

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**<sup>1</sup>.

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<sup>1</sup>ARTICLE 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**

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**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

## Contents

- Appendix 1: Hanmin and Jennifer's Permit ..... 1
- Appendix 2: Rear Yard Setback Analysis ..... 5
- Appendix 3: DR/Planning Commission Hearing Summary of Concerns ..... 7
- Appendix 4: Supplemental Project/Neighborhood Details ..... 16
- Appendix 5: 45 Bernard Tenant Letter Regarding Property Condition & Yard..... 2
- Appendix 6: Census Records..... 4

# Appendix 1: Hanmin and Jennifer's Permit

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

The image shows a multi-section permit form with the following sections and handwritten content:

- Section 1 (Top):** Contains handwritten notes: "4th floor addition and rear yard notes" and "AS NOTED ON PLANS". It includes a signature "Shella" and the date "FEB 24 1992".
- Section 2:** A yellow highlighted box contains the text "CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW".
- Section 3:** From the Bureau of the Prevention & Public Safety. It contains the text: "THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED." and a signature "De Deng" dated "6/9/92".
- Section 4:** From the City Engineer, Bureau of Building Inspection. It contains the text "site permit only" and a signature "Allen McCall" dated "5/24/92".
- Section 5:** From the Department of Public Health. It contains the text "AS NOTED ON PLANS" and a signature "Robert Paul Han" dated "6-8-92".
- Section 6 (Bottom):** From the Bureau of Engineering. It contains a signature "Hamin Liu" and a date "7/12/92".

Vertical text on the left side of the form reads "due to the quality of the...". Vertical text on the right side reads "CHECK FOR OTHER AGENCIES' COMMENTS AND NOTICES OF ALL PERSONS NOTIFIED BY THE...".

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

CONDITIONS AND STIPULATIONS

APPROVED: [Signature] DATE: 1-3-93  
REASON: [Signature] D. F. Dang, PAD 4/8/93  
1/A DFD 1/14/93

APPROVED: Approved for work stated only  
DATE: DEC 0, 9, 1992  
REASON: CATEGORICALLY EXCEPT FROM ENVIRONMENTAL REVIEW  
[Signature]

APPROVED: Reviewed for routing  
DATE: 12-10-92  
REASON: Robert Kallot

APPROVED: Any electrical or plumbing work will require appropriate separate permits.  
DATE: 4/8/93  
REASON: SPECIAL INSPECTIONS AND TESTS SPECIFIC SECTIONS AND TESTS ARE REQUIRED AS PER BUILDING CODE SECTIONS 306. a, b, c D. F. Dang, PAD

APPROVED: [Blank]  
DATE: [Blank]  
REASON: [Blank]

APPROVED: [Blank]  
DATE: [Blank]  
REASON: [Blank]

APPROVED: [Blank]  
DATE: [Blank]  
REASON: [Blank]

APPROVED: [Blank]  
DATE: [Blank]  
REASON: [Blank]



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 HANNIN

PERMIT NUMBER: 731984  
PACIFIC AV

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

DESC CODE:  
DESC: 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: Paul Wilson  
DBA: United States Chem Educational Institute  
PLACE OF BUSINESS: 1144 Pacific  
BTRC #: unknown

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

1144-46 Pacific

am exempt from the Business Tax Registration Certificate requirement because:

This is my residence.

The apartment building consists of less than four units.

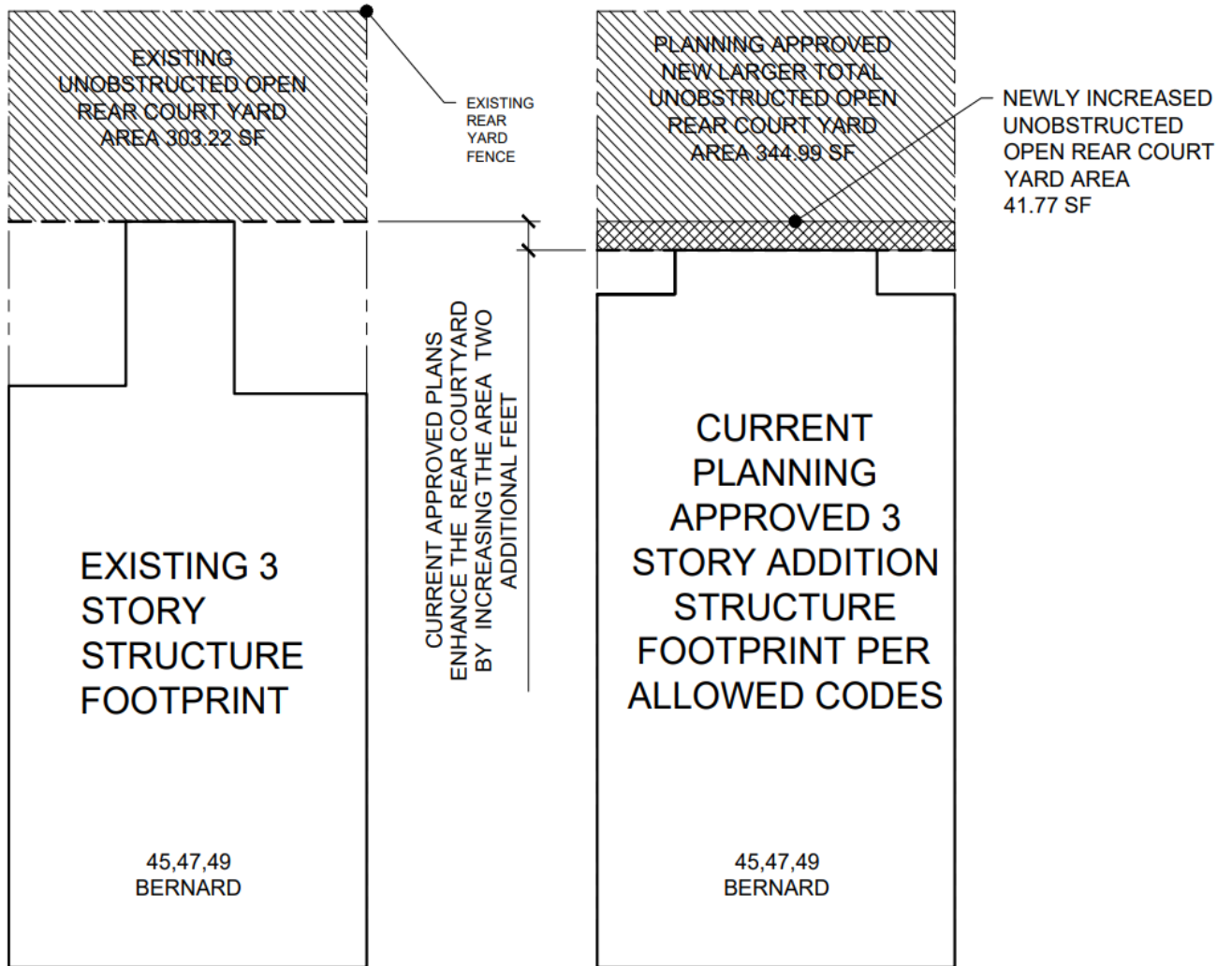
Other: Please explain: NON-profit business and residence

