File No. 221037

Committee Item No. _____ Board Item No. <u>34</u>

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by:	Lisa Lew	Date:	October 28, 2022
Prepared by:		Date:	

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

601 Montgomery Street, Suite 400 San Francisco, California 94111 Telephone (415) 956-8100 Facsimile (415) 288-9755 www.zfplaw.com

September 26, 2022

VIA ELECTRONIC SUBMISSION

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

Re: Appeal of Exemption Determination <u>45 Bernard Street (Case No. 2020-005176ENV)</u>

Dear President Walton and Supervisors:

Our office represents the Upper Chinatown Neighborhood Association, a community group dedicated to protecting the heritage and culture of the Upper Chinatown community since 2013. We submit this letter pursuant to Administrative Code § 31.16(e) to appeal the Exemption Determination for the project at 45 Bernard Street (Case No. 2020-005176ENV). The Exemption Determination violates the California Environmental Quality Act ("CEQA") because the project description is not accurate, stable, or finite, and the proposed project that was approved by the Planning Commission differs significantly from the project that was described in the Exemption Determination. Additionally, the Planning Department failed to adequately study whether the project will have a significant adverse impact on the cultural and historic resources of Upper Chinatown. Due to these deficiencies, the appellants respectfully request the Board reverse the Exemption Determination; and direct the Planning Department to conduct further review.

The Project Sponsors purchased 45 Bernard in September 2019. Within months the owners started the process to evict eleven Chinese immigrants, eight of whom are elders and/or disabled. Less than a week after the eviction of the families was complete, an application for a residential expansion project was submitted. The project application initially described the project as a renovation of a three-story, four-unit apartment building with a horizontal addition that will significantly encroach into the existing rear yard. After the Exemption Determination was published and the 311 Notice was distributed, the Sponsors submitted revised project plans. The revised plans that were approved by the Planning Commission only show a three-unit building, and the existing basement unit disappeared entirely from the project.

2. <u>The Project Description is Not Accurate, Stable, or Finite</u>

Courts have consistently stated that "an accurate, stable and finite project description" is an essential component of an informative and legally sufficient environmental document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193; CEQA Guidelines § 15378.) On the other hand, "a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 84.)

The project description in the Exemption Determination states the project proposes "renovation of a 3-story, *4-unit* apartment building." The original project plans similarly showed four units, and labeled the building "BERNARD ST. 4-UNITS APARTMENT." The project plans showed a basement level with a bathroom, kitchenette, two bedrooms, and clearly stated that 1 dwelling unit was located on the basement level. The project plans proposed to legalize the basement unit as a two-bedroom ADU. The 311 Notice also stated the project proposed to legalize the project an existing residential unit, and described the property as containing four existing units.



However, the Project Sponsor subsequently revised the project, and submitted revised plans three months after the Exemption Determination was issued. The revised plans only show *three* dwelling units, with the building relabeled "BERNARD ST. 3-UNITS APARTMENT." The basement unit vanished, with the kitchenette now simply labeled a "room" and the floor plan no longer showing a dwelling unit. The proposal to legalize the basement unit into a two-bedroom ADU also disappeared from the project plans. The revised plans show the demolition of the basement walls and the addition of a garbage room, utilities room, and storage room. The rest of the basement is now labeled a "future ADU."



As noted above, a project description that gives conflicting signals to decision makers and the public is fundamentally inadequate. The project description in the Exemption Determination clearly stated that the project was for the renovation of a four unit building, but the plans that were approved by the Planning Commission only included three units. The project description gave the Planning Commission and the public conflicting signals regarding the nature and scope of the project, which makes the exemption determination fundamentally inadequate.

2. <u>The Project May Have a Significant Effect on Historic Resources</u>

CEQA guidelines state that an Exemption "shall not be used for a project which *may* cause a substantial adverse change in the significance of a historical resource." (*See* CEQA Guidelines § 15300.2(f).) Courts are clear that the failure to adequately discuss potential impacts is a procedural error, and the "omission of required information constitutes a failure to proceed in the manner required by law." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) Procedural failures must be overturned in order to "scrupulously enforce all legislatively mandated CEQA requirements." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)

The Exemption Determination in this case is not legally adequate because the Planning Department failed to adequately analyze the potential impacts to historic resources, and there is a fair argument that the project may cause a substantial adverse change to a historic resource. The Planning Department's Historic Resource Evaluation Response determined the project would not have an impact on any potential eligible historic district yet noted that the "subject property is outside the boundary of the Expanded North Beach Survey . . . and *there is no justification to expand the survey area.*" In other words, no historic district survey has ever been completed for the Upper Chinatown area. The Planning Department concluded, without conducting a survey and without evidence, that the project would not impact a potentially eligible historic district. The Planning Department's omission of any information on the potential impacts to a historic district was a procedural error, and therefore the Exemption Determination must be overturned.

Moreover, the "foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Laurel Heights Improvement Assn. v.*

Regents of University of California (1988) 47 Cal.3d 376, 390.) To that end, an exemption shall not be used if there is a "fair argument" that the proposed project may cause a substantial adverse change in the significance of an historical resource. (*See Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1072.)

Here, there is a fair argument that the project may cause a substantial adverse change in a historic resource. CEQA defines a historic resource as "any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, *or cultural annals of California*." (CEQA Guidelines § 15064.5.)

Asian Americans have acquired affordable homes in Upper Chinatown since the 1940s, and specifically sought homes with more open space. The rear courtyard was especially valued and the dimensions of rear yard spaces in Upper Chinatown have been relatively unchanged for over a hundred years. The concept of the traditional courtyard space followed Chinese immigrants, and they have inherently adopted this way of maintaining stability and unity and strengthening the family structure. Especially in densely populated neighborhoods like this one, family members gather outdoors to share meals while telling stories and supporting one another. This family system is the bedrock of the culture and maintains the social sustainability of the neighborhood. The pattern of mid-block open space is significant to the history and culture of the Chinese immigrant experience and must be protected. The courtyard at 45 Bernard, like other rear yards, is a character-defining feature that contributes to the uniqueness of the Upper Chinatown area.

Over a thousand individuals signed a petition supporting the protection of the traditional courtyard space, and dozens of Asian Americans testified at the Planning Commission hearing to explain the cultural significance of the rear courtyard to the families who depend on this sacred courtyard space for their spiritual wellbeing. The project at 45 Bernard significantly expands into the rear courtyard, and there is a fair argument that the project will cause a substantial adverse change in this character-defining feature of the Upper Chinatown area. Moreover, none of these potential impacts was identified or analyzed by the Planning Department before it issued the Exemption Determination. As a result, and there is a fair argument that the Exemption Determination must be overturned.

6. <u>Conclusion</u>

The Exemption Determination for this project violates CEQA. The project description is inaccurate and sent conflicting signals to the Planning Commission and the public on the project that was actually being approved. Moreover, the project's potential impacts were not adequately identified or evaluated, which constitutes a failure to proceed in the manner required by law. This project, which is the result of the eviction of 11 Asian immigrants, involves the destruction of a sacred traditional courtyard space that is vital to the character, culture, and history of Upper Chinatown. The Board should therefore reverse the Exemption Determination and direct the Planning Department to conduct further review of potential impacts to historic resources and issue an environmental document that accurately describes the project.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

Brian O'Neill

cc: Lisa Gibson, Environmental Review Officer





CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
45 BERNARD ST		0157030
Case No.		Permit No.
2020-005176ENV		202008222415
Addition/ Alteration	Demolition (requires HRE for Category B Building)	New Construction

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.

STEP 1: EXEMPTION TYPE

••••	
The p	project has been determined to be exempt under the California Environmental Quality Act (CEQA).
	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
	 Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
	Other

Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that
there is no possibility of a significant effect on the environment. FOR ENVIRONMENTAL PLANNING USE ONLY

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT TO BE COMPLETED BY PROJECT PLANNER

	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? (<i>refer to The Environmental Information tab on the San Francisco Property Information Map</i>)
	 Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. (refer to The Environmental Information tab on the San Francisco Property Information Map)
	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (<i>refer to The Environmental Information tab on the San Francisco</i> <i>Property Information Map</i>) If box is checked, Environmental Planning must issue the exemption.
	Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? (<i>refer to The Environmental Planning tab on the San Francisco Property Information Map</i>) If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.
	Seismic Hazard: Landslide or Liquefaction Hazard Zone: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? (refer to The Environmental tab on the San Francisco Property Information Map) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
Com	ments and Planner Signature (optional): Don Lewis

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROP	ERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)
	Category A: Known Historical Resource. GO TO STEP 5.
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 5: ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PRESERVATION PLANNER

Chec	k all that apply to the project.
	1. Reclassification of property status. (Attach HRER Part I)
	Reclassify to Category A Reclassify to Category C
	a. Per HRER 04/13/2021 (No further historic review)
	b. Other <i>(specify)</i> :
	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
	 Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

	 Raising the building in a manner that does not remove, alter, or obscure character-defining features.
	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
	8. Work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required):
	9. Work compatible with a historic district (Analysis required):
	10. Work that would not materially impair a historic resource (Attach HRER Part II).
	Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.
	Project can proceed with exemption review . The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comm	ents (optional):
Preser	vation Planner Signature: Elizabeth Gordon Jonckheer
STF	P 6: EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

Project Approval Action:	Signature:
Building Permit	Elizabeth Gordon Jonckheer
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	04/13/2021

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

	The proposed modification would not result in any of the above changes.		
If this b	If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project		
approval and no additional environmental review is required. This determination shall be posted on the Planning Department			
website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance			
with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the			
Environmental Review Officer within 10 days of posting of this determination.			
Planner Name:		Date:	





PART I HISTORIC RESOURCE EVALUATION RESPONSE

Record No.:	2020-005176PRJ/ENV
Project Address:	45-49 Bernard Street
Zoning:	RH-3 RESIDENTIAL- HOUSE, THREE FAMILY Zoning District
	65-A Height and Bulk District
Block/Lot:	0157/030
Staff Contact:	Elizabeth Gordon Jonckheer 628-652-7365
	elizabeth.gordon-jonckheer@sfgov.org

PART I: Historic Resource Evaluation

PROJECT SPONSOR SUBMITTAL

To assist in the evaluation of the proposed project, the Project Sponsor has submitted a:

- \boxtimes Supplemental Information for Historic Resource Determination Form (HRD)
- □ Consultant-prepared Historic Resource Evaluation (HRE)

BUILDINGS AND PROPERTY DESCRIPTION

Neighborhood: Nob Hill Date of Construction: 1906 Construction Type: Wood-Frame Architect: Unknown Builder: Unknown Stories: 3-over-basement Roof Form: Flat Cladding: Horizontal Wood Siding & Stucco Primary Façade: Bernard Street (North) Visible Facades: North

EXISTING PROPERTY PHOTOS / CURRENT CONDITIONS





Sources: Google Maps, 2021

PRE-EXISTING HISTORIC RATING / SURVEY

□ Category A – Known Historic Resource, per:	
--	--

🖂 Category B – Age Eligible/Historic Status Unknown

□ Category C – Not Age Eligible / No Historic Resource Present, per: _____

Adjacent or Nearby Historic Resources: 🛛 🖾 No 🖓 Yes: _____

CEQA HISTORICAL RESOURCE(S) EVALUATION

Step A: Significance

Individual Significance		Historic District / Context Sig	nificance
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	🗆 Yes 🖾 No	Criterion 1 - Event:	🗆 Yes 🖾 No
Criterion 2 - Persons:	🗆 Yes 🖾 No	Criterion 2 - Persons:	🗆 Yes 🖾 No
Criterion 3 - Architecture:	🗆 Yes 🖾 No	Criterion 3 - Architecture:	🗆 Yes 🖾 No
Criterion 4 - Info. Potential:	🗆 Yes 🖾 No	Criterion 4 - Info. Potential:	🗆 Yes 🖾 No
Period of Significance:		Period of Significance:	

Analysis:

Per the supplemental information provided by the project sponsor and information assessed in the Planning Department's files, 45-49 Bernard Street was constructed in 1906 as a three-flat, three story-over-basement, wood frame residence clad in horizontal clapboard siding.

To be eligible under Criterion 1 (Events), the building cannot merely be associated with historic events or trends but must have a specific association to be considered significant. No known historic events occurred at the subject property that would support a finding of individual eligibility under Criterion 1. None of the known occupants or owners appear to be of historic significance to the local, regional or national past to justify a finding of individual eligibility under Criterion 2. Therefore, 45-49 Bernard Street is not eligible under Criterion 2 (Persons).

As noted in the supplemental report, the building's front façade consists of painted wood horizontal clapboard siding at the first two stories and the third story has been covered with a stucco finish. The front façade also contains six double hung wood windows with wood trim and ogee lugs, as well as a central recessed stairwell providing access to the apartments. The roofline exhibits a corbeled cornice. The rear of the property has four levels and is defined by stucco walls and horizontal painted wood clapboard siding. At this façade, the windows are aluminum sliders with no trim. There is also a wood exit stair which was added at some point to provide emergency exiting for the apartment units. The building permit records indicate that the following alterations have taken place: underpinning of the east wall in 1928, repairs and upgrades (1926), reroofing (2008), and repair in-kind in 2016.

The building is not architecturally distinct such that would qualify it for listing in the California Register under Criterion 3. Based the permit record, 45-49 Bernard Street retains moderate integrity (alterations include but are not limited to window modifications to the rear façade and the stucco alteration at the third story of the front façade). This structure does not appear to be eligible for listing on the California Register as an individual resource under Criterion 3. The buildings that are eligible under the architecture Criterion must represent distinctive characteristics



of its style and period and possess high artistic value. The subject property is a residence reflective of its era on its block but does not rise to the level of artistic expression that would render it eligible for Individual eligibility. Additionally, staff finds that the subject building is not located within a historic district. As noted in the HRER for adjacent neighbor 51 Bernard Street (Case No. 2013.1452E), the surrounding area exhibits a broad range of construction dates from 1900 to 1988 and no clear period of development is evident and many of the surrounding properties have experienced facade alterations that have compromised historic integrity. Additionally, the subject property is outside the boundary of the Expanded North Beach Survey, and while it shares characteristics of the Romeo Alley Flats within North Beach, it does not exemplify them and there is no justification to expand the survey area.

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4 since this significance criterion typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type.

CEQA HISTORIC RESOURCE DETERMINATION

- □ Individually-eligible Historical Resource Present
- Contributor to an eligible Historical District / Contextual Resource Present
- □ Non-contributor to an eligible Historic District / Context / Cultural District
- oxtimes No Historical Resource Present

NEXT STEPS

- □ HRER Part II Review Required
- \Box Historic Design Review Comments provided
- \boxtimes No further historic resource review, consult:
 - ⊠ Current Planner
 - Environmental Planner

PART I: Approval

Signature: Eizabeth Jonckheer

Date: 4/23/2021

Elizabeth Gordon Jonckheer, *Principal Preservation Planner* Current Planning Division



September 26, 2022

Re: 45 Bernard Street Letter of Authorization for Agent

To Whom It May Concern:

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a California Environmental Quality Act appeal to the Board of Supervisors for 45 Bernard Street, San Francisco (Case No. 2020-005176ENV) on the behalf of Upper Chinatown Neighborhood Association.

