIONSHIP
Son

SEX
M

AGE
14

What State (or foreign country) was he born in?
Cal

NAME
Eva Y. daughter

RELATIONSHIP
Daughter

SEX
F

AGE
12

What State (or foreign country) was she born in?
Cal

NAME
Colina Y. daughter

RELATIONSHIP
Daughter

SEX
F

AGE
10

What State (or foreign country) was she born in?
Cal

NAME
Peter Y. son

RELATIONSHIP
Son

SEX
M

AGE
3

What State (or foreign country) was he born in?
Cal

FOR PERSONS 14 YEARS OF AGE AND OVER

NAME
Dishwasher Restaurant

RELATIONSHIP
Dishwasher

SEX
M

AGE
40

What State (or foreign country) was he born in?
Cal

NAME
Mess Boy

RELATIONSHIP
Mess Boy

SEX
M

AGE
40

What State (or foreign country) was he born in?
Cal

NAME
Messenger

RELATIONSHIP
Messenger

SEX
M

AGE
40

What State (or foreign country) was he born in?
Cal

NAME
Brooklyn

RELATIONSHIP
Brooklyn

SEX
M

AGE
60

What State (or foreign country) was he born in?
Cal

NAME
Hotel

RELATIONSHIP
Hotel

SEX
M

AGE
40

What State (or foreign country) was he born in?
Cal

NAME
Janitor

RELATIONSHIP
Janitor

SEX
M

AGE
30

What State (or foreign country) was he born in?
Cal

NAME
Policewoman

RELATIONSHIP
Policewoman

SEX
F

AGE
40

What State (or foreign country) was she born in?
Cal

THE QUESTIONS BELOW ARE FOR PERSONS LISTED ON SAMPLE LINES

FOR ALL AGES

What country and State was he living in (in a year ago)?

Country
Mexico

State
Cal

What country was his father and mother born in?

Country
Mexico

State
Cal

FOR PERSONS 14 YEARS OF AGE AND OVER

What kind of work did he do last year?

Work
Dishwasher

What kind of business or industry did he work in?

Business
Restaurant

What kind of work did she do last year?

Work
Mess Boy

What kind of business or industry did she work in?

Business
Mess Boy

What kind of work did he do last year?

Work
Messenger

What kind of business or industry did he work in?

Business
Messenger

What kind of work did he do last year?

Work
Brooklyn

What kind of business or industry did he work in?

Business
Hotel

What kind of work did he do last year?

Work
Janitor

What kind of business or industry did he work in?

Business
Policewoman

San Francisco
 38-233
 Report for line 3

U.S. DEPARTMENT OF COMMERCE
 BUREAU OF THE CENSUS
 1950 CENSUS OF POPULATION AND HOUSING

James Chan
 George Brock

19

FOR HEAD OF HOUSEHOLD		FOR ALL PERSONS		FOR PERSONS 14 YEARS OF AGE AND OVER	
NAME	RELATIONSHIP	NAME	RELATIONSHIP	NAME	RELATIONSHIP
Wong, Thomas	Head	Chi M. 33	Cal	Wong, Thomas	Head
Chen, Connie C.	wife	Chi F. 21	Cal	Chen, Connie C.	wife
Chen, Russell	son	Chi M. 18	Cal	Chen, Russell	son
Chen, Shue	daughter	Chi F. 15	Cal	Chen, Shue	daughter
Lee, William	brother	Chi M. 15	Cal	Lee, William	brother
Torres, Joseph A.	Head	W. M. 62	Italy	Torres, Joseph A.	Head
Wanda	wife	W. F. 54	Cal	Wanda	wife
Wattland, William S.	Head	W. M. 50	Cal	Wattland, William S.	Head
Teresa K.	wife	W. F. 41	Cal	Teresa K.	wife
Camozzi, Domènica	Head	W. F. 72	Italy	Camozzi, Domènica	Head
Tornillo, Rosa	wife	W. F. 62	Italy	Tornillo, Rosa	wife
Nancy	daughter	W. F. 17	Cal	Nancy	daughter
Wong, Martin	Head	Chi M. 53	Spain	Wong, Martin	Head
Lucie	wife	W. F. 50	Spain	Lucie	wife
Cayla, Emphasie	Head	W. F. 64	Cal	Cayla, Emphasie	Head
Sue, Song Fong	Head	Chi M. 36	China	Sue, Song Fong	Head
Mildred	wife	Chi F. 22	Cal	Mildred	wife
Dale	son	Chi M. 9	Cal	Dale	son
Arless	son	Chi M. 1	Cal	Arless	son
Claron	son	Chi M. 5	Cal	Claron	son
Ganbold	son	Chi M. 2	Cal	Ganbold	son
Wong, Sing D.	Head	Chi M. 42	China	Wong, Sing D.	Head
Shel, Shelton	Head	Chi M. 68	China	Shel, Shelton	Head
Shardi, Peter	Head	W. M. 58	Italy	Shardi, Peter	Head
Barbina, Joseph	Head	W. M. 58	Italy	Barbina, Joseph	Head
Marciano, Villanova	Head	Chi M. 56	Philippines	Marciano, Villanova	Head

45 Bernard – Philippines (1 min)

49 Bernard – Italian (2 min)

FOR ALL AGES		FOR PERSONS LISTED ON SAMPLE LINES		FOR PERSONS 14 YEARS OF AGE AND OVER	
NAME	RELATIONSHIP	NAME	RELATIONSHIP	NAME	RELATIONSHIP
45 Bernard	Philippines	49 Bernard	Italian	45 Bernard	Philippines
49 Bernard	Italian	45 Bernard	Philippines	49 Bernard	Italian

---END OF DOCUMENT---