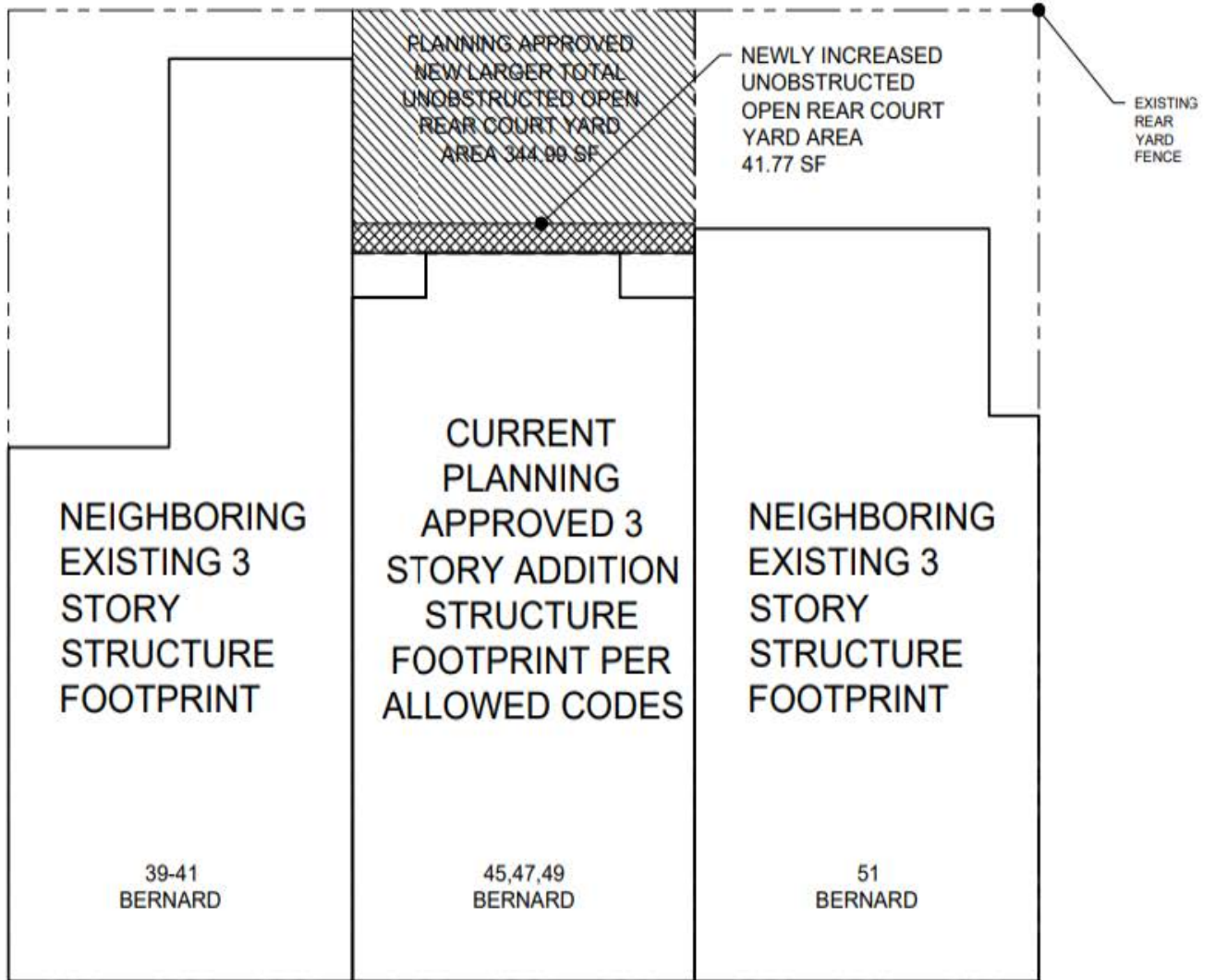
Date: 10-14-93

Signature: Paul Wilson

# 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"<sup>2</sup> 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