Very truly yours,

Upper Chinatown Neighborhood Association

By: Hanmin Liu Its: Co-Team Leader

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

September 26, 2022

Office of the Clerk of the Board 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

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

Dear Clerk,

Please find enclosed a check in the amount of \$698.00 for the appeal filing fee in the above referenced matter.

Please be advised that the filing will be submitted electronically by emailing the appeal filing with supporting documents to <u>bos.legislation@sfgov.org</u> and this payment is being sent prior to the filing.

Sincerely,

Tiffany Stamper Legal Administrative Assistant

Encl.

• Check No. 23858 in the amount of \$698.00 made payable to San Francisco Planning Department

	ZACKS, FREEDMAN & PATTERSON A PROFESSIONAL CORPORATION 601 MONTGOMERY STREET, SUITE 400 SAN FRANCISCO, CA 94111	FIRST REPUBLIC BANK SAN FRANCISCO, CA 94111 11-8166/3210 95 DATE 09/26/2022	23858 Amount ****\$698.00
TO THE ORDEF OF:	^E San Francisco Planning Department	TY-EIGHT & 00/100 DOLLARS	Photo Safe
MEMO:	San Francisco CA 94103 Appeal Filing Fee (43547.001)	AUTHORIZED	SIGNATURE

From:	BOS Legislation, (BOS)
To:	Brian O"Neill; Taylor Huston; Lindsey Huston; tinahuston07; Jim Huston
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Hillis, Rich (CPC); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Taylor, Michelle (CPC); Sucre, Richard (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	PLANNING DEPARTMENT RESPONSE: Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date: Attachments:	Monday, October 24, 2022 9:26:31 AM image001.png

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Planning Department for the appeal of CEQA of Exemption from Environmental Review of the proposed project of 45 Bernard Street.

Planning Department Response - October 22, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022; on November 1, 2022, if a motion to continue is considered, Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our Legislative Research Center by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place. Room 244 San Francisco. CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click here to complete a Board of Supervisors Customer Service Satisfaction form

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or

hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From:	Gordon-Jonckheer, Elizabeth (CPC)
To:	BOS Legislation, (BOS)
Cc:	Lew, Lisa (BOS); Gibson, Lisa (CPC); Jain, Devyani (CPC); Sucre, Richard (CPC); Taylor, Michelle (CPC)
Subject:	45 Bernard Street Appeal - Planning Department Response
Date:	Monday, October 24, 2022 9:00:33 AM
Attachments:	45 Bernard Street Appeal - Response Memo - CatEx .pdf

Hello,

Please find attached the Planning Department response for the appeal of the CEQA Determination of Exemption from Environmental Review for the proposed 45 Bernard Street project.

Please contact me if you have any questions or need additional information.

Thank you,

Elizabeth Gordon Jonckheer, Principal Planner Northwest Team & Historic Preservation, Current Planning Division San Francisco Planning 49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103 Direct: 628-652-7365 | www.sfplanning.org San Francisco Property Information Map





CATEGORICAL EXEMPTION APPEAL

45 Bernard Street

Date: To: From:	October 24, 2022 Angela Calvillo, Clerk of the Board of Supervisors Lisa Gibson, Environmental Review Officer – (628) 652-7571 Elizabeth Gordon Jonckheer, Planner- <u>elizabeth.gordon-jonckheer@sfgov.org</u> – (628) 652-7365
RE:	Planning Record No. 2020-005176APL Appeal of Categorical Exemption for 45 Bernard Street
Hearing Date: Attachment(s):	November 1, 2022 A – DRA-793 with Project Plans, 45 Bernard Street
Project Sponsor: Appellant(s):	Taylor Huston Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association

Introduction

This memorandum is a response to the letter of appeal to the Board of Supervisors (Board) regarding the Planning Department's (Department) issuance of a categorical exemption under the California Environmental Quality Act (CEQA) for the proposed 45 Bernard Street project (Proposed Project).

The Department, pursuant to Article 19 of the CEQA Guidelines, issued a categorical exemption for the Proposed Project on April 13, 2021, finding that the Proposed Project is exempt from CEQA as a Class 1 categorical exemption.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the Proposed Project to the Department staff for additional environmental review.

Site Description and Existing Use

The site is an approximately 1,380 square foot (23-foot in width by 60-foot in length) lateral and down sloping lot and contains an existing 2,994 square foot, three-story, four-residential-unit building, located mid-block along Bernard Street in the Nob Hill neighborhood. The project block is bounded by Bernard Street to the north, Taylor Street to the east, Pacific Avenue to the south and Jones Street to the west. Bernard Street is a 35-footwide east-west street. The existing buildings on this block of Bernard Street consist of three-story, multi-unit residential buildings with flat roofs. The existing neighboring buildings fronting Bernard Street and Pacific Avenue (to the south of the project) vary in depth – some buildings extend further into the rear yard open space than others. The Proposed Project site is within the RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

Project Description

On August 22, 2020, the project sponsor filed Building Permit Application (BPA) No. 2020.0822.2415 proposing construction of a four-story horizontal rear addition to the existing on-site 2,994 square foot, multi-unit residential building at 45 Bernard Street. The proposed four-story addition encompasses the existing basement, first floor, second floor, and third floor of the existing structure. On August 25, 2022, the San Francisco Planning Commission (Commission) conducted a duly noticed public hearing at a regularly scheduled commission meeting on Discretionary Review Application 2020-005176DRP, took the Discretionary Review requested and approved the Proposed Project with modifications (please see further discussion under Background below).

Background

The following is a brief summary of the relevant project background for the appeal of the categorical exemption issued on April 13, 2021, for the 45 Bernard Street Project.

On August 22, 2020, the Project Sponsor, Taylor Huston, filed a building permit application for the Proposed Project with the Department of Building Inspection (DBI).

On August 25, 2020, the Project Sponsor's Project Application was accepted by the Planning Department (Department) and routed to the Current Planning Division's Northeast team leader for assignment and review of the Proposed Project.

On April 13, 2021, the Department completed the Historic Resource Evaluation Response (Part 1) form, a formal evaluation document which determines whether or not a property is a historic resource and issued a categorical exemption determination finding that the Proposed Project was categorically exempt under CEQA Class 1 - Alteration and Addition to an Existing Structure, and that no further environmental review was required.

On July 14, 2021, the Department's plan check comments were initially submitted to the Project Sponsor.

On November 7, 2021, the Project Sponsor filed an Accessory Dwelling Unit (ADU) application. The ADU application was submitted to legalize an Unauthorized Dwelling Unit (UDU). See further discussion below

On January 24, 2022, the Department issued neighborhood notification pursuant to Planning Code Section 311 for the Proposed Project under Building Permit Application No. 2020.0822.2415. Similar to the categorical exemption, the Section 311 notification described the Proposed Project as a four dwelling unit building.



On February 23, 2022, Jennifer Mei of the Upper Chinatown Neighborhood Association filed a request for discretionary review with the Department on the Proposed Project.

On July 15, 2022, the project sponsor submitted modified project plans for the Proposed Project which differed from what was shown in the original 311 neighborhood notification plans set. The revisions were necessary because the Department determined that the rear wall of the adjacent existing building at 51 Bernard Street, used for calculating the proposed project's rear yard setback depth, did not qualify for the purposes of averaging (Planning Code Section 134) resulting in the reduction of the proposed rear addition/rear wall extension by two feet. Later revised project drawings also incorporated the removal of a proposed fire escape at the rear, the addition of exterior decks, and a spiral stair to a roof deck. The roof deck was pulled back from the building edges from the original project proposal shown in the 311 neighborhood notification dated January 24, 2022.

On August 25, 2022, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2020-005176DRP for the proposed project. Following public comment and deliberation by the commissioners, the Commission took Discretionary Review and approved the project with modifications, which constituted the approval action for the Proposed Project under Section 31.04(h) of the San Francisco Administrative Code. The Proposed Project that was approved presumed that the work associated with the building envelope expansion would first be approved prior to approval of the ADU application. The Commission approved the Proposed Project with modifications indicating that the project proposal complied with the Planning Code and the General Plan but did not conform with the Residential Design Guidelines with respect to articulating the building to minimize impacts to light and air to the adjacent buildings. The Commission recognized the Rent Control Ordinance and its direct impact as it relates to tenant rights, owner move-in evictions, the need to be able to locate previous tenants, first right of refusal at their previous rent rates, and that the current tenant may continue their tenancy for as long as they wish. The Commission further encouraged that the duration of any relocation of the existing tenant due to project construction should be as short as possible and encouraged a green rear yard open space. The Commission instructed Department staff to approve the Project per modified plans reflecting the following conditions:

- 1) Eliminate the roof deck,
- 2) Eliminate the spiral stair from the third floor to the roof,
- 3) Configure the third floor to be identical to the second floor; and,
- 4) Provide the Commission with an update report within six months of permit issuance.¹

On September 26, 2022, Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association (hereinafter Appellant) timely filed an appeal of the April 13, 2021 categorical exemption to the Board.

On October 4, 2022, the Office of the Clerk of the Board scheduled a hearing before the Board to hear the appeal on November 1, 2022.

¹ Discretionary Review Action DRA-793 dated August 25, 2022 (Amended date: October 4, 2022), page 2



CEQA Guidelines

Categorical Exemptions

In accordance with CEQA Section 21084(a), categorical exemptions apply to a list of classes of projects that were determined by the Secretary of the Natural Resources Agency not to have a significant effect on the environment. Projects that fit within the classes of projects defined in CEQA Guidelines sections 15300 to 15333 are exempt from further environmental review under CEQA.

CEQA Guidelines Section 15301:Existing Facilities, or Class 1, consists of the operation, repair, or minor alteration of existing public or private structures and facilities, including additions to an existing structure, provided that the addition will not increase by more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. (CEQA Guidelines Section 15301(e)).

The Proposed Project would add approximately 548 square feet of space in a horizontal rear addition to the existing 2,994 square foot multi-unit residential building, and therefore fits within the scope of a Class 1 Categorical Exemption. Furthermore, given the Project's limited-under 10,000 square foot extent of proposed development, the Proposed Project's scope falls squarely within the standard Class 1 categorical exemption and within standard Planning Department scopes of work for review by preservation staff.

Under CEQA, evaluation of the potential for proposed projects to impact "historical resources" is a two-step process: the first is to determine whether the property is an "historical resource" as defined in Section 15064.5(a)(3) of CEQA; and, if it is an "historical resource," the second is to evaluate whether the action or project proposed by the sponsor would cause a "substantial adverse change "to the "historical resource." Per CEQA section 21084.1, a historical resource for the purposes of CEQA includes, among other things, a historical resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, as well as a resource included in a local register of historical resources or determined to be a historic resource by the lead agency.

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines section 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts." The Guidelines further state that "substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (CEQA Guidelines Section 15384).

Planning Department Responses

The concerns raised in the appeal letter are addressed in the responses below.

Response 1: The Proposed Project description is accurate, stable and finite.



The Department's conclusion that the Proposed Project Description is accurate, stable and finite is supported by substantial evidence.

The Proposed Project approved by the Commission does not differ substantially from the project that was described in the project's categorical exemption determination and the Commission-approved project is exempt from CEQA as a Class 1 categorical exemption. At the time of initial review on July 14, 2021, the Proposed Project included renovation of "four existing units in the building on site". However, the fourth existing (basement) unit, although currently vacant, had previously been used as an Unauthorized Dwelling Unit (UDU) and put the existing and Proposed Project over the permitted density per the applicable zoning for the project site. The Proposed Project was therefore publicly noticed under Section 311 of the Planning Code on January 24, 2022 as a project "to modify the existing building with a rear addition; proposes alterations to the exterior of the existing building; proposes to legalize an existing residential unit."² The notice described "four (4) existing units" on site, and reflected that "four (4) units" would remain. Subsequently on November 7, 2021 the scope of the project related to legalizing the fourth existing dwelling unit as a state-mandated program Accessory Dwelling Unit (ADU) was severed as a separate permit. Permits for ADUs under the state-mandated Accessory Dwelling Unit program are not subject to CEQA review. The ADU permit is still active and is pending resolution of the permit covering the remainder of the project work.³ Because the ADU permit is active, describing the proposed basement work as a "future ADU" (and the Department's description of the project in the categorical exemption of the renovation of a 4-unit building) is accurate.

The July 15, 2022 revised project plans that were approved by the Commission on August 25, 2022, reference a basement floor plan "future ADU" under a separate permit. Furthermore, the Commission approval under Discretionary Review Action DRA-793⁴ adopts findings for the project related to taking discretionary review and the approval of a building permit application proposing construction of a four-story horizontal rear addition at the existing basement, first floor, second floor, and third floor to a three-story over basement, *four-family dwelling* within a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District" [emphasis added].

Response 2: The Department appropriately evaluated the Project's potential impacts on historical resources, including historic districts, in support of the Project's categorical exemption, in compliance with CEQA, the CEQA Guidelines, Chapter 31 of the San Francisco Administrative Code and applicable National Park Service guidance.

The Department's conclusion that the subject property is not an individually eligible historic resource is supported by substantial evidence.

The Appellant does not dispute the Department's finding that the subject property is not an individually eligible historic resource for inclusion in the California Register.

⁴ Discretionary Review Action DRA-793 dated August 25, 2022 (Amended date: October 4, 2002), page 1



² Notice of an application for Alteration and Rear Addition 45 Bernard Street – 2020.0822.2415, page 1

³ In order to fully remove a UDU the Project Sponsor would need to go through the Conditional Use Authorization (CUA) process. The Project Sponsor did not wish to remove the UDU/pursue a CUA and so the only way to legalize the UDU was to convert it to an ADU. However, because there had been evictions at the site and the local (city) ADU program does not allow for UDU conversion to ADU if there have been evictions, the proposed ADU had to be a state mandated program ADU. The state ADU is ministerial and therefore permit is pending the resolution of the other permit.

The Proposed Project site is located on the south side of Bernard Street between Taylor and Jones Streets in the Nob Hill neighborhood; Pacific Avenue is to the rear of the project block. The subject building was constructed in 1906 as a three-flat, three-story-over-basement, wood frame residential building ⁵. The building's front façade consists of painted wood horizontal clapboard siding at the first two stories and the third story has been covered with a stucco finish. The front façade also contains six double hung wood windows with wood trim and ogee lugs, as well as a central recessed stairwell. The roofline exhibits a corbeled cornice. Due to the lot slope, the rear of the property has four levels and is defined by stucco walls and horizontal painted wood clapboard siding. At this rear façade, the windows are aluminum sliders with no trim. There is also a wood exit stair which was added at some point to provide emergency exiting for the apartment units. Several alterations to the existing on-site building have taken place since 1928.