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<sup>2</sup> 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”<sup>3</sup> of Neighborhood

1. Wildflowers/UCNA’s DR asked that the Planning Commission apply residential guidelines differently based on race<sup>4</sup> 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.”<sup>5</sup> 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”<sup>6</sup>. They state, “plans and design of 45 Bernard Street undermine

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

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

<sup>5</sup> 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

<sup>6</sup> Citation from 2022 Discretionary Review Request

the cultural<sup>7</sup> 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”<sup>8</sup>, 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

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<sup>7</sup> Merriam Webster defines Cultural as, “of or relating to culture or culturing”

<sup>8</sup> 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 that**<sup>9</sup>. 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

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<sup>9</sup> 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 Moore<sup>10</sup>, 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 3<sup>rd</sup> Floor like the 2<sup>nd</sup>”
- 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 (3<sup>rd</sup> be identical to the 2<sup>nd</sup>)

## 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 (3<sup>rd</sup> be identical to the 2<sup>nd</sup>), 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 3<sup>rd</sup> 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**

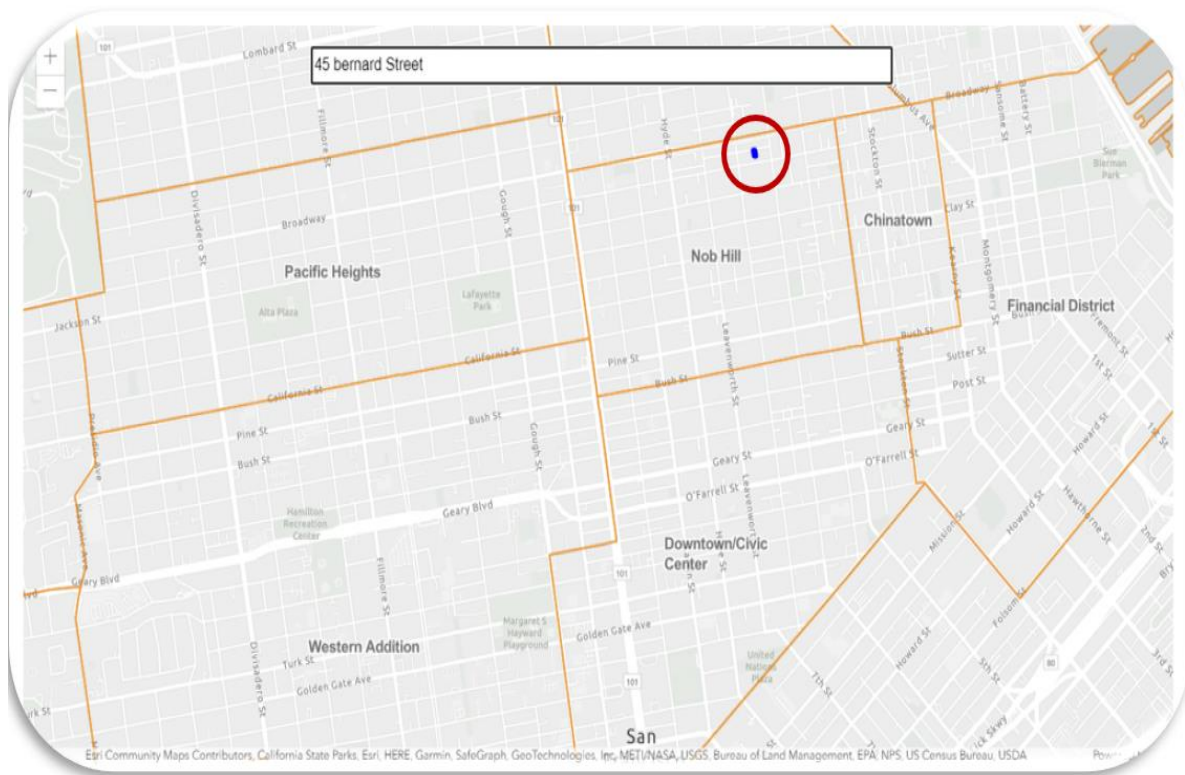
# Appendix 4: Supplemental Project/Neighborhood Details

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.