Based on Department records and supplemental information provided, Planning Department staff prepared a Historic Resource Evaluation Response (HRER) form, a formal evaluation document which determines whether or not a property is a historic resource. In the HRER for 45 Bernard Street, Department staff determined that the subject property is not individually eligible for inclusion in the California Register. Department staff determined that the subject property is not individually eligible under any of the four criteria, as it is not associated with any qualifying events or persons. To be eligible under Criterion 1 (Events), the building cannot merely be associated with historic events or trends but must have a specific association to be considered significant. No known historic events occurred at the subject property that would support a finding of individual eligibility under Criterion 1. None of the known occupants or owners appear to be of historic significance to the local, regional or national past to justify a finding of individual eligibility under Criterion 2.). Department staff also determined that the building is not architecturally distinct such that would qualify it for listing in the California Register under Criterion 3. Specifically, based on the permit record, 45 Bernard Street retains moderate integrity (alterations include but are not limited to window modifications to the rear façade and the stucco alteration at the third story of the front façade). Buildings that are eligible under the architecture Criterion must represent distinctive characteristics of its style and period and possess high artistic value. The subject property is a residence reflective of its era on its block but does not rise to the level of artistic expression that would render it eligible for individual eligibility as a historic resource. The subject property was not considered significant under Criterion 4 since this significance criterion typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type.⁶

The Department's conclusion that the subject property is not within a historic district or a potentially eligible historic district is supported by substantial evidence.

The Appellant contends that the Department has not provided sufficient evidence to justify its finding that the subject property is not within a potentially eligible historic district or survey area for Upper Chinatown.

The information provided below substantiates the Department's conclusion that the subject property is not within a historic district, a potentially eligible historic district or survey area for Upper Chinatown.

The area in which the subject property is located is not formally identified at present as a historic district.

⁶ Part I Historic Resource Evaluation Response (HRER), Record No. 2020-005176PRJ/ENV, 45-49 Bernard Street, pages 2-3, as attached to the CEQA Exemption Determination dated April 13, 2022



⁵ Historic Sanborn Map, Map Page 70

The subject property is also outside the boundaries of the National Register-eligible Chinatown Historic District, which has a Period of Significance of 1906-1930.⁷ The Department has identified no evidence that this property would contribute to this district, and Appellant provided none in support of its appeal. In addition, the subject property does not exhibit the key Character-Defining Features of the Chinatown Historic District, such as masonry, elaborate moldings (terra cotta, tile, brick) around entrances, upper floor windows and Chinese architectural motifs (e.g., tile pagoda roofs, bracketing, latticed balconies). Recent evaluations prepared for projects proposed at nearby properties (such as the Historic Resource Evaluation Response for 749 Grant Avenue⁸) do not provide any evidence to support a conclusion that there is a historic district in Upper Chinatown.

The 45 Bernard Street property is also outside of the North Beach survey area, including the expanded survey area of the North Beach Historic Context Statement and survey update that is ongoing, indicating that it does not appear to be associated with that context⁹.

Furthermore, the Department's findings and analysis were based on Department records, including an evaluation process that concurred with a Historic Resource Evaluation Response prepared for an adjacent property at 51 Bernard Street (see Case No. 2013.1452E). Both the evaluations for the subject property and 51 Bernard Street note that the surrounding area development exhibits a broad range of construction dates from 1900 to 1988 and no clear period of development is evident. Staff analysis also notes that many of the surrounding properties have undergone facade alterations that have compromised historic integrity. Further, the staff analysis prepared for 51 Bernard Avenue states that "[t]he area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings."¹⁰

The Appellant references discussion regarding expansion of a survey area, which is taken out of context because the referenced language is specifically in relation to the architectural style/features of the subject building in comparison to Romeo Alley Flats found within North Beach. The Historic Resource Evaluation Response for 45 Bernard Street specifically indicates that the project site is outside the boundary of the Expanded North Beach Survey, and while it shares characteristics of the Romeo Alley Flats within North Beach, it does not exemplify them and there is no justification to expand the *North Beach survey area*.¹¹

Given all the above information, the subject property was correctly determined to not be within a historic district, a potentially eligible historic district or survey area for Upper Chinatown.

¹¹ Part I Historic Resource Evaluation Response (HRER), Record No. 2020-005176PRJ/ENV, 45-49 Bernard Street, pages 3, as attached to the CEQA Exemption Determination dated April 13, 2022



⁷Case No. 2008.0762E, Historic Resource Evaluation Response (HRER) Chinese Hospital - 835 Jackson Street, 845 Jackson Street, 1140 Powell Street, and 827 Pacific Avenue dated February 27, 2012. & the San Francisco Property Information Map (SFPIM) Database. This HRER consolidated Chinatown Historic District boundaries and information found in a 1997 Section 106 project review by the Department of Housing and Urban Development (HUD). In general, the boundaries of the eligible Chinatown Historic district is roughly bounded by Broadway, Columbus Avenue, Kearny Street, Bush Street, and Stockton Street. This HRER increased the boundaries to include 835 Jackson Street and 820 Jackson Street and extended the boundary west along Washington Street to include 940 Washington Street and 950 Washington Street.

⁸ Part I Historic Resource Evaluation Response (HRER), Record No. 2109-00397ENV, 749 Grant Avenue dated January 29, 2021

⁹ The expanded survey area included in the community-initiated North Beach Historic Context Statement (HCS), dated February 11, 2020, remains in draft form. No findings have been made and the draft HCS has yet to be reviewed, finalized, or adopted by the Historic Preservation Commission. Expanded boundaries generally encompass most of North Beach from Jones to Bay to Sansome Streets and reaching as far as Washington Street (please see Map on page 3 of the North Beach Historic HCS,

¹⁰ Preservation Review Team (PTR) Form Record No. 2013.1452E, 51 Bernard Street, dated November 4, 2013, page 2.

The Department's conclusion that the existing courtyard at 45 Bernard Street property is not a character-defining feature is supported by substantial evidence.

The Appellant contends that the Department omitted an evaluation of the rear yard of the subject property as a traditional Chinese courtyard typology related to culture and social sustainability. Overall, CEQA deals with aspects of environmental review within the public realm and generally speaking does not evaluate privately-owned rear yards and areas that have no public visibility. Moreover, rear yard open space is a typical San Francisco block pattern throughout the City and not tied to any group or specific neighborhood. The Department's Residential Design Guidelines and Planning Code seek to preserve mutual enjoyment of open space in the rear yards – individually and collectively. The Proposed Project is code compliant and maintains the pattern of open space that is required both by design guidelines and Planning code, the latter of which averages the depth of the two adjacent buildings and leaves an area of rear yard similar to other properties on this block.

Furthermore, in staff's review of the above referenced Historic Resource Evaluation Responses (for 45 Bernard Street and 51 Bernard Street), related supplemental information in the Department's records, as well as the draft San Francisco Chinese American Historic Context Statement¹², courtyards and rear yards are not mentioned as character-defining features. One of the purposes of the San Francisco Chinese American Historic Context Statement is to aid in the evaluation and preservation of important historic sites "…associated with San Francisco's Chinese American history throughout the city that are worthy of preservation." The draft document provides examples of such buildings and "contains an evaluative framework for determining which properties may be eligible for inclusion on the National Register of Historic Places (National Register) and California Register of Historical Resources (California Register)". The evaluative framework does not reference a sacred or cultural significance of rear courtyard spaces.¹³

Conclusion

The Department has determined that the Proposed Project is categorically exempt from environmental review under CEQA on the basis that: (1) the Proposed Project meets the definition of one or more of the classes of projects that the Secretary of the Natural Resources Agency has found not to have a significant effect on the environment, and (2) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the Proposed Project. The Appellant has not demonstrated, nor provided evidence supporting a claim, that the Department's historic resource determination and evaluation for the project is not supported by substantial evidence in the record. Nor has the Appellant presented a fair argument based on substantial evidence that the Proposed Project would result in a substantial adverse change to a historic resource.

For the reasons stated above and, in the April 13, 2021, categorical exemption determination, the CEQA determination complies with the requirements of CEQA, and the Proposed Project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore respectfully recommends that the Board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

¹³ San Francisco Chinese American Historic Context Statement (Draft 1), June 2021, page A-2



¹² San Francisco Chinese American Historic Context Statement (Draft 1), June 2021

Attachment A

Discretionary Review Action DRA-793 with Project Plans August 25, 2022, Amended October 4, 2022





DISCRETIONARY REVIEW ACTION DRA-793

HEARING DATE: AUGUST 25, 2022

AMENDED DATE: OCTOBER 4, 2022

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

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

Preamble

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

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

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

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

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

Action

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

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

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



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

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

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

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

Jonas P Ionin Digtally signed by Jonas Planin

Jonas P. Ionin Commission Secretary

AYES: Ruiz, Imperial, Koppel, Moore

NOES: Diamond

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



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/REMODEL 45, 47 & 49 BERNARD STREET, SAN FRANCISCO, CA - 94133



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From:	BOS Legislation, (BOS)
To:	<u>Brian O"Neill; Taylor Huston; Lindsey Huston; tinahuston07; Jim Huston</u>
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Hillis, Rich (CPC); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Taylor, Michelle (CPC); Sucre, Richard (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	PROJECT SPONSOR SUPPLEMENTAL RESPONSE: Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date: Attachments:	Monday, October 24, 2022 8:49:00 AM image001.png

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Project Sponsor for the appeal of CEQA of Exemption from Environmental Review of the proposed project of 45 Bernard Street.

Project Sponsor Supplemental Response - October 22, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022; on November 1, 2022, if a motion to continue is considered, Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click <u>here</u> to complete a Board of Supervisors Customer Service Satisfaction form

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hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From:	Tina Huston
To:	Lew, Lisa (BOS)
Cc:	Lindsey Huston; Taylor Huston; Winslow, David (CPC); Guy, Kevin (CPC); Asbagh, Claudine (CPC); Gordon- Jonckheer, Elizabeth (CPC); Jim Huston
Subject:	Fwd: PROJECT SPONSOR RESPONSE: Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date:	Saturday, October 22, 2022 11:30:03 AM
Attachments:	image001.png 2013.1452E 51 Bernard St. CatEx. PTR (ID 943503).pdf 2013.1452E Scanned Docket (ID 1000621).pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Lisa -

We were able to get a copy of the CEQA for 51 Bernard (the adjacent property to 45 Bernard) that was done in 2013. If possible, please also include this in the Supervisor's Package. This CEQA also shows no Historic significance and is Categorically Exempt. We had already included the CEQA for renovations to 1144-46 Bernard (behind us) that show the same Exempt status as was rated for our building.

Regards Tina Huston

Attachments: 51 Bernard CEQA (2 documents)

----- Forwarded message ------From: BOS Legislation, (BOS) < bos.legislation@sfgov.org> Date: Fri, Oct 21, 2022 at 10:02 AM Subject: PROJECT SPONSOR RESPONSE: Appeal of CEQA Determination of Exemption -Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022 To: Brian O'Neill <<u>brian@zfplaw.com</u>>, Taylor Huston <<u>taylorjohuston27@yahoo.com</u>>, Lindsey Huston <<u>linlin4soccer@gmail.com</u>>, tinahuston07 <<u>tinahuston07@gmail.com</u>> Cc: PEARSON, ANNE (CAT) <<u>Anne.Pearson@sfcityatty.org</u>>, JENSEN, KRISTEN (CAT) <<u>Kristen.Jensen@sfcitvatty.org</u>>, Hillis, Rich (CPC) <<u>rich.hillis@sfgov.org</u>>, Teague, Corey (CPC) <<u>corey.teague@sfgov.org</u>>, Tam, Tina (CPC) <<u>tina.tam@sfgov.org</u>>, Gibson, Lisa (CPC) <<u>lisa.gibson@sfgov.org</u>>, Jain, Devyani (CPC) <<u>devyani.jain@sfgov.org</u>>, Navarrete, Joy (CPC) <<u>joy.navarrete@sfgov.org</u>>, Lewis, Don (CPC) <<u>don.lewis@sfgov.org</u>>, Rodgers, AnMarie (CPC) <<u>anmarie.rodgers@sfgov.org</u>>, Sider, Dan (CPC) <<u>dan.sider@sfgov.org</u>>, Starr, Aaron (CPC) <<u>aaron.starr@sfgov.org</u>>, Watty, Elizabeth (CPC) <<u>elizabeth.watty@sfgov.org</u>>, Ionin, Jonas (CPC) <<u>ionas.ionin@sfgov.org</u>>, Gordon-Jonckheer, Elizabeth (CPC) <<u>elizabeth.gordon-jonckheer@sfgov.org</u>>, Taylor, Michelle (CPC) <<u>michelle.taylor@sfgov.org</u>>, Sucre, Richard (CPC) <<u>richard.sucre@sfgov.org</u>>, Rosenberg, Julie (BOA) <<u>julie.rosenberg@sfgov.org</u>>, Longaway, Alec (BOA) <alec.longaway@sfgov.org>, BOS-Supervisors

bos-supervisors@sfgov.org>, BOS-Legislative Aides <<u>bos-legislative_aides@sfgov.org</u>>, Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>, Somera, Alisa (BOS) <alisa.somera@sfgov.org>, Mchugh,

Eileen (BOS) <<u>eileen.e.mchugh@sfgov.org</u>>, BOS Legislation, (BOS) <<u>bos.legislation@sfgov.org</u>>

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Project Sponsor for the appeal of CEQA of Exemption from Environmental Review of the proposed project of 45 Bernard Street.

Project Sponsor Response - October 21, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022; on November 1, 2022, if a motion to continue is considered, Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T 415-554-7718 | F 415-554-5163

<u>lisa.lew@sfgov.org</u> | <u>www.sfbos.org</u>

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
	51 Bernard St	0	157/029
Case No.	se No. Permit No. Plans Dated		
2013.1452E 10/03/13 (EEA 10/03/13)		3 (EEA 10/03/13)	
Addition/	Demolition	New	Project Modification
Alteration	(requires HRER if over 50 years old)	Construction	(GO TO STEP 7)
Project description for Planning Department approval.			
Demo single family structure and construct new 4 story over basement single family structure.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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

	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change	
	of use if principally permitted or with a CU.	
\checkmark	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.	
	Class	

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?	
Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots</i>)	
Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)	

	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)		
	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area</i>)		
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>)		
	Slope = or > 20%: : Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a</i> <i>previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex</i> <i>Determination Layers > Topography)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required		
	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the</i> <i>site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard</i> <i>Zones)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required		
	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required		
	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)</i>		
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental			
Evaluation Application is required.			
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.		
Comments and Planner Signature (optional): Monica Pereira			
Cleared by Randall on 10/10/13 via email notification. Per GIS, the property is located in an area of slope average >20%; however, calculations yield a 8.3% slope average.			

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

PROPI	ERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)		
	Category A: Known Historical Resource. GO TO STEP 5.		
Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4 .			
	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.		

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

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

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

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

r				
	8. Other work consistent with the Secretary (specify or add comments):	of the Interior Standards for the Treatment of Historic Properties		
\checkmark	9. Reclassification of property status to Cat <i>Planner/Preservation Coordinator)</i>	egory C. (Requires approval by Senior Preservation		
	a. Per HRER dated:(a	attach HRER)		
	b. Other (<i>specify</i>):			
	PTR Form dated 11/4/2013			
Note	te: If ANY box in STEP 5 above is checked, a Pre	eservation Planner MUST check one box below.		
	Further environmental review required. Ba <i>Environmental Evaluation Application</i> to be su	sed on the information provided, the project requires an bmitted. GO TO STEP 6.		
	Project can proceed with categorical exemp	tion review. The project has been reviewed by the		
	Preservation Planner and can proceed with	categorical exemption review. GO TO STEP 6.		
Com	nments (optional):			
Dress	Crotobon Librard	We should be determined		
Frese	servation Planner Signature: Gretchen Hilyard	ning di Canadon Bhali, and-Gastrei Hityang Baparay 2013 - 11 (1988) 4980 - Antonio Canadon Bhali (1988)		
	P 6: CATEGORICAL EXEMPTION DETERMINA BE COMPLETED BY PROJECT PLANNER	TION		
		osed project does not meet scopes of work in either (check		
	all that apply):			
	Step 2 – CEQA Impacts			
	Step 5 – Advanced Historical Review			
		Auuliasticu		
	STOP! Must file an <i>Environmental Evaluation</i>	Application.		
	No further environmental review is required.	The project is categorically exempt under CEQA.		
	Planner Name: Gretchen A. Hilyard Signa	ature or Stamp:		
	Other (please speicify) *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	retchen Hilyard DN: dc=org, dc=stgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Gretchen Hilyard, email=Gretchen.Hilyard@stgov.org Date: 2013.11.13 14:28:25 -08'00'		
	and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco	Administrative Code, an appeal of an exemption determination		
1	can only be filed within 30 days of the project received	ing the first approval action.		

SAN FRANCISCO PLANNING DEPARTMENT 09.16.2013

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:		
	Result in expansion of the building envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;	
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?	
	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?	
76 7		

If at least one of the above boxes is checked, further environmental review is required CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

	The proposed modification would not result in any of the above changes.					
If this box i	If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project					
approval ar	nd no additional environm	nental review is required. This determination shall be posted on the Planning				
Departmen	t website and office and m	nailed to the applicant, City approving entities, and anyone requesting written notice.				
Planner Name:						
Planner I	Name:	Signature or Stamp:				
Planner I	Name:	Signature or Stamp:				
Planner I	Name:	Signature or Stamp:				
Planner I	Name:	Signature or Stamp:				

SAN FRANCISCO



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

reservation Team Meeting Da	te:	Date of Form Comp	Detion 11/4/201	3
ROJECT INFORMATION:				
lanner:	Address:		the second se	
retchen Hilyard	51 Bernard Street			
Block/Lot:	Cross Streets:			S. Carl
57/029	Taylor and Jones	Streets		
EQA Category:	Art. 10/11:	BPA/Cas	e No.:	1
	n/a	2013.145	2E	
URPOSE OF REVIEW:	Design of the second	PROJECT DESCRIPT	ION:	and prices
CEQA CArticle 10/11	C Preliminary/PIC	C Alteration	C Demo/New C	onstruction
Is the subject Property an	5			
If so, are the proposed cha Additional Notes:	5	act?		
If so, are the proposed characteristic of the proposed charact	anges a significant imp	act? CYes	•No *	C N/A
If so, are the proposed cha	anges a significant impa	CYes	E International Context	C N/A
If so, are the proposed characterization of the proposed characteriz	anges a significant impa s l le for inclusion in a	CYes	District/Context r inclusion in a Ca rict/Context unde	alifornia
If so, are the proposed cha Additional Notes: RESERVATION TEAM REVIEW Historic Resource per CEQA Individua Property is individually eligib California Register under one	anges a significant impa s l le for inclusion in a	CYes Historic I Property is eligible fo Register Historic Distr	District/Context r inclusion in a Ca rict/Context unde g Criteria:	alifornia
If so, are the proposed characterization of the proposed characterization of the proposed characterization of the property is individually eligible California Register under one following Criteria:	anges a significant impa anges a significant i	CYes Historic I Property is eligible fo Register Historic Distr more of the following	District/Context or inclusion in a Ca rict/Context unde g Criteria:	alifornia er one or
If so, are the proposed charal Additional Notes: Additional Notes: PRESERVATION TEAM REVIEW Historic Resource per CEQA Individua Property is individually eligib California Register under one following Criteria: Criterion 1 - Event:	anges a significant impa anges a significant impa le for inclusion in a or more of the C Yes (No	CYes Historic I Property is eligible fo Register Historic Distr more of the following Criterion 1 - Event:	District/Context r inclusion in a Ca rict/Context unde g Criteria: O Ye O Ye	alifornia er one or es (No
If so, are the proposed characterization of the proposed characterization of the proposed characterization of the property of t	anges a significant impa anges a significant impa l le for inclusion in a or more of the C Yes (No C Yes (No	CYes Historic D Property is eligible fo Register Historic Distr more of the following Criterion 1 - Event: Criterion 2 -Persons:	District/Context r inclusion in a Ca rict/Context unde g Criteria: Ye C Ye ture: Ye	alifornia er one or es • No es • No
If so, are the proposed cha Additional Notes: RESERVATION TEAM REVIEW Historic Resource per CEQA Individua Property is individually eligib California Register under one following Criteria: Criterion 1 - Event: Criterion 2 -Persons: Criterion 3 - Architecture:	anges a significant impa anges a significant impa le for inclusion in a or more of the C Yes (No C Yes (No C Yes (No C Yes (No	CYes Historic I Property is eligible fo Register Historic Dist more of the following Criterion 1 - Event: Criterion 2 -Persons: Criterion 3 - Architect	District/Context r inclusion in a Ca rict/Context unde g Criteria: Ye ture: P Ye ential: Ye	alifornia er one or es • No es • No es • No

Complies with the Secretary's Standards/Art 10/Art 11:		C No	€ N/A
CEQA Material Impairment:	C Yes	C No	
Needs More Information:	C Yes	CNo	
Requires Design Revisions:	C Yes	C No	
Defer to Residential Design Team:	• Yes	C No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information Form for Historic Resource Evaluation prepared by Tim Kelley Consulting (dated September 2013), the subject property at 51 Bernard Street contains a one-story-over-basement, wood frame, single-family residence designed in a vernacular style and constructed in 1923. Permit records indicate that the subject property underwent the following alterations over time: repair of motor vehicle damage to front porch (1971) and re-roofing (1996). Visual inspection indicates that the following un-permitted alterations also occurred at unknown dates: replacement of the primary entrance, recladding the building in stucco (the original permit indicates that the original cladding material was rustic wood siding), and window replacement.

The subject property has been stripped of its period detailing and is a non-descript, vernacular, single-family residence. The building is not architecturally distinct such that would qualify it for listing in the California Register under Criterion 3. No known historic events occurred at the property (Criterion 1) and none of the owners or occupants have been identified as important to history (Criterion 2).

The subject property is not located within the boundaries of any known historic districts. The surrounding area exhibits a broad range of construction dates from 1900 to 1988. No clear period of development is evident and many of the surrounding properties have experienced facade alterations that have compromised historic integrity. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings.

Therefore, 51 Bernard Street is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator: Date:

11-11-13

SAN PRANCISCO PLANNING DEPARTMENT



51 Bernard Street. Image courtesy of Tim Kelley Consulting, 2013.



51 Bernard S	\$†	· · · · · · · · · · · · · · · · · · ·		BLOCK		CASE 2013	1452
FILING DATE 0/0/13 CONST. COST.	FEE	RECEIPT	NO.				<u> </u>
APPLICANT (ADDRE		PHONE			ZONING	.3
owners Enda P. Keane		ss / 8, 3F 99	PHONE	Mbt	lik	65.	-A
Enda P. Keane		242 SF 94	H09	NEIGHBORHOC	D		
PROPOSAL:	NOTICE OF INC DATE SENT:	OMPLETE APPLICATION		ACTION OF DATE	BOARD OF SUPER		EE FILE NO.
perno, New Construction	REASONS:						
					<u> </u>		
· · · · · · · · · · · · · · · · · · ·				ACTION OF I	BOARD OF SUPERV RULING	ISORS	FILE NO.
	ENVIRONMENT		· · · ·		······		
RELATED PROPOSALS:		EIR FINALIZED:		MAYOR'S AC	CTION/DATE:	· · · · · · · · · · · · · · · · · · ·	
				-	ZONING ADMINISTR RULING		EFFECTIVE D
REMARKS: CLOSECI IIIVIB-MBH	ACTION OF LAI	NDMARK PRESERVATION RULING	ADVISORY BOARD RES. NO.				
هة					BOARD OF PERMIT RULING	APPEALS NO.	
ADDITIONAL FEES: RECEIPT NO	D: ACTION OF CIT	Y PLANNING COMMISSIC RULING	DN MTN. NO.	ACTION ON <u>NO.</u>	BUILDING PERMIT / SUBJECT	APPLICATIONS ACTION	DATE
				i			
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SAN FRANCISCO PLANNING DEPARTMENT

Affidavit of Mailing

I,	Monica Hugginshave mailed the attached	Reception: 415.558.6378
	ument (please print name)	Fax: 415.558.6409
	Notification of Project Receiving Environmental Review (Neighborhood Notice)	Planning Information: 415.558.6377
	Notice of Availability of Environmental Review Document (NOA)	
	_ Notice of Scoping Meeting for an Environmental Impact Report	
	Notice of Preparation of an Environmental Impact Report	
	_ Notice of Availability of Draft Environmental Impact Report	
	Preliminary Negative Declaration (PND) and Standard Neg Dec Cover Letter	
	_ Mitigated Negative Declaration (FMND)	
	Notice of Availability of Preliminary Negative Declaration	
	_ Notice of Hearing on Appeal After Initial Evaluation of a Project	
x	_ Certificate of Determination of Exemption/Exclusion From Environmental Review	
	Other :	
On_	_11/14/2013 Project File No. & Title_2013.1452E- 51 Bernard St (Date)	

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

Also attached is a copy of the mailing list/mailing labels to which the document was mailed.

(Signature)

l/l

(Date)

N:\MEA\Administrative\forms\Affidavit of Mailing.doc Revised 04/24/07



SAN FRANCISCO **PLANNING DEPARTMENT**

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)			
Į	51 Bernard St	0157/029			
Case No.	Permit No.	Plans Dated			
2013.1452E		10/03/13 (EEA 10/03/13)			
Addition/	Demolition	New	Project Modification		
Alteration	(requires HRER if over 50 years old)	Construction	(GO TO STEP 7)		
Project description for Planning Department approval.					
Demo single family structure and construct new 4 story over basement single family structure.					

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an Environmental Evaluation Application is required. Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU. Class 3 - New Construction. Up to three (3) new single-family residences or six (6) dwelling units \checkmark in one building; commercial/office structures; utility extensions.

STEP 2: CEQA IMPACTS

Class

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an Environmental Evaluation Application is required. Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots) Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)				
	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area</i>)				
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>)				
	Slope = or > 20%: : Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a</i> <i>previously developed portion of site, stairs, patio, deck, or fence work.</i> (<i>refer to EP_ArcMap > CEQA Catex</i> <i>Determination Layers > Topography</i>) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required				
	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required				
	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required				
	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)</i>				
	If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental				
<u>Evaluation</u>	Application is required. Project can proceed with categorical exemption review. The project does not trigger any of the				
	CEQA impacts listed above.				
	and Planner Signature (optional): Monica Pereira				
	Randall on 10/10/13 via email notification. Per GIS, the property is located in an area of slope average ever, calculations yield a 8.3% slope average.				

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)			
	Category A: Known Historical Resource. GO TO STEP 5.		
	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.		
	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.		

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

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

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

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

	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):				
\checkmark	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)				
	a. Per HRER dated: (attach HRER)				
	b. Other (<i>specify</i>): PTR Form dated 11/4/2013				
Note: 1	f ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.				
	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.				
	Project can proceed with categorical exemption review . The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6 .				
Comments (optional):					
	·				
Preserv	ation Planner Signature: Gretchen Hilyard				
	STEP 6: CATEGORICAL EXEMPTION DETERMINATION				
	TO BE COMPLETED BY PROJECT PLANNER				

Further environmental review required. Proposed project does not meet scopes of work in either (<i>check all that apply</i>):				
Step 2 – CEQA Impacts				
Step 5 – Advanced Historical R	eview			
STOP! Must file an Environmental Eval	luation Application.			
No further environmental review is required. The project is categorically exempt under CEQA.				
Planner Name: Gretchen A. Hilyard	Signature or Stamp: Digitally signed by Gretchen Hilyard			
Project Approval Action: Other (please speicify) *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Gretchen Hilyard email=GretchenHilyard Dit: de=00; de=sfgov.de=s			
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determinatio can only be filed within 30 days of the project receiving the first approval action.				

SAN FRANCISCO PLANNING DEPARTMENT 09.16.2013

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STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compare	ed to the approved project, would the modified project:
	Result in expansion of the building envelope, as defined in the Planning Code;
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required CAUEXFORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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

SAN FRANCISCO PLANNING DEPARTMENT 09.16.2013



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

	on Team Meeting Da	te:	Date of Form Co	ompletion	1 11/4/2013	Suite 400 San Francis
	NFORMATION:					CA 94103-2
		Address				Reception: 415.558.6
Planner: Address: Gretchen Hilyard 51 Bernard Street					 Fax:	
Block/Lot:	.,	Cross Streets:	• •			415.558.6
)157/029		Taylor and Jones	Streets			Planning
CEQA Cate		Art. 10/11:		– /Case No.:		Information 415.558.6
	<u>gory.</u>	n/a		1452E		410.000.0
PURPOSE (OF REVIEW:		PROJECT DESCR	RIPTION:		
CEQA	C Article 10/11	C Preliminary/PIC	O Alteration	C De	mo/New Construe	ction
ATE OF PL	ANS UNDER REVIEW	: 10/03/2013		-		
PROJECT IS	SSUES:					
Is the	e subject Property an	eligible historic resour	ce?			
		inges a significant imp		 .		
Additiona		· · · · · · · · · · · · · · · · · · ·	· · · ·			
Additiona	al Notes:					
Additiona	al Notes: TION TEAM REVIEW:			Yes	•No *	
Additiona PRESERVA	al Notes:		,	Yes ric District		J/A
PRESERVA Historic Res Property Californi	al Notes: TION TEAM REVIEW: source per CEQA	e for inclusion in a	,	ric District e for inclu District/Co	:/Context sion in a California ntext under one o	 3
Additiona Additiona PRESERVA Historic Res Property Californi followin	al Notes: TION TEAM REVIEW: source per CEQA Individually y is individually eligibli ia Register under one	e for inclusion in a	Histo Property is eligibl Register Historic [ric District e for inclu District/Co ving Criter	:/Context sion in a California ntext under one o	a or
Additiona Additiona PRESERVA Historic Res Property Californi followin Criterior	al Notes: TION TEAM REVIEW: source per CEQA Individual y is individually eligibli ia Register under one g Criteria:	e for inclusion in a or more of the	Histo Property is eligibl Register Historic I more of the follov	ric District e for inclu District/Co ving Criter	:/Context sion in a California ntext under one c ria:	a or No
PRESERVA Historic Res Property Californi followin Criterior Criterior	al Notes: TION TEAM REVIEW: source per CEQA Individually y is individually eligibli ia Register under one g Criteria: n 1 - Event:	e for inclusion in a or more of the O Yes O No	Histo Property is eligibl Register Historic I more of the follov Criterion 1 - Event	ric District e for inclu District/Co ving Criter ::	i/Context sion in a California ntext under one o ria: O Yes O N O Yes O N	a or No No
Additiona Additiona PRESERVA Historic Res Property Californi followin Criterior Criterior Criterior	al Notes: TION TEAM REVIEW: source per CEQA Individually is individually eligibli ia Register under one g Criteria: n 1 - Event: n 2 -Persons:	e for inclusion in a or more of the O Yes No O Yes No	Histo Property is eligible Register Historic D more of the follow Criterion 1 - Event Criterion 2 -Person	ric District e for inclu District/Co ving Criter :: ns: tecture:	i/Context sion in a California ntext under one o ria: O Yes O N O Yes O N	a pr No No
Additiona Additiona PRESERVA Historic Res Property Californi followin Criterior Criterior Criterior Criterior	TION TEAM REVIEW: source per CEQA Individual y is individually eligibl ia Register under one g Criteria: n 1 - Event: n 2 -Persons: n 3 - Architecture:	e for inclusion in a or more of the O Yes O No O Yes O No O Yes O No	Histo Property is eligible Register Historic I more of the follow Criterion 1 - Event Criterion 2 -Person Criterion 3 - Archi	ric District e for inclu District/Co ving Criter :: ns: tecture: Potential:	i/Context sion in a California ntext under one o ria: O Yes O N O Yes O N	a pr No No

Complies with the Secretary's Standards/Art 10/Art 11:	C Yes	C No	⊙N/A
CEQA Material Impairment:	() Yes	<u>⊖</u> No	
Needs More Information:	C Yes	<u>C</u> No	
Requires Design Revisions:	C Yes	<u>⊖</u> No	
Defer to Residential Design Team:	• Yes	<u>O</u> No	1

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information Form for Historic Resource Evaluation prepared by Tim Kelley Consulting (dated September 2013), the subject property at 51 Bernard Street contains a one-story-over-basement, wood frame, single-family residence designed in a vernacular style and constructed in 1923. Permit records indicate that the subject property underwent the following alterations over time: repair of motor vehicle damage to front porch (1971) and re-roofing (1996). Visual inspection indicates that the following un-permitted alterations also occurred at unknown dates: replacement of the primary entrance, recladding the building in stucco (the original permit indicates that the original cladding material was rustic wood siding), and window replacement.