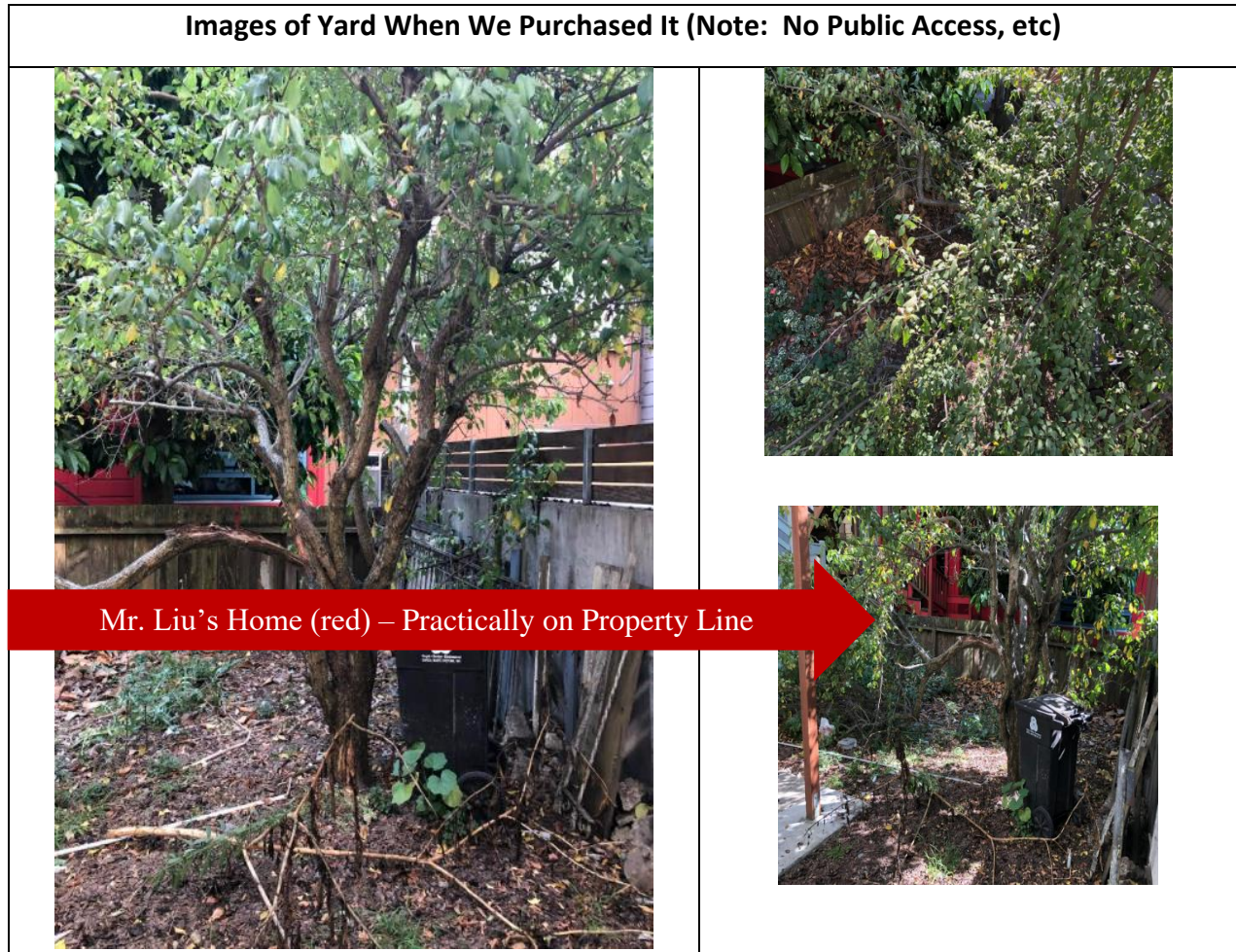


**Figure 1:** Location of Subject Property (<https://sfplanning.org/resource/neighborhood-group-organizations>) Mr. Liu and Ms. Mei (Appellants) are direct rear neighbors of our property (See Figure 2). The Lueng's (also part of UNCA) are directly to the east. Figure 3 shows the midblock space and neighborhood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



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

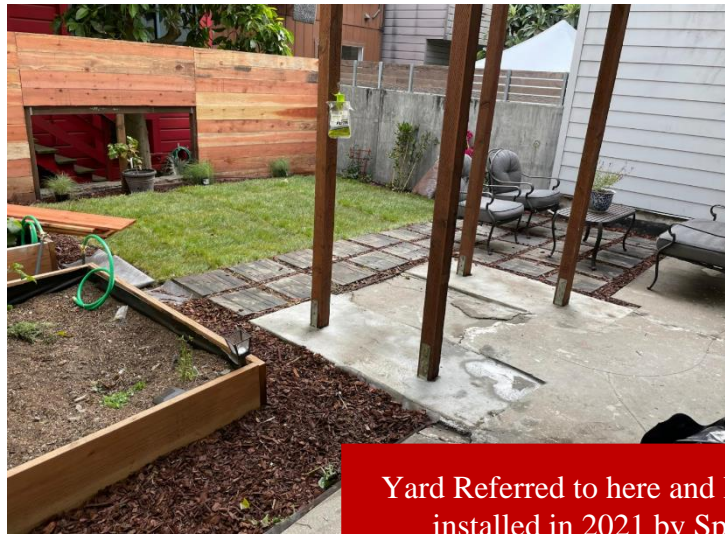
Chinese Courtyard did not exist



**Figure 4:** Private Rear Yard Before Sponsors purchased property



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



**Yard Referred to here and layout was installed in 2021 by Sponsors**

**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 central activities was the courtyard, there was no privacy concerning the movement and activities of all 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.)

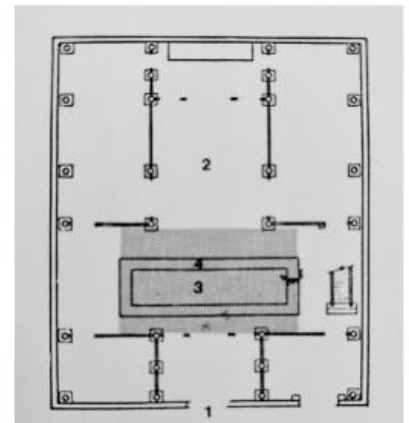


Figure 2. An illustration from *Chinese Architecture* showing a compact courtyard house in Anhui Province, China. 1. Entrance. 2. Hall. 3. Pavement. 4. Courtyard, p. 165.



# 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](mailto: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](mailto: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:

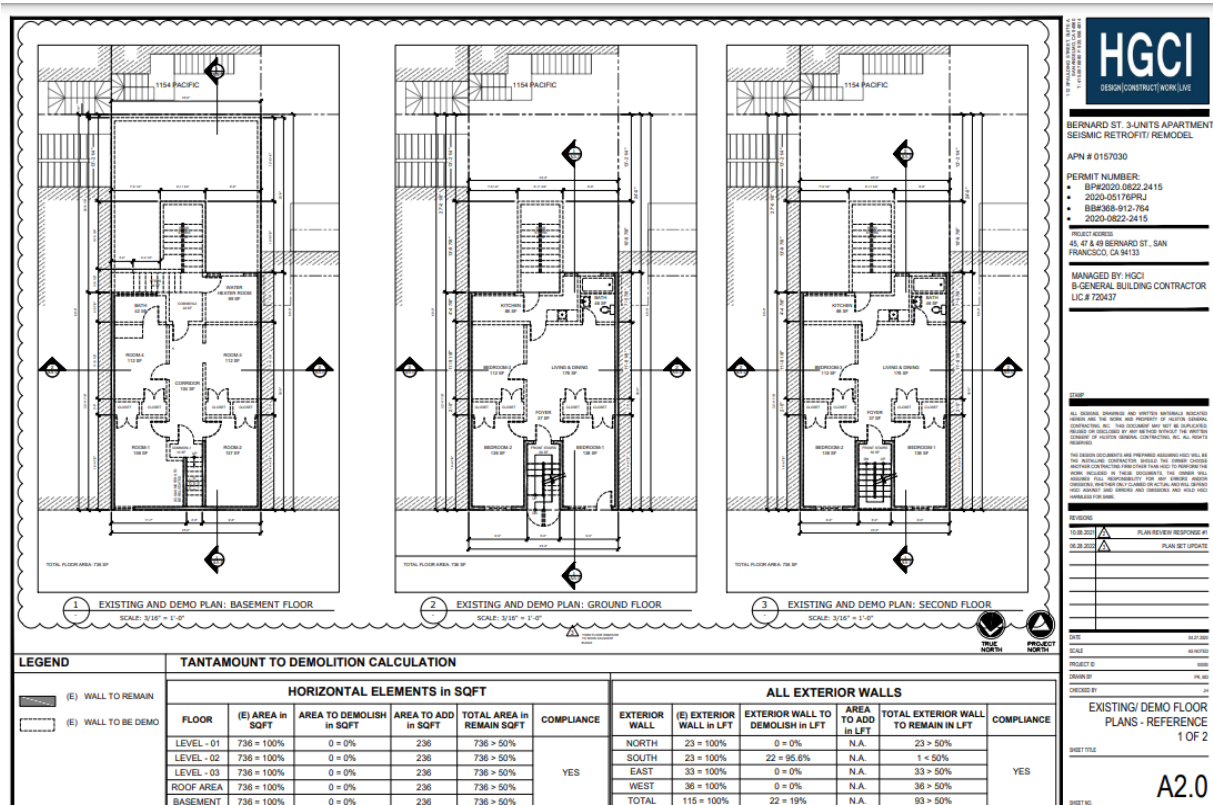
[Related Documents](#)

[Accela Citizen Access](#)

Related Records:

[2020-005176PRJ](#)

[-2020-005176DRP](#)



**HGCI**  
 DESIGN/CONTRACT/WORK/LIVE

BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/REMODEL

APN # 0157030

PERMIT NUMBER:  
 • BPR2020 0822-2415  
 • 2020-005176PRJ  
 • BB#368-912-764  
 • 2020-0822-2415

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

MANAGED BY HGCI  
 S-GENERAL BUILDING CONTRACTOR LIC # 720437

DATE: 10/11/2022  
 SCALE: AS SHOWN  
 PROJECT NO: 2020-005176PRJ  
 SHEET NO: 1 OF 2

EXISTING/ DEMO FLOOR PLANS - REFERENCE

**A2.0**

**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](mailto: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 Documents](#)

[Project Features](#)

[Accla Citizen Access](#)

**Related Records:**

[202201075581](#)

EXISTING BUILDING OCCUPANT LOAD SCHEDULE					
FLOOR	OCCUPANCY	FLOOR AREA	OCCUPANT LOAD	MAX NO. OF OCCUPANTS	EXIT WIDTH
BASEMENT	RESIDENTIAL	738 SF	200 SF	3.68 OCCUPANTS	2' X 3.68' = 7.36'
LEVEL-1	RESIDENTIAL	738 SF	200 SF	3.68 OCCUPANTS	2' X 3.68' = 7.36'
LEVEL-2	RESIDENTIAL	738 SF	200 SF	3.68 OCCUPANTS	2' X 3.68' = 7.36'
LEVEL-3	RESIDENTIAL	738 SF	200 SF	3.68 OCCUPANTS	2' X 3.68' = 7.36'
TOTAL		2954 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"

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

PROPOSED BUILDING OCCUPANT LOAD SCHEDULE					
FLOOR	OCCUPANCY	FLOOR AREA	OCCUPANT LOAD	MAX NO. OF OCCUPANTS	EXIT WIDTH
ADU BASEMENT	RESIDENTIAL	837 SF	200 SF	4.19 OCCUPANTS	2' X 4.19' = 8.38'
LEVEL-1	RESIDENTIAL	968 SF	200 SF	4.84 OCCUPANTS	2' X 4.84' = 9.68'
LEVEL-2	RESIDENTIAL	968 SF	200 SF	4.84 OCCUPANTS	2' X 4.84' = 9.68'
LEVEL-3	RESIDENTIAL	968 SF	200 SF	4.84 OCCUPANTS	2' X 4.84' = 9.68'
TOTAL		3741 SF		18.71 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"