The subject property has been stripped of its period detailing and is a non-descript, vernacular, single-family residence. The building is not architecturally distinct such that would qualify it for listing in the California Register under Criterion 3. No known historic events occurred at the property (Criterion 1) and none of the owners or occupants have been identified as important to history (Criterion 2).

The subject property is not located within the boundaries of any known historic districts. The surrounding area exhibits a broad range of construction dates from 1900 to 1988. No clear period of development is evident and many of the surrounding properties have experienced facade alterations that have compromised historic integrity. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings.

Therefore, 51 Bernard Street is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator: Date

:	Date:

11-11-13

SAN FRANCISCO PLANNING DEPARTMENT



51 Bernard Street. Image courtesy of Tim Kelley Consulting, 2013.





SAN FRANCISCO PLANNING DEPARTMENT NOT REMOVE

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)		
51 Bernard St		0157/029		
Case No.	Case No. Permit No.		Plans Dated	
2013.1452E		10/03/1	3 (EEA 10/03/13)	
Addition/	Demolition	New	Project Modification	
Alteration (requires HRER if over 50 years old)		Construction	GO TO STEP 7)	
Project description for Planning Department approval.				
Demo single family structure and construct new 4 story over basement single family structure.				
L				

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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Note: If ne	Note: If neither class applies, an Environmental Evaluation Application is required.		
	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change		
المسا	of use if principally permitted or with a CU.		
	Class 3 - New Construction. Up to three (3) new single-family residences or six (6) dwelling units		
\checkmark	in one building; commercial/office structures; utility extensions.		
	Class		

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

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· □ ·	'Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non- archeological sensitive area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive</i> <i>Area</i>)
	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area</i>)
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
	Slope = or > 20%: : Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a</i> <i>previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex</i> <i>Determination Layers > Topography</i>) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required
	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
	are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental
<u>Evaluation</u>	Application is required.
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments	and Planner Signature (optional): Monica Pereira
Cleared by F	Randall on 10/10/13 via email notification. Per GIS, the property is located in an area of slope average ver, calculations yield a 8.3% slope average.

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

PROPE	PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)		
	Category A: Known Historical Resource. GO TO STEP 5.		
	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.		
	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.		

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

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

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

Check all that apply to the project.	
	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
	2. Interior alterations to publicly accessible spaces.
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the Secretary of the Interior's Standards for Rehabilitation.
	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties
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	(specify or add comments):
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	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation
	Planner/Preservation Coordinator)
	a. Per HRER dated: (attach HRER)
	b. Other (specify):
	PTR Form dated 11/4/2013
<u> </u>	
Not	e: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.
	Further environmental review required. Based on the information provided, the project requires an
	Environmental Evaluation Application to be submitted. GO TO STEP 6.
	Project can proceed with categorical exemption review. The project has been reviewed by the
	Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Com	nents (optional):
Prese	rvation Planner Signature: Gretchen Hilyard
OTCO	9 6: CATEGORICAL EXEMPTION DETERMINATION
	E COMPLETED BY PROJECT PLANNER
	Further environmental review required. Proposed project does not meet scopes of work in either (check
	all that apply):
	Step 2 – CEQA Impacts
	Step 5 – Advanced Historical Review
	STOP! Must file an Environmental Evaluation Application.
	No further environmental review is required. The project is categorically exempt under CEQA.
	Planner Name: Gretchen A. Hilyard
	Project Approval Action: Gretchen Hilvard, DN: dc=org, dc=sigov, dc=cityplanning, ou=CityPlanning, ou=CityPlanning, on=CityPlanning, on=CityPlann, on=CityPlann
	Other (please speicify)
	*If Discretionary Review before the Planning
	Commission is requested, the Discretionary Review hearing is the Approval Action for the
	project.
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines
	and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

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STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different th	Block/Lot(s) (If different than front page)	
Case No.	Permit No.	Plans Dated
Exempt Project Approval	Exempt Project Approval Date	New Approval Required
Action		· · · · · · · · · · · · · · · · · · ·
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

	The proposed modifi	cation would not result in any of the above changes.
approval ar	nd no additional environme	odifications are categorically exempt under CEQA, in accordance with prior project ental review is required. This determination shall be posted on the Planning ailed to the applicant, City approving entities, and anyone requesting written notice.
Planner Name:		Signature or Stamp:

SAN FRANCISCO PLANNING DEPARTMENT 09.16.2013



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

Preservatio	n Team Meeting Dat	te:	Date of For	m Complet	aion 11/4/201	3
PROJECT IN	IFORMATION:				1.4	
Planner:		Address:		· .	a da anti- anti-anti-anti-anti-anti-anti-anti-anti-	
Gretchen Hil	yard	51 Bernard Street				0 2010 100100
Block/Lot:		Cross Streets:	· · · · · · · · · · · · · · · · · · ·			•
0157/029		Taylor and Jones	Streets			
CEQA Categ	jory:	Art. 10/11:		BPA/Case N	lo.:	
3		n/a	2	013.1452E		
PURPOSE O	OF REVIEW:		PROJECT DE	SCRIPTIO		
CEQA	C Article 10/11	O Preliminary/PIC	() Alteratio	on O	Demo/New C	onstruction
	ANS UNDER REVIEW	: 10/03/2013		I		
PROJECT IS	SUES:					
Is the	subject Property an	eligible historic resourc	ce?			
If so,	are the proposed cha	inges a significant imp	act?			
Additiona		inges a significant imp	act?			
Additiona	l Notes:		act?			
Additiona			act?	OYes		ON/A
Additiona	I Notes:				•No *	ON/A
Additiona Additiona PRESERVAT Historic Res Property California	I Notes: FION TEAM REVIEW: ource per CEQA	e for inclusion in a	Property is eli	listoric Dist gible for in pric District/	rict/Context clusion in a Ca /Context unde	lifornia
Additiona Additiona PRESERVAT Historic Res Property California following	I Notes: FION TEAM REVIEW: ource per CEQA Individual is individually eligibl a Register under one	e for inclusion in a	Property is eli Register Histo	distoric Dist gible for in pric District/ pllowing Cr	rict/Context clusion in a Ca /Context unde iteria:	lifornia
Additiona Additiona PRESERVA1 Historic Res Property California following Criterion	I Notes: TION TEAM REVIEW: Source per CEQA Individual is individually eligibl a Register under one g Criteria:	e for inclusion in a or more of the	Property is eli Register Histo more of the fo	distoric Dist gible for in pric District/ pllowing Cr vent:	rict/Context clusion in a Ca /Context unde iteria: \) Ye	lifornia er one or
Additiona Additiona PRESERVAT Historic Res Property California following Criterion Criterion	I Notes: I N	e for inclusion in a or more of the C Yes No	Property is eli Register Histo more of the fo Criterion 1 - E	distoric Dist gible for in pric District/ pllowing Cr vent: ersons:	rict/Context clusion in a Ca /Context unde iteria: \) Ye \) Ye	lifornia er one or s • No
Additiona Additiona PRESERVAT Historic Res Property Californit following Criterion Criterion Criterion	I Notes: I Notes: I ON TEAM REVIEW: ource per CEQA Individually is individually eligibl a Register under one g Criteria: 1 - Event: 2 -Persons:	e for inclusion in a or more of the C Yes No C Yes No	Property is eli Register Histo more of the fo Criterion 1 - E Criterion 2 - Po	distoric Dist gible for in pric District/ pllowing Cr vent: ersons:	rict/Context clusion in a Ca /Context unde iteria: O Ye O Ye :: O Ye	alifornia er one or s • No s • No
Additiona Additiona PRESERVAT Historic Res Property California following Criterion Criterion Criterion Criterion	I Notes: TION TEAM REVIEW: Source per CEQA Individual is individually eligible a Register under one g Criteria: 1 - Event: 2 -Persons: 3 - Architecture:	e for inclusion in a or more of the O Yes O No O Yes No O Yes No	Property is eli Register Histo more of the fo Criterion 1 - E Criterion 2 - Po Criterion 3 - A	distoric Dist gible for in pric District/ pollowing Cr vent: ersons: architecture nfo. Potenti	rict/Context clusion in a Ca /Context unde iteria: O Ye O Ye :: O Ye	alifornia er one or s • No s • No s • No

Complies with the Secretary's Standards/Art 10/Art 11:	() Yes	⊖No	€N/A
CEQA Material Impairment:	() Yes	⊖ No	
Needs More Information:	() Yes	⊖No	
Requires Design Revisions:	() Yes	⊖No	
Defer to Residential Design Team	• Yes	<u>O</u> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to the Supplemental Information Form for Historic Resource Evaluation prepared by Tim Kelley Consulting (dated September 2013), the subject property at 51 Bernard Street contains a one-story-over-basement, wood frame, single-family residence designed in a vernacular style and constructed in 1923. Permit records indicate that the subject property underwent the following alterations over time: repair of motor vehicle damage to front porch (1971) and re-roofing (1996). Visual inspection indicates that the following un-permitted alterations also occurred at unknown dates: replacement of the primary entrance, recladding the building in stucco (the original permit indicates that the original cladding material was rustic wood siding), and window replacement.

The subject property has been stripped of its period detailing and is a non-descript, vernacular, single-family residence. The building is not architecturally distinct such that would qualify it for listing in the California Register under Criterion 3. No known historic events occurred at the property (Criterion 1) and none of the owners or occupants have been identified as important to history (Criterion 2).

The subject property is not located within the boundaries of any known historic districts. The surrounding area exhibits a broad range of construction dates from 1900 to 1988. No clear period of development is evident and many of the surrounding properties have experienced facade alterations that have compromised historic integrity. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings.

Therefore, 51 Bernard Street is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:

11-11-13

SAN FAANCISCO PLANNING DEPARTMENT



51 Bernard Street. Image courtesy of Tim Kelley Consulting, 2013.



HISTORICAL LIST UPDATED 6/10/2013 (Do not send EIRs unless specified by Contact person)

Gabriel Metcalf, Executive Director San Francisco Planning & Urban Research Association 654 Mission Street San Francisco, CA 94105-4015

Mike Billings The Examiner 71 Stevenson Street San Francisco, CA 94105

Gerald D. Adams San Francisco Towers 1661 Pine Street, #1028 San Francisco, CA 94109

Linda Mjellem Union Square Association 323 Geary Street, Suite 408 San Francisco, CA 94102

Suzanne D. Cauthen 1321 Montgomery San Francisco, CA 94133

Patrick McGrew MCGREW ARCHITECTS 674 South Grenfall Road Palm Springs, CA 92264

Alice Suet Yee Barkley Luce Forward Attorneys at Law 121 Spear Street, Suite 200 San Francisco, CA 94105

Joseph B. Pecora 882 Grove Street San Francisco, CA 94117

(DO NOT SEND CAT EXs) Edaw, Inc. Jayni Allsep 150 Chestnut Street San Francisco, CA 94111 Western Neighborhood Project 300 Taraval Street, Suite A San Francisco, CA 94116

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Vincent Marsh 2134 Green Street, #3 San Francisco, CA 94123-4761

Stewart Morton PO Box 330339 San Francisco, CA 94133-0339

Toby Levine Co-Chairman San Jose/Guerrero Coalition Save R 4104 – 24th Street, #130 San Francisco, CA 94114-3415

Katalin Koda 147 Saturn Street San Francisco, CA 94114



The Art Deco Society of California 100 Bush Street, Suite 511 San Francisco, CA 94104

Lucinda Woodward State Office of Historic Preservation Local Gov. and Info Management Unit PO Box 942896 Sacramento, CA 94296-0001

Shirley Albright Landmarks Council of California 306 Arguello Blvd., Apt. 101 San Francisco, CA 94118

Executive Director San Francisco Architectural Heritage 2007 Franklin Street San Francisco, CA 94109

J.G. Turnbull Page & Turnbull Inc. 1000 Sansome Street, Suite 20 San Francisco, CA 94111-1323

North. Calif. Carpenters Regional Council Alex Lantsberg Research Department 265 Hegenberger Road, Suite 220 Oakland, CA 94621

David P. Cincotta Jeffers, Margels, Butler, & Marmaro, LLP 2 Embarcadero Center, 5th Floor San Francisco, CA 94118

Charles Edwin Chase, AIA Resource Group Pier 9, Embarcadero, Suite 107 San Francisco, CA 94111

Richard S.E. Johns 57 Post Street, Suite 604 San Francisco, CA 94104-5023 Hisashi Sugayâ 900 Bush Street, #419 San Francisco, CA 94109

Alan Martinez 512 Van Ness Avenue, #416 San Francisco, CA 94102

Mike Buhler, Executive Director San Francisco Architectural Heritage 2007 Franklin Street San Francisco, CA 94109

Executive Director Castro/Upper Market Community Benefit District 584 Castro Street, #336 San Francisco, CA 94114

Sue Hestor Attorney at Law 870 Market Street, #1128 San Francisco, CA 94102

Douglas Shoemaker, Director Mayor's Office of Housing INTEROFFICE #24

SF Public Library Governmental Information Center INTEROFFICE #41 Diane Matsuda John Burton Foundation 235 Montgomery Street, Suite 1142 San Francisco, CA 94104

Mary Miles Coalition for Adequate Review 364 Page Street, #36 San Francisco, CA 94102

Hiroshi Fukuda, President Richmond Community Association CSFN, Land Use & Housing 146 – 18th Avenue San Francisco, CA 94121

Joe Butler 324 Chestnut Street San Francisco, CA 94133

Karl Hasz <u>karlhasz@gmail.com</u> (Temporary)

Greg Kelly San Francisco Documents Librarian Government Information Center SF Public Library INTEROFFICE #41 Courtney Damkroger 2626 Hyde Street San Francisco, CA 94109

National Trust for Historic Preservation 5 Third Street, #707 San Francisco, CA 94103

President Merchants of Upper Market & Castro (MUMC) 584 Castro Street, #333 San Francisco, CA 94114

Andrew Wolfram, AIA, LEED® AP Perkins + Will 185 Berry Street, Lobby One, Suite 5100 San Francisco, CA 94107

Tina Tam Preservation Coordinator Planning Department INTEROFFICE #29

SF Public Library Governmental Information Center INTEROFFICE #41

CAT	EGORICAL EXEMPTIONS
Case	#: 2013. 1452E Date: 11/13/13
	Planner's Name: <u>Gretchen Hilyard</u>
FOR	HRER LOG:
J Histo	oric resource: YES NO
Histo	oric district: 🗌 YES 📈 NO
FOR	MAILING
∭Сору	y and send to: 🛛 Owner
	Address:
	· · · · · · · · · · · · · · · · · · ·
	Project Contact
	Address:
·	
	Diaman/Otheru
· ·	Planner/Other: Historic Preservation List
	Board of Supervisors(if action to be taken by the Board)
MO Close	e in Case Editing: 📈 Yes 🗌 No
	Other instructions if any:

Updated 9/7/11



SAN FRANCISCO PLANNING DEPARTMENT

Environmental Evaluation Application

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Fordham or Ms. Poling. For all other projects, please send the application materials to the attention of Ms. Pereira.