ALL DESIGN, DIMENSIONS AND NOTATIONS INDICATED HEREON ARE THE PROPERTY AND RESPONSIBILITY OF THE DESIGN PROFESSIONAL. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

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THE DESIGN PROFESSIONAL HAS PREPARED THESE PLANS AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

---

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT #: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

---

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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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

STATE California COUNTY San Francisco DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS FOURTEENTH CENSUS OF THE UNITED STATES: 1920—POPULATION

TOWNSHIP OR OTHER DIVISION OF COUNTY 16th Precinct 32nd Assembly District NAME OF INCORPORATED PLACE San Francisco WARD OF CITY 32nd Assembly District

ENUMERATED BY ME ON THE 5th DAY OF January 1920. Edward J. Rothberg ENUMERATOR

LINE NO.	PLACE OF BIRTH	NAME	RELATION	SEX	AGE	MARRIAGE	MILITARY SERVICE	CITIZENSHIP	EDUCATION	NATIVITY AND MOTHER TONGUE						OCCUPATION		
										FATHER		MOTHER		Place of Birth	Mother tongue		Place of Birth	Mother tongue
										Place of Birth	Mother tongue	Place of Birth	Mother tongue					
1631		Russo, Joe	son in law	M	30	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	Ship		
		Joe	grandson	M	18	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	None		
		Beltrami, Thomas	Head	F	71	W		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Garza, Thomas	Head	M	23	W		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Garza, Joe	son	M	15	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
1636	60	Duroni, Thomas	Head	M	38	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary J.	wife	F	33	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Elizabeth	daughter	F	14	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Francis	son	M	12	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Francis	son	M	11	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Francis	son	M	8	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Francis	son	M	6	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Francis	son	M	4	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Agnes	daughter	F	14	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Elizabeth	daughter	F	12	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	student		
		Domante, Lawrence	son	M	22	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	student		
1639	61	Pagni, Sino	Head	M	25	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary	wife	F	22	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Rosa	daughter	F	16	S		U.S. born	Grade 1	California	Italian	Italy	Italian	Italy	Italian	None		
1640	62	Liberti, William	Head	M	46	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Rosa	wife	F	40	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Joe	son	M	20	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary	daughter	F	17	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Francesca	daughter	F	15	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		James	son	M	13	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Angeline	daughter	F	12	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		John	son	M	10	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
1647	63	Leot, Oreste	Head	M	34	M		U.S. born	Grade 1	France	French	France	French	France	French	Bakery		
		Litara	wife	F	34	M		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	11	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	9	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	7	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	5	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	3	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
1648	64	Liberti, William	Head	M	46	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Rosa	wife	F	40	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Joe	son	M	20	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary	daughter	F	17	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Francesca	daughter	F	15	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		James	son	M	13	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Angeline	daughter	F	12	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		John	son	M	10	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
1649	65	Leot, Oreste	Head	M	34	M		U.S. born	Grade 1	France	French	France	French	France	French	Bakery		
		Litara	wife	F	34	M		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	11	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	9	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	7	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	5	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		John	son	M	3	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
1650	66	Liberti, William	Head	M	46	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Rosa	wife	F	40	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Joe	son	M	20	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary	daughter	F	17	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Francesca	daughter	F	15	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		James	son	M	13	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Angeline	daughter	F	12	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		John	son	M	10	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
1651	67	Aras, Ambrose	Head	M	36	M		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Helene	wife	F	34	M		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	14	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	12	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	10	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	8	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	6	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
		Robert	son	M	4	S		U.S. born	Grade 1	France	French	France	French	France	French	None		
1652	68	Liberti, William	Head	M	46	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Rosa	wife	F	40	M		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Joe	son	M	20	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Mary	daughter	F	17	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Francesca	daughter	F	15	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		James	son	M	13	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		Angeline	daughter	F	12	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		
		John	son	M	10	S		U.S. born	Grade 1	Italy	Italian	Italy	Italian	Italy	Italian	None		

45 Bernard – Italian (3)

47 Bernard – Italian (4)

7516

5777  
0576

61 916

62

63 444

64 578

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67 612

68 262

69 362

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71 908

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78 710

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80 928

81 342

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85

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89 196

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92 36

93 767

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95 140

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98 134

99 394

100



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

State California Incorporated place San Francisco city DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS  
 County San Francisco Ward of city \_\_\_\_\_ Block No. 58 FIFTEENTH CENSUS OF THE UNITED STATES: 1930  
 Township or other division of county \_\_\_\_\_ Unincorporated place \_\_\_\_\_ Occupation \_\_\_\_\_ Enumerated by me on April 11, 1930, Lillian Charlotte 7405  
 Enumeration District No. 38-347 Sheet No. 23 B  
 Supervisor's District No. 6