Monica Pereira 1650 Mission Street, Suite 400 San Francisco, CA 94103 (415) 575-9107, monica.pereira@sfgov.org Chelsea Fordham or Jeanie Poling 1650 Mission Street, Suite 400 San Francisco, CA 94103 (415) 575-9071, chelsea.fordham @sfgov.org (415) 575-9072, jeanie.poling@sfgov.org

PART 1 – EE Application Checklist	Provided	Not Applicable
Two copies of this application with all blanks filled in		
Two sets of project drawings in 11x17 format (see "Additional Information" on page 4)		
Photos of the project site and its immediate vicinity, with viewpoints labeled	⊠	
Fee	⊠	
Supplemental Information for Historical Resource Evaluation form and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	⊠	
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b		⊠
Tree Disclosure Statement, as indicated in Part 3 Question 4	⊠	
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8		⊠
Additional studies (list)		

Applicant's Affidavit. I certify the accuracy of the following declarations:

a. The undersigned is the owner or authorized agent of the owner(s) of this property.

b. The information presented is true and correct to the best of my knowledge.

c. I understand that other applications and information may be required.

Signed (owner or agent): 2012,14526

Date: Address: Block/Lot:

(For Staff Use Only) Case No. _ v.2.4.2013

PART 2 – PROJECT IN	FORMATION						
Owner/Agent Inform	Owner/Agent Information						
Property Owner	nda Keane	Telephone No.	415-828-4981				
Address <u>2</u>	458 polk 5,#2	Fax. No.					
	S.F. CA 94109	Email	endapkeane@gmail.com				
Project Contact Jo	nathan Pearlman	Telephone No.	415-537-1125				
Company <u>El</u>	levation Architects	Fax No.	415-821-1121				
Address 10	099 23 rd Street, Suite 18	Email	jonathan@elevationarchitects.com				
Sa	an Francisco, CA 94107						
Site Information							
Site Address(es):	51 Bernard Street						
Nearest Cross Street(s	s) between Jones and Taylor Stre	ets					
Block(s)/Lot(s)	0157/029	Zoning Dist	rict(s) RH-3				
Site Square Footage	1,380 sf	Height/Bul	k District 65-A				
Present or previous si Community Plan Are any)							
Project Description -	please check all that apply						
		change	☑ New construction				
☐ Alteration □		-	ot line adjustment				
□ Other (describe)		Estimated C	·				
	se single family residential	Lotinatou C					
Narrative project des	cription. Please summarize and dea olish a small, 1-story over basemen		e of the project. sidence and replace with new, 4-story				
	RECEN OCT 032 CITY & COUNTY PLANNING DEPAR RECEPTION D	013 Y OF S. F. RTMENT					

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PA	RT 3 – Additional Project Information	Yes	No
1.	Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district?		Ø
	If yes, submit a Supplemental Information for Historical Resource Evaluation form.		
2.	Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district?	Ø	
	If yes, a Historic Resource Evaluation Report (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.		
3a.	Would the project result in excavation or soil disturbance/modification greater than 8 feet below grade?		X
	If yes, how many feet below grade would be excavated?		
	What type of foundation would be used (if known)?		
3b.	Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more?		⊠
	If yes to either Question 3a or 3b, please submit a Geotechnical Report.*		
4.	Would the project involve expansion of an existing building envelope, or new construction, or grading, or new curb cuts, or demolition?	⊠	
	If yes, please submit a Tree Disclosure Statement.		
5.	Would the project result in ground disturbance of 5,000 gross square feet or more?		Ø
6.	Would the project result in any construction over 40 feet in height?		⊠
	If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center, 1660 Mission Street, First Floor.		
7.	Would the project result in a construction of a structure 80 feet or higher?		Ø
	If yes, an initial review by a wind expert, including a recommendation as to whether a wind analysis* is needed, may be required, as determined by Department staff.		
8.	Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?		
	If yes, please submit a Phase I Environmental Site Assessment (ESA).* A Phase II ESA (for example, soil testing) may be required, as determined by Department staff.		
9.	Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps?		
	If yes, please describe.		
10.	Is the project related to a larger project, series of projects, or program?		\boxtimes
	If yes, please describe.		
11.	Is the project in Eastern Neighborhoods or Market & Octavia Community Plan Area?		Ø
	If yes, and the project would be over 55 feet tall or 10 feet taller than an adjacent building built before 1963, please submit an elevation or renderings showing the project with the adjacent buildings.		

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	924 sf	0	3,297 sf	3,297 sf
Retail	-	-	-	-
Office	-	-	-	-
Industrial	-	-	-	-
Parking	0	0	542 sf	542 sf
Other (specify use)		-	-	_
Total GSF	924 sf	0	3,839 sf	3,839 sf
Dwelling units	1	0	1	1
Hotel rooms	-	-	-	-
Parking spaces	0	0	2	2
Loading spaces		-	-	_
Number of buildings	1	0	1	1
Height of building(s)	17'-0"	0	40'-0"	40'-0"
Number of stories	1 over basement	0	4 over basement	4 over basement

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

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SAN FRANCISCO PLANNING DEPARTMENT

МЕМО

Date:	10/10/13	1650 N
To:	Tina Tam, Preservation Coordinator	Suite 4 San Fra
For:	NE Quadrant Preservation Technical Specialist	CA 941
Re:	Historic Preservation Review	Recept
File Loca	tion: I:\Temp\CATEX_in_progress\EP\2013.1452E	415.5
Address:	51 Bernard St	Fax: 415.5 5
Block/Lot:	0157/029	Plannin
	CASE NO. 2013.1452E	Informa 415 50

The project under Archeological Review. Attached is a description of a project that needs to be evaluated for potential impacts to an historical resource under CEQA, as a Category **B**.

Please review the attached environmental application and make a determination of the following:

- Whether the property is an historical resource for purposes of CEQA. If more information is needed to make such a determination, please specify what information is needed.
- If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).
- Whether the proposed project may have an adverse effect on off-site historical resources.
- If material impairments are noted, what character-defining features of the building or district could be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable but do not mitigate the project's adverse effects.

Attached is a CEQA Categorical Exemption Determination form for your completion. Please send the signed form and supporting materials to Virna Byrd for distribution and filing. Thank you. 1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

⁻ax: **115.558.6409**

Planning Information: 415.558.6377



SAN FRANCISCO PLANNING DEPARTMENT

RE	CE	IPT

Printed 10/10/2013

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

Transaction ID:	T20132103	Date:	10/10/2013	Reception: 415.558.6378
Case Number: Account No.	2013.1452E 10/10/201351 BERNARI 20133916	D ST		Fax: 415.558.6409 Planning
Transaction Type: Description:	Case Intake			Information: 415.558.6377
Payer:	Enda Keane			
Check Number:	1310 Tc	otal Chai	rge:	\$2,617.00

Balance: \$0.00

Amount Paid:

\$2,617.00

DOCKET COPY

For all cases other than Discretionary Review Requests filed by individuals, a Time & Materials fee will be charged if the cost of processing your case exceeds the initial fee.

Deposit Date:



0 4.25 8.5 17 Feet

Printed: 10, October 2013

· VIEW FROM JONES STREET LOOKING DOWN BERMARD STREET



	1-1	MOCNE
11230	JOHES	STREEF

- SO BERNARD ST.
- 82 BENNARD ST
- 88 BENNARD ST.
 - 90 BERNOND ST.
 - 74 BERNARD ST.
 - 74 BENNARD ST.

1606 JONES ST 1608 JONES ST 1610 JONES ST 1612 JONES ST 63 BERNARD ST

· VIEW LOOKING DOWN (EAST) BERNARD ST.



- 46 BERNAND
- 46 BERNOND
- 56 BERNARD

B75BERNARD ST. 77 BERNARD ST 71 BERNARD ST 73 BERNARD ST 67 BERNARD ST 57 BERNARD ST 59 BERNARD ST

56 BERNARD ST 52 BERNARD ST 46 BERNARD ST. 46 BERNARD ST. 42,44 BERNARD ST. 30,32,34,36,38 BERNARD ST. * = SUBJECT PROPERTY

- · SI BENDAND ST. (SUBJECT PROPERTY) · 45,47,49 BERNARD · 39,41 BERNARD ST
- · 57-59 BENNARD SI



= VIEW LOOKING DOWN (EAST) BERNARD ST.

& VIEW FROM BERNARD TOWARD EAST (TAYLOR ST.)



1 30, 32, 34, 36, 38 BERNARD ST.

- · 26,28 BENNARD ST.
- · 22, 24 BENNAND ST.
- · 14, 16, 18 BEANARD ST.

- · 33,25,37,39 BERNARD 57. · 27,29,31 BERNARD ST.
- · 23,25 BERNOND ST.
- · 14, 21 BERNARD ST.

Required Checklist for Tree Planting and Protection

BUILDING PERMIT OR CASE NUMBER: For Shift Use only

REQUIRED CHECKLIST FOR Tree Planting and Protection

1. Applicant Information

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CONTACT FOR PROJECT INFORMATION:

Jonathan Pearlman	
ADDRESS:	TELEPHONE:
Elevation Architects	(415)537-1125x15
1099 23rd Street, Suite 18	EMAIL:
San Francisco, CA 94107	jonathan@elevationarchitects.com

2. Location and Classification of Property

STREET ADDRESS OF PROJECT 51 Bernard Street			
CROSS STREETS:			
Jones and Taylor Str	eets		
ASSESSORS BLOCK/LOT:	LENGTH OF ALL LOT FRONTAGE(S):	ZONING DISTRICT:	
0157 / 029	23'-0"	RH-3	
RELATED BUILDING PERMIT APP	LICATION AND/OR CASE NO .:		

3. Scope of Project

Requirements for new street trees and tree protection apply to the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

	DEVELOPMENT FEATURES
	construction of a new building
	relocation of a building
	paving or repaving more than 200 square leet of the front setback
R	addition of gross floor area (GFA) equal to 20% or more of the GFA of the existing building
	addition of a new dwelling unit
Ø	addition of one or more parking spaces
Ø	addition of a garage

4. Disclosure of Existing Protected Trees

Only the following specific types of trees require protection under the Public Works Code: Street Trees, Significant Trees and Landmark Trees. These trees are collectively known as "Protected Trees." In the following table, please indicate the presence or lack thereof of such on, over, or adjacent to the parcel containing the proposed construction.

SIGNIFICANT TREES

A "Significant Tree" is a tree that is planted on the subject property (i.e. outside of the public right-of-way) with any portion of its trunk within 10 feet of the public right-of-way that has (a) a diameter at breast height (DBH) in excess of twelve inches **OR** (b) a height in excess of twenty feet **OR** (c) a canopy in excess of fifteen feet.

CHECK ALL BOXES THAT APPLY AND INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE.	Significant Tree(s) exist on the subject property	מדץ.
If you are unsure of the boundary of the public right-of-way, contact DPW's Bureau of Street	Significant Tree(s) exist on any adjacent property	ατγ.
Use and Mapping. Please note that the public right-of-way may be wider than the sidewalk.	X There are no Significant Trees on or adjacent to the subje	ct property.

LANDMARK TREES

A "Landmark Tree" is a tree designated as such by the Board of Supervisors owing to particular age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character. QTY. CHECK ALL BOXES THAT APPLY AND Landmark Trees exist on the subject property INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE. QTY. Landmark Trees exist on the adjacent sidewalk If you have questions about the presence of Landmark Trees, please consult with DPW or OTY. Landmark Trees exist on any adjacent property visit www.sfdpw.org/trees. There are no Landmark Trees on or adjacent to the subject property. COMPLETE LIST OF LANDMARK TREES AS OF SUMMER 2012 Six Blue Gums adjacent to 1801 Bush Street Brazilian pepper at Third St. and Yosemite Street in the median Flaxieal paperbark at 1701 Franklin Street Sweet Bay at 555 Battery Street New Zeeland Christmas Tree at 1221 Stanyan Street All Canary Island Date Palms in the center island on Dolores Street 13 Canary Island Date Palms in Quesada St median west of 3rd St Two Palms in median across fr. 730 Dolores St & 1546 Dolores St Guadalupe Palms in the median across from 1608-1650 Dolores St Coast live oak in the backyard of 20-28 Rosemont Place California buckeye in the backyard of 730 28th Avenue Coast live oak in the backyard of 4124 23rd Street Two Flowering Ash at the Bernal Library at 500 Cortland Street Blue Elderberry near intersection of Folsom & Bernal Heights Blvd Moreton Bay Fig at 3555 Cesar Chavez St / 1580 Valencia St Monterey Cypress in the backyard of 2626 Vallejo Street Howell's Manzanita in the backyard of 115 Parker Avenue California Buckeye tree located behind 757 Pennsylvania Street Norfolk Island Pine Tree in the courtyard of 2040-60 Sutter Street Two Canary Island Palms in the courtyard of 2040-60 Sutter St.

STREET TREES					
A "Street Tree" is any tree growin	A "Street Tree" is any tree growing within the public right-of-way (e.g. sidewalk) that is not also a Landmark Tree.				
CHECK THE BOX THAT APPLIES AND INDICATE QUANTITY, IF APPROPRIATE.	Street Trees exist adjacent to the subject property	ΩTY.			
Regardless of size, all trees in the public right- of-way are protected under Article 16 of the Public Works Code.	There are no Street Trees adjacent to the property.				

5. Impact of Project on Existing Protected Trees

· 1

If your responses above indicate that any Protected Tree(s) exist on, over or adjacent to the subject property, please check the applicable boxes, below:

BOX 1 ☑ The project will not remove or have any other impact on Protected Trees, as follows: No construction-related activity whatsoever will occur within the dripline of any Significant Tree or Street Tree. This includes, but is not limited to, the following: (1) No grading or excavation will take place within the dripline of any Significant Tree or Street Tree. (2) No construction staging and/or storage of materials and/or equipment will occur within the dripline of any Significant Tree or Street Tree. (3) Any pruning of Significant Trees or Street Trees will be limited and consistent with applicable regulations. (4) No dumping of trash and/or liquids (such as project waste-water) will take place within the basin or dripline of any Significant Tree or Street Tree.

If you have checked this box, a Tree Protection Plan is not required.

BOX 2 The project involves the removal of one or more Protected Trees. A permit from DPW is required in order to remove any Protected Tree. The Planning Department will not approve a building permit for a project which involves the removal of a Protected Tree unless DPW has first reviewed the proposal and found it to be consistent with applicable rules and regulations.

If you have checked this box, a Tree Protection Plan is not required, however you must provide evidence to the Planning Department that DPW has reviewed the removal request and found it to be "approvable."

BOX 3 The project may have an impact on one or more Protected Trees which are not proposed for removal, as follows: Either (1) any construction-related activity, no matter how minor, is planned or is reasonably foreseeable to occur within the dripline of a Significant Tree or a Street Tree or (2) regardless of the location of construction activity, the property contains a Landmark Tree.

If you have checked this box, a Tree Protection Plan must be submitted to the Department of Public Works Bureau of Urban Forestry prior to the commencement of any construction activity.

Such plan must meet the following minimum standards:

- The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.
- The project sponsor must submit a written declaration that the protections specified in the Tree Protection Plan will be completely in place prior to the start of any construction, demolition, or grading.
- ✓ Full-size site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan. Additionally, the Tree Protection Plan itself along with the written declaration must be reproduced on full-size plans.

6. Calculation of Number of New Required Street Trees

One street tree is required for each 20 feet of street frontage of the subject property, with fractions of 0.5 rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

COMBINED LENGTH OF ALL	DIVIDED BY TREE	GROSS NUMBER OF	MINUS NUMBER OF	NET STREET TREE REQUIREMENT
STREET FRONTAGES	SPACING REQUIREMENT	TREES REQUIRED	EXISTING TREES	
23'-0" ·	÷ 20' =	l (rounded)	- 0 -	= 1

Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver. Please contact the Planning Department for information regarding the waiver process.

7. Applicable Requirements for New Street Trees

The Planning Department has developed three distinct 'Tree Schedules' to aid in the implementation of the Planning Code's street tree requirements. The particular Tree Schedule applicable to your project will depend on the zoning district in which your property is located, the scope of your project, and the type of authorization that your project requires. In general terms, Tree Schedule A applies to small-scale projects in residential or industrial zoning districts, Tree Schedule B applies to moderate-scale projects or projects in commercial or mixed-use zoning districts, and Tree Schedule C applies to larger projects. In the following chart, please check the applicable box based on the characteristics of your project.

	TREE SCHEDULE	PRC	DJECT CHARACTERISTICS		
×	A	Zoni	ing District and does not involve a	Plann	RM, RTO, RED), Industrial (M) or Production/Distribution/Repair (PDR) ed Unit Development (PUD). A PUD is a special authorization granted by major projects involving large properties.
		1.	The project is located in a RH, RM	I, RTC	D, RED, M or PDR Zoning District and Involves a PUD
			·		OR
	пB	2.	The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets	~	It is located on a parcel that contains (1) more than 1/2-acre in total area or (2) more than 250 feet of total street frontage or (3) street frontage which spans the entire block face between the nearest two intersections.
		2.	neither OR one of the following criteria, but not both:	~	It involves (1) the construction of a new building or (2) the addition of more than 20% of the gross floor area of the existing building or (3) a change of use of more than 50% of the existing square footage of the building.
	C The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets both criteria of Tree Schedule B(2), above.				

TREE SCHEDULE A

	REQUIREMENT	SPECIFICATION
\checkmark	Location	either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property
\checkmark	Size	minimum of 24-inch box size

TREE SCHEDULE B

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	REQUIREMENT	SPECIFICATION			
\checkmark	Location	Location either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property			
		minimum 2 inch caliper, measured at breast height			
Ň	Size	branch a minimum of 80 inches above sidewalk grade			
		be planted in a sidewalk opening of at least 16 square feet			
		have a minimum soil depth of 3 feet 6 inches			
~	Opening	include a basin edged with decorative treatment, such as pavers or cobbles (edging will not count against the minimum 16 square foot opening if the edging material is permeable. A permeable material is one that allows stormwater to infiltrate the underlying soils. Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface discharges off the site.			

TREE SCHEDULE C

	REQUIREMENT	SPECIFICATION
\checkmark	Location	
\checkmark	Size	As set forth in Schedule B, above.
\checkmark	Opening	
~	Trenching	Trees must be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected. The trench may be covered by permeable surfaces (as described above), except at required tree basins, where the soil must remain uncovered.

Applicant's Affidavit

I hereby attest under penalty of perjury that the information I have entered on this document is true and correct to the best of my knowledge, and that I have read and understood this form, and that I am the property owner or authorized agent of the property owner, familiar with the property, and able to provide accurate and complete information herein.

The undersigned agrees to the conditions of this form. I understand that knowingly or negligently providing false or misleading information in response to this disclosure requirement may lead to denial or rescission of my permit or other authorization and may constitute a violation of the San Francisco Municipal Code, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to the Department of Public Works prior to the commencement of any construction activities. Such submittal may in person, by mail or via email at urbanforestrypermits@sfdpw.org.

		October 3, 2013
Signature		Date
Print Name	Indicate whether owner, or authorized agent:	Phone Number
	Owner 🛛 Authorized Agent 🗌	
Phone Number		Fax or Email

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Planning Department Determination

TO BE COMPLETED BY STAFF ONLY. DO NOT LEAVE ANY SECTION BLANK

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BUILDING PERMIT / CASE NO			
PLANS DATED			
New Street Trees	New street trees are not required as part of this project. Street Trees are required as part of this project. Number of new street trees required:		
Existing Tree Protection	 A Tree Protection Plan is not required: Box 1 or Box 2 in Section 5 has been marked. A Tree Protection Plan is required: Box 3 in Section 5 has been marked. 		
Existing Tree Removal	 No Protected Trees are proposed for removal. One or more Protected Trees are proposed for removal. 		
STAFF TO SIGN UNLESS A WAIVER OR MODIFICATION HAS BEEN APPROVED, IN WHICH CASE ZA SIGNATURE IS REQUIRED.			
Signature:	Print Name: Date:		
Comment (if any):	t		

Staff Checklist

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- ✓ The applicant has completed this entire checklist including the affidavit on the preceding page.
- ✓ If street trees are required, a building permit cannot be approved until the applicant provides evidence from DPW that the required planting permit can be issued.
- ✓ If Protected Trees are proposed for removal, a building permit cannot be approved until the applicant provides evidence from DPW that tree removal permits can be issued.
- If a Tree Protection Plan is required, the applicant has been informed verbally and/or in writing of his or her obligation to submit one directly to DPW prior to the commencement of construction.
- ✓ Once signed, a copy of this checklist has been returned to the applicant. The original has been included in the project file or, if processed over-the-counter, it has been routed upstairs for scanning by support staff.

PART I HISTORICAL RESOURCE EVALUATION

51 BERNARD STREET

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SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC HISTORICAL RESOURCES 2912 DIAMOND STREET #330 SAN FRANCISCO, CA 94131 415.337-5824 TIM@TIMKELLEYCONSULTING.COM ۵

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I. INTRODUCTION

Tim Kelley Consulting (TKC) was engaged to conduct an Historical Resource Evaluation (HRE) for 51 Bernard Street, a 1923, single-family, wood-frame residence in the Nob Hill neighborhood. A scoping discussion was conducted by email with Gretchen Hilyard, Planner on August 26, 2013, which established an area to be visually examined in the vicinity of the subject property. This report examines the subject property's eligibility for individual listing in the California Register and whether it is a contributor to an historic district.

II. SUMMARY

This property is not eligible for individual listing in the California Register under any criterion and is not located in an existing or potential historic district.

III. CURRENT HISTORIC STATUS

The Planning Department database was searched to determine whether the property has been identified in any recognized register of historical resources. The specific registers included are listed below.

A. Here Today

Here Today: San Francisco's Architectural Heritage is one of San Francisco's first architectural surveys. Undertaken by the Junior League of San Francisco and published in 1968, the survey did not assign ratings to buildings. However, the survey does provide brief historical and biographical information for what the authors believed to be significant buildings. The Board of Supervisors adopted the survey in 1970. The survey files, on file at the San Francisco Public Library's San Francisco History Room, contain information on approximately 2,500 properties. This property is not included in the published book.

B. Department of City Planning Architectural Quality Survey

The Department of City Planning's Architectural Quality Survey, or 1976 Survey, was a reconnaissance survey that examined the entire City of San Francisco to identify and rate, on a scale of "0" (contextual) to "5" (extraordinary), architecturally significant buildings and structures. No historic research was performed and the potential historical significance of a resource was not considered when assigning ratings. According to the authors, the 10,000

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rated buildings comprise only around 10 percent of the city's building stock. Due to its age and its lack of historical documentation, the 1976 Survey has *not* been officially recognized by the city of San Francisco as a valid local register of historic resources for CEQA purposes, although it is still used on a consultative basis. <u>This property is not included in the 1976 Survey</u>.

C. San Francisco Architectural Heritage

San Francisco Architectural Heritage (Heritage) is the city's oldest not-for-profit organization dedicated to increasing awareness of and advocating for the preservation of San Francisco's unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, including Downtown, the South of Market, the Richmond District, Chinatown, the Van Ness Corridor, the Northeast Waterfront, and Dogpatch. Heritage ratings range from "A" (highest importance) to "D" (minor or no importance) and are based on both architectural and historical significance. This property was not surveyed by San Francisco Architectural Heritage.

D. California Historical Resource Status Code

Properties listed in the California Historic Resources Information System (CHRIS) or under review by the California Office of Historic Preservation (OHP) are assigned status codes of "1" to "7," establishing a baseline record of historical significance. Properties with a status code of "1" are listed in the California or National Register. Properties with a status code of "2" have been formally determined eligible for listing in the California or National Register. Properties with a status code of "3" or "4" appear to be eligible for listing in either register through survey evaluation. Properties with a status code of "5" are typically locally significant or of contextual importance. Status codes of "6" indicate that the property has been found ineligible for listing in any register and a status code of "7" indicates that the property has not yet been evaluated. This property has not been rated.

IV. DESCRIPTION

A. Site

51 Bernard Street is located on the south side of Bernard Street between Taylor and Jones streets on a 1,376 square foot lot. This section of Bernard Street slopes downward toward the east and the subject parcel follows this slope. The building sits at the front lot line and the

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surrounding buildings share this setback. The building abuts the adjacent buildings. The public sidewalk is the only hardscape feature at the front of the parcel.

B. Exterior

The building is a rectangular plan, one-story-with-basement, wood-frame, single-family residence clad in rough stucco and capped with a flat roof. The left side of the primary façade features a recess enclosed with a metal security gate. The left side of the recess features steep concrete steps that access a below-grade wood paneled pedestrian door. The right side of the recess features a small porch containing the primary entrance. Concrete steps access the porch which is enclosed with a low solid wall and the metal security gate. There is a paneled wood pedestrian door on the back wall of the porch with an aluminum slider window to the left, above the below-grade door. The right side of the primary façade features an aluminum slider window with metal security bars. The building terminates with a gabled parapet.

V. HISTORIC CONTEXT

A. Neighborhood

The Property Information Map lists this property in the Nob Hill neighborhood, which is usually understood as the elite area at and near the peak of the hill. Soon after the California Street Cable Railroad ascended Nob Hill in 1874,that area became home to lavish residences of wealthy figures including Charles Crocker, Leland Stanford, Mark Hopkins, James Flood, and other railroad and mining millionaires. However, the lower slopes of the hill, including Bernard Street, have never been that exclusive. Instead, they have shared more in common with the nearby North Beach and Chinatown neighborhoods.

Nearly all of the Nob Hill area was destroyed in the 1906 earthquake and fire. One small island near the subject property, but not including Bernard Street, survived according to maps of the burned district. During reconstruction after 1906, the upper slopes retained their elite character, while the lower slopes became even more diverse than they had been previously.

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B. Project Site History

The first Sanborn map illustrating the subject block was published in 1899 and shows a densely developed residential neighborhood (Figure 1). The subject parcel contains an ell shaped one-and-two-story-with-basement single-family home and wagon shed. The building shown on the subject parcel is no longer extant.



Figure 1- 1899 Sanborn location of 51 Bernard Street with previous building noted with arrow.

The 1913 map shows a rapid reconstruction/redevelopment of the neighborhood after the 1906 disaster (Figure 2). The April 1908 "Burned Area" map of San Francisco shows Bernard Street was close to an area that survived the 1906 fire (Appendix). A handful of buildings on Bernard Street have pre-earthquake construction dates; however, based on a visual inspection of Bernard Street, it is unclear how much of this area actually survived the 1906 fire as some buildings with pre-earthquake construction dates appear to fall stylistically within the post-earthquake period. Most of the buildings on Bernard Street have post-earthquake construction dates. The subject property is illustrated on the 1913 Sanborn map with a single-family home and three additional small buildings in the rear accessed off a deck running along the east side of the property (these buildings are no longer extant).

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Figure 2 – 1913 Sanborn Map location of 51 Bernard Street with previous buildings noted with arrow.

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The 1938 aerial photo shows the neighborhood completely developed (Figure 3). The subject property has a building similar to the current one.



Figure 3 - 1938 aerial photo showing 51 Bernard Street noted with arrow.

The 1950 Sanborn shows a densely populated residential neighborhood (Figure 4). The subject property is shown with what is most likely the original footprint as constructed in 1923.



Figure 4 – 1950 Sanborn map showing 51 Bernard Street noted with arrow.

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C. Construction Chronology

51 Bernard Street was constructed in 1923 by builder W.C. Petersen for owner Pasqualle Lucia. According to the original permit, the building was constructed as a one-story-with-basement, single-family dwelling clad in rustic siding and measuring 23 feet wide by 42 feet deep.¹ No historic photos were located for this building. The permits on file at Department of Building Inspection do not document any additions or major alterations to the building. Based upon visual inspection, the building has been reclad in stucco and the windows have been replaced. The primary entrance does not appear original and the porch appears altered, most likely after the vehicular damage indicated on Permit #401956 dated 1971.

Walter C. Petersen

Walter C. Petersen was a local builder with limited residency in San Francisco. He is listed in the San Francisco City Directories from 1920 through 1923. According to the 1920 Census, he emigrated from Denmark in 1907.² It appears he may have moved to Santa Barbara. Otherwise, no information was located regarding his career as a builder.