LINE NO.	PLACE OF BIRTH	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	MOTHER					
51	France	Eugene Head	Head	R 3500	M W 49 M 23	70	France	France	France	French	None			
52	Austria	Frank Joseph Brother	Brother		M W 30 S	70	Austria	Austria	Austria	German	Builder	6899M	70	
53	Austria	John Brother	Brother		M W 33 S	70	Austria	Austria	Austria	German	Builder	6899M	70	
54	Austria	Francis Frank Portner	Portner		M W 30 S	70	Austria	Austria	Austria	German	Builder	6899M	70	
55	Italy	Joseph Baptiste Head	Head	R 3600	M W 58 M 35	70	Italy	Italy	Italy	Italian	Labourer	7818 W	70	
56	Italy	Mary Wife	Wife		F W 52 M 31	70	Italy	Italy	Italy	Italian	Domestic	6000M	70	
57	California	William Son	Son		M W 23 S	70	California	California	California	English	None		70	
58	Italy	Adela Daughter	Daughter		F W 18 S	70	Italy	Italy	Italy	Italian	None		70	
59	Austria	Joseph Head	Head	R 3500	M W 49 M 27	70	Austria	Austria	Austria	German	None		70	
60	Austria	Salpa Wife	Wife		F W 44 M 23	70	Austria	Austria	Austria	German	None		70	
61	California	Angeline Daughter	Daughter		F W 17 S	70	California	California	California	English	None		70	
62	California	Mary Daughter	Daughter		F W 12 S	70	California	California	California	English	None		70	
63	Austria	Samuel Lodgey Son	Son		M W 60 S	70	Austria	Austria	Austria	German	None		70	
64	Austria	Stenberg Long Lodger	Lodger		M W 37 S	70	Austria	Austria	Austria	German	None		70	
65	Italy	John Mone Head	Head	O 10000	M W 41 M 35	70	Italy	Italy	Italian	Italian	Construction	7818 W	70	
66	Italy	Anna Wife	Wife		F W 36 M 20	70	Italy	Italy	Italian	Italian	None		70	
67	California	Alice Smith Wife	Wife	R 2000	F W 15 S	70	California	California	California	English	None		70	
68	California	Alice Smith Wife	Wife	R 2000	F W 48 M 21	70	California	California	California	English	None		70	
69	Italy	Antonio Reinauti Head	Head	O 7000	M W 54 M	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
70	Italy	Joseph Lopez Head	Head	R 4500	M W 45 M	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
71	Italy	Joseph Lopez Head	Head	R 4500	M W 45 M	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
72	Italy	Giuseppe Daspardi Head	Head	R 2000	M W 40 M 24	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
73	Washington	Robert Daughter	Daughter		F W 17 S	70	Washington	Washington	Washington	English	None		70	
74	Washington	Paul Daughter	Daughter		F W 16 S	70	Washington	Washington	Washington	English	None		70	
75	Washington	Amio Son	Son		M W 14 S	70	Washington	Washington	Washington	English	None		70	
76	Washington	Lizio Son	Son		M W 11 S	70	Washington	Washington	Washington	English	None		70	
77	Italy	Magnum Granda Lodger	Lodger		M W 36 M 35	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
78	Italy	Lucia Head	Head	R 2000	F W 20 M 25	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
79	Italy	Lucia Daughter	Daughter		F W 37 S	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
80	Italy	Billie Daughter	Daughter		F W 31 S	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
81	Italy	Harri Day Lodger	Lodger		F W 38 M 34	70	Italy	Italy	Italian	Italian	Perment Co	7203M	70	
82	California	Arthur Lodger	Lodger		M W 4 S	70	California	California	California	English	None		70	
83	Spain	Antonio Pineda Head	Head	R 3000	M W 50 M 24	70	Spain	Spain	Spanish	Spanish	None		70	
84	California	James Son	Son		M W 26 M 24	70	California	California	California	English	None		70	
85	California	Eulogio Son	Son		M W 24 S	70	California	California	California	English	None		70	
86	Japan	Shigetada Kadama Head	Head	R 3000	M W 27 M 27	70	Japan	Japan	Japanese	Japanese	None		70	
87	Japan	Mitsuo Wife	Wife		F W 21 M 21	70	Japan	Japan	Japanese	Japanese	None		70	
88	Italy	Vincenzo Ricossa Head	Head	R 3500	M W 32 M 25	70	Italy	Italy	Italian	Italian	Hotel	6192M	70	
89	Italy	Mary Wife	Wife		F W 29 M 23	70	Italy	Italy	Italian	Italian	None		70	
90	California	Ronald Son	Son		M W 15 S	70	California	California	California	English	None		70	
91	Mexico	Antonio Romero Head	Head	R 2000	M W 20 M 20	70	Mexico	Mexico	Spanish	Spanish	Labourer	Steel Plant	7824M	70
92	Mexico	Lucia Wife	Wife		F W 26 M 20	70	Mexico	Mexico	Spanish	Spanish	None		70	
93	California	Lucia Daughter	Daughter		F W 6 S	70	California	California	California	English	None		70	
94	California	Heleodoro Son	Son		M W 33 S	70	California	California	California	English	None		70	
95	Mexico	Guerra Son	Son		M W 9 S	70	Mexico	Mexico	Spanish	Spanish	None		70	
96	Italy	Benjamin John Head	Head	R 1800	M W 23 S	70	Italy	Italy	Italian	Italian	Labourer	7899M	70	
97	California	Alice Smith Head	Head	R 2000	F W 48 M 21	70	California	California	California	English	None		70	
98	France	Charles E. Lodgey Head	Head		M W 48 M 25	70	France	France	French	French	Cook	Hotel	6012M	70
99	France	Charles E. Lodgey Head	Head		M W 48 M 25	70	France	France	French	French	Cook	Hotel	6012M	70
100	California	Charles P. Lodgey Son	Son		M W 3 S	70	California	California	California	English	None		70	

45 Bernard – Italian (6)  
 47 Bernard – Salvador (1 min -



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

APR 19 1950  
James Chan  
George Brock

FORM P1

FOR HEAD OF HOUSEHOLD  
NAME: Pineda, Pete D. Head  
RELATIONSHIP: Head of household  
SEX: M  
AGE: 52  
MARRIAGE: W  
MOTHER: M  
FATHER: M  
CHILDREN: 7

FOR ALL PERSONS  
NAME: Pineda, Pete D. Head  
RELATIONSHIP: Head of household  
SEX: M  
AGE: 52  
MARRIAGE: W  
MOTHER: M  
FATHER: M  
CHILDREN: 7

FOR PERSONS 14 YEARS OF AGE AND OVER  
NAME: Pineda, Pete D. Head  
RELATIONSHIP: Head of household  
SEX: M  
AGE: 52  
MARRIAGE: W  
MOTHER: M  
FATHER: M  
CHILDREN: 7

45 Bernard -

317 no no Pineda, Pete D. Head  
M 52 mar Mexiguan  
W F 48 mar Mexico  
M 20 mar Cal  
M 18 mar Cal  
F 15 mar Cal  
M 14 mar Cal  
F 12 mar Cal  
F 10 mar Cal  
F 6 mar Cal  
M 3 mar Cal

39 no one at home  
39A 319 no one at home  
320 no one at home  
37 32 no one at home  
35 322 no no Wong Shee Head  
Chi F 62 mar China  
Poon, Henry M. Head  
Chi M 35 mar Cal  
Alice wife  
Chi F 32 mar Cal  
Kenneth son  
Chi M 4 mar Cal  
Lawrence son  
Chi M 3 mar Cal  
33 323 no one at home  
31 324 no no Cava, Josephine Head  
W F 43 mar Cal  
Ronald F. son  
W M 17 mar Cal  
29 325 no no Gale, Virginia Head  
W F 65 mar France  
326 no no vacant  
35 327 no no Gee, Quock Head  
Chi M 63 mar Cal  
Mar Shee wife  
Chi F 51 mar China  
Eva daughter  
Chi F 21 mar Cal  
Mabel daughter  
Chi F 17 mar Cal  
Harry son  
Chi M 15 mar Cal  
Eddie daughter  
Chi F 14 mar Cal

60 Brokerage Retail and Groc Store  
40 Messenger  
Miss Bry Merchant  
40 Messenger  
30 Janitor  
30 Seamstress  
40 manager Hotel  
30 seamstress  
40 seamstress

40 Dishwasher Restaurant  
Miss Bry Merchant  
40 Messenger  
30 Janitor  
30 Seamstress  
40 manager Hotel  
30 seamstress  
40 seamstress

THE QUESTIONS BELOW ARE FOR PERSONS LISTED ON SAMPLE LINES

FOR ALL AGES

FOR PERSONS 14 YEARS OF AGE AND OVER

30

San Francisco  
 38-233  
 Report for line 3

CONFIDENTIAL

U.S. DEPARTMENT OF COMMERCE BUREAU OF THE CENSUS

1950 CENSUS OF POPULATION AND HOUSING

James Chau  
 George Brock

FOR HEAD OF HOUSEHOLD				FOR ALL PERSONS				FOR PERSONS 14 YEARS OF AGE AND OVER												
NAME	RELATIONSHIP	RACE	SEX	What State (or foreign country) was he born in?	What was this person doing most of all last week?	What kind of work was he doing?	Class of worker	[Detailed demographic and occupational data columns]												
204 Mrs. Wong, Thomas	Head	Ch. M.	33	Cal	work	40	Operator	office Building	...											
205 Mrs. Lorraine C. Russell	wife	Ch. F.	21	Cal	at home				...											
206 Mrs. Chuan Shee Lee, William	brother-in-law	Ch. M.	18	China	work				...											
306 Mrs. Tommas, Joseph A.	Head	W. M.	62	Italy	work	40	Operator	office Building	...											
307 Mrs. Matlands, Williams S.	Head	W. F.	54	Cal	work	55	Salesman	retail grocery	...											
308 Mrs. Comaggi, Domestica	wife	W. F.	72	Italy	at home				...											
309 Mrs. Terwiller, Rosa	Head	W. F.	62	Italy	at home				...											
310 Mrs. Nancy	daughter	W. F.	17	Cal	at home				...											
311 Mrs. Astorgans, Martin	Head	W. M.	53	Spain	work				...											
312 Mrs. Irene	wife	W. F.	50	Spain	at home				...											
313 Mrs. Cayla, Emphasie	Head	W. F.	64	France	work				...											
314 Mrs. Sze, Saw Fong	Head	Ch. M.	36	China	work	65	Proprietor	retail grocery	...											
44 Mrs. Shui, Shelton	Head	Ch. M.	60	China	at home				...											
47 Mrs. Barbara, Joseph	Head	W. M.	58	Italy	work	40	Janitor	office Building	...											

45 Bernard – Philippines (1 min)  
 49 Bernard – Italian (2 min)

THE QUESTIONS BELOW ARE FOR PERSONS LISTED ON SAMPLE LINES

FOR ALL PERSONS

FOR PERSONS 14 YEARS OF AGE AND OVER

What country was he born in?

What was this person doing most of all last week?

What kind of work was he doing?

Class of worker

Any other child in the household?

How many children in the household?

How many children in the household are under 14 years of age?

How many children in the household are 14 years of age or over?

---END OF DOCUMENT---