D. Permit Record

The following permits were found in Department of Building Inspection files for the subject property:

- Permit #121467 October 25, 1923 To build a one-story-with-basement, wood-frame, single-family. Cladding rustic, flat roof. No architect. Builder: W.C. Petersen
- Permit #401956 September 24, 1971 Repair motor vehicle damage to entrance porch.
- Permit #801789 August 22, 1996 Reroof. (No available permit, job card only).

Copies of these permits are attached to this report.

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¹ Permit No. 121467, dated October 25, 1923.

² United States Census 1920, San Francisco County, Enumeration District 51

E. Architectural Style

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The subject property is best defined as Vernacular architecture. Vernacular architecture is defined as being based on localized needs and construction materials available. Unlike formal styles of architecture, it is not characterized by stylistic design elements.

F. Owners and Occupants

Pasqualle and Rosario Lucia had the subject building constructed in October 1923, having purchased the property in May 1923. It is unknown when the previous buildings located on the subject property were demolished. Pasqualle and Rosario emigrated from Italy and had a large family of eight children. Pasqualle was employed as a laborer. Lucia sold the property to Sow Fong Sue in 1946. Sue maintained the property as rental property and did not live at the subject property. Sue sold the property to Sack and Mae Lee in 1967. The Lees appear to have resided at the property. Sack Lee was employed as a cook.

VI. EVALUATION OF HISTORIC STATUS

The subject property was evaluated to determine if it was eligible for listing in the California Register of Historical Resources, either individually or as a contributor to an historic district. The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria: ŧ

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Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources that are associated with the lives of persons important to local, California, or national history.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

The following section examines the eligibility of the subject property for listing in the California Register under those criteria.

A. Individual Eligibility

• Criterion 1 (Events)

51 Bernard Street is not eligible for individual listing in the California Register under Criterion 1. The building was constructed in 1923 and was the second building on the site after the 1906 Earthquake and Fire. This building did not make a significant contribution to the reconstruction of The Nob Hill neighborhood. The building has not made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California. Thus the property is not eligible for listing in the California Register under Criterion 1.

• Criterion 2 (Persons)

This building is not eligible for individual listing in the California Register under Criterion 2. It is not associated with any significant persons in the history of San Francisco or the State of California, as none of the owners or occupants were listed in the San Francisco Biography Collection or newspaper indexes or otherwise indicated to be important to the history of San

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Francisco or the State of California. Thus the property is not eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture)

This property does not appear to be eligible for individual listing in the California Register under Criterion 3. No evidence was located to indicate Walter C. Petersen was a master builder; no other buildings constructed by him were located and his career history is unknown. This building does not embody distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, or possesses high artistic values. Thus the property is not eligible for listing in the California Register under any aspect of Criterion 3.

Criterion 4 (Information Potential)

This criterion ordinarily refers to potential archeological value. A full analysis of archeological value is beyond the scope of this report. The property does not appear eligible for listing on the California Register under Criterion 4.

B. District

A property may also become eligible for listing on the California Register as a contributor to an historic district. Guidelines define a district as an area that "possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development."³ To be listed on the California Register, the district itself must be eligible under the criteria already discussed. The documentation of the district must enumerate all properties within it, identifying each as a contributor or non-contributor. The district itself, as well as each of its contributors, then become historical resources.

The area in which the subject property is located is not formally identified at present as an historic district. The potential for an existing district was investigated by a visual examination as defined in the scoping discussion of August 26, 2013. The area examined was the entire length of Bernard Street between Taylor and Leavenworth streets. Additionally, a search of HRERs in

³ Office of Historic Preservation. "Instructions for Recording Historical Resources," Sacramento. 1995

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the vicinity was conducted. Currently, there are no HRERs in the area examined. There is one nearby HRER outside the area.

The area contains 52 residential properties constructed between 1900 and 1988 and ranging in height from one to four-stories. The following table lists (directional order from east to west) including: address, parcel number, age, and building use/type. Images will be included in the **Appendix**.

1521-1523 Taylor St	0157/005	1968	Apartment
19-21 Bernard St	0157/034	1900	Multiple-family
23-25 Bernard St	0157/033	1904	Multiple-family
27-31 Bernard St	0157/032	1905	Flat
33-37 Bernard St	0157/031	1903	Multiple-family
39-41 Bernard St	0157/064	1928	Multiple-family
45-49 Bernard St	0157/030	1900	Multiple-family
51 Bernard St	0157/029	1923	Single-family
57-59 Bernard St	0157/028	1926	Multiple-family
67 Bernard St	0157/027	1978	Multiple-family
71-73 Bernard St	0157/026	1933	Multiple-family
75-77 Bernard St	0157/025	1907	Multiple-family
83 Bernard St	0157/024	1925	Single-family
1620 Jones St	0157/023	1908	Apartment
1625-1627 Jones St	0156/004	1936	Multiple-family
115 Bernard St	0156/031	1953	Multiple-family
123 Bernard St	0156/030	1951	Multiple-family
127-131 Bernard St	0156/029	1909	Multiple-family
133-137 Bernard St	0156/028	1910	Multiple-family
139-141 Bernard St	0156/027	1970	Multiple-family
145-147 Bernard St	0156/014A	1924	Multiple-family
151 Bernard St	0156/015A	1902	Single-family
157 Bernard St	0156/026	1904	Single-family
165 Bernard St	0156/071	1925	Single-family

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169 Bernard St	0156/018	1907	Single-family
1272-1274 Pacific Ave	0156/019	1910	Multiple-family
1278 Pacific Avenue	0156/020	1922	Single-family
1620 Leavenworth	0156/023	1917	Apartment
1529-1537 Taylor	0157/004	1908	Apartment
14-18 Bernard St	0157/035	1905	Multiple-family
22-24 Bernard St	0157/036	1930	Multiple-family
26-28 Bernard St	0157/037	1912	Multiple-family
30-38 Bernard St	0157/038	1907	Multiple-family
42-44 Bernard St	0157/039	1904	Multiple-family
46 Bernard St	0157/040	1930	Single-family
52 Bernard St	0157/080	1988	Multiple-family
56 Bernard St	0157/042	1904	Single-family
66 Bernard St	0157/069-71	1987	Multiple-family
68 Bernard St	0157/043A	1965	Multiple-family
74-76 Bernard St	0157/078	1915	Multiple-family
80-82 Bernard St	0157/046	1907	Multiple-family
88-90 Bernard St	0157/047	1906	Multiple-family
1630 Jones St	0157/048	1929	Apartment
1635 Jones St	0156/003	1928	Apartment
120 Bernard St	0156/032	1913	Multiple-family
126-128 Bernard St	0156/032A	1932	Multiple-family
130 Bernard St	0156/033	1972	Multiple-family
138-140 Bernard St	0156/034	1916	Multiple-family
144-146 Bernard St	0156/035	1907	Multiple-family
150 Bernard St	0156/050A	1923	Single-family
162-164 Bernard St	0156/036	1939	Multiple-family
162-164 Bernard St	0156/037	1900	Multiple-family
168-170 Bernard St	0156/038	1906	Multiple-family
174-178 Bernard St	0156/038A	1908	Multiple-family

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180-182 Bernard St	0156/039	1907	Multiple-family	
1630-1634 Bernard St	0156/040	1914	Commercial/Multiple-family	

The chart below displays the number of buildings in the area constructed each year and the percentage of buildout represented.



A search of HRERs in the surrounding area found the following results:

5 Cyrus Place 0155/052 – October 20, 2008 – Property is an historic resource, a
potential historic district with a period of significance 1900-1929 of pre and post-quake
residential buildings. Although no boundaries for that district are given, there is little
visual continuity between Cyrus Place and Bernard Street, one and a half blocks away.

Findings:

This area is a mix of early and late 20th century with very few mid-century buildings. Some of the 1900-1906 era buildings do not retain integrity. Bernard Street does not contain any buildings included in the 1976 survey or the publication *Here Today*. A potential historic district of reconstruction era residential buildings is located to the west and the Lower Nob Hill Apartment Hotel District and Uptown Tenderloin Historic District are located to the south. The building types found on Bernard Street are not consistent with the significant buildings types included in those districts. Additionally, it is unclear how much of this street was destroyed by

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the 1906 Earthquake and Fire, as some of the buildings located within Bernard Street have a pre-earthquake construction date but do not appear to be that old. The area contains unremarkable buildings and does not represent a cohesive group of architecturally or historically similar buildings.

VII. INTEGRITY

In addition to being determined eligible under at least one of the four California Register criteria, a property deemed to be significant must also retain sufficient historical integrity. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, evaluating adverse change. For the purposes of the California Register, integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance" (California Code of Regulations Title 14, Chapter 11.5). A property is examined for seven variables or aspects that together comprise integrity. These aspects, which are based closely on the National Register, are location, design, setting, materials, workmanship, feeling and association. *National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation* defines these seven characteristics:

- Location is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- Setting addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- Materials refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history.
- *Feeling* is the property's expression of the aesthetic or historic sense of a particular period of time.
- Association is the direct link between an important historic event or person and a historic property.

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Since this building is not eligible for listing in the California Register, no period of significance is established. For informational purposes, several obvious alterations to the original design have been noted in Section V.C. (page 8) above.

VIII. CONCLUSION

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51 Bernard St is not eligible for individual listing in the California Register and is not located in a potential historic district.

SEPTEMBER, 2013

IX. BIBLIOGRAPHY

Published

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Public Records

San Francisco Office of the Assessor-Recorder. Deeds, maps, and Sales Ledgers.

San Francisco Bureau of Building Inspection, Records Management.

Sanborn Maps, San Francisco California, 1900, 1905, 1914, 1950

United States Census Records, 1930, 1940

X. APPENDIX

South side of Bernard Street between Taylor and Jones streets



SEPTEMBER, 2013



(SUBJECT PROPERTY NOTED WITH ARROW)





SEPTEMBER, 2013

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North side of Bernard Street between Taylor and Jones streets





SEPTEMBER, 2013



South side of Bernard Street between Jones and Leavenworth streets

SEPTEMBER, 2013



SEPTEMBER, 2013



SEPTEMBER, 2013

North side of Bernard Street between Jones and Leavenworth streets





SEPTEMBER, 2013



SEPTEMBER, 2013

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April 1908 "Burned Area" map of San Francisco





Permits for 51 Bernard Street



SEPTEMBER, 2013

SAN FRANCISCO, CALIFORNIA

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(Note-the owner's name must be algared by hieraelf or by his Architect or authorized agent.)	Huller 2000 Ellis st.	

SEPTEMBER, 2013



SEPTEMBER, 2013

TIM KELLEY CONSULTING

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「一日の日日日の日間の日本の OFFICIAL COP SAMERANCISCO Application is hereby made to the Department of Public Works of San Francisco Billor, FORM ADDITIONS, ALTERATIONS OR REPAIRS 9/24/7/ 19 Mapplication is hereby made to the Department of Public Works of San Francisco for permission to operation and specifications submitted herewith and according to the description and for the parpose hereinatter set forth: (1) Location S/ Bernard Street Set of San Francisco for permission to operations of Street Set of San Francisco for permission to operations and performance of Street Set of San Francisco for permission to operations and performance of Street Set of San Francisco for permission to operations and performance of Street Set of San Francisco for permission to operation and performance of Street Set of San Francisco for permission to operation of Street Set of San Francisco for permission to operation of Street Set of San Francisco for permission to operation of Street Set of San Francisco for Set of San Franc CENTRAL PERMIT BUREAU F455 TKENTOF CITY AND COUNTY OF SAN SALAS G IN DEALEMENT OF PUBLIC WORKS Application is already and specifications submitted herewith and according to the description of the parameter of the description of the description of the parameter of the description of the parameter of the description of the parameter of the description のないないないないで、 家死 Repair motor vehicle damage to entrance porch any. If there INTIL designation if a RE STARTED and leaves of Anna I (21) Supervision of construction by Address
 (22) General Contractor Hatt Construction, Int. California License No. 256423
 Address 4455 Hangathi & St - S.C. Address A ST IL LENDER ABGN3 WORK TRUCTION 2 (24) Architect or Engineer (for construction) California Certificate No.... ABARTS Address
(26) 1 hereby certify and agree that if a permit is issued for the construction described in this appli-cation, all the provisions of the permit and all laws and ordinances applicable thereto will be complied with. 1 further agree to save San Francisce and its officials and employees harmless from all costs and damages which may secret from use or occupancy of the sidewalk street or subsidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be helding upon the owner of said property, the applicant, their heirs, successors and assignees. (26) Owner. Suck Life. (Phone 285 1587) For contast by Burger 200 Address (Phone \$85 1587 For contact by Bure Address Same Address Br. Dept. CHart Address Constrained Anal. Lower's Anthenia Archard. Engineer or Control Constraine Certained on Completion of Work of Altreation Involving An Enlarge-Ment of the Building or A chance of Occupancy Pursuant to Sec. 808 AND 805 SAN FRANCISCO Building CODE, BEFORE Building Is Occupied. Pursuant to Sec. 304, San Francisco Building Code, the building permit shall be posted on job. Owner is responsible for approved plans and application being kept at building site.

SEPTEMBER, 2013

	55 OF JOB	ST	0157 /0	29 9615644		
	OWNER NAME			(415)665-4389	1000	
MR CHEUNG	ME DATE 1 8/22/96 IS	SUED	08/22/96	испыт NO Скрине БАТЕ 801789 12/22/9	6	
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8 R-3	CONTACT NAME		1-1-2	(415)661-4460		
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825-13			DEPART CITY AND	TMENT OF PUBLIC WORKS COUNTY OF SAN FRANCISCO		

SEPTEMBER, 2013

OFFICIAL COPY DATE BUILDING INSPECTORS JOB RECORD 11 11 11 $\frac{1}{1}$ 11 11 11 11 find -3196 11 WORK CONSCETED FINAL CUMPICATE POSTED APP NO 9815844

SEPTEMBER, 2013

TIM KELLEY CONSULTING

-35-

14. June 10/17/13 Could you please old thin Adress A con file: 2013.14520 X.J. provice



SAN FRANCISCO PLANNING DEPARTMENT

Date: 10/10/13 To: Randall Dean From: Monica Pereira, CatEx Coordinator Re: Archeological Resource Evaluation Request 51 Bernard St 0157/029 Case No.2013.1452E

<u>Not Sure</u> Excavation exceeds 8" feet.

No Archeological sensitive location - per GIS database.

Thank you for your assistance. Please call if you have any questions.

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

MEMO

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377**

Pereira, Monica

From: Sent: To: Subject: Attachments: Al Burrell <al.burrell@dahlingroup.com> Wednesday, October 16, 2013 4:29 PM Pereira, Monica 515 Folsom Street Renovation 1937aerial.pdf

Monica,

Per our discussion last week regarding the Historic Resource Determination and Environmental Evaluation submittal package for **515 Folsom Street**, our clients recently acquired the attached photo which should clarify the original footprint perimeter.

Jo13.1454E for that hes

As we discussed, the proposal is to restore the northwest corner, believed to have been modified in the 1950's to accommodate a street/highway change, to its original rectangular shape. The design submittal shows this 400 square foot change in plan and elevation.

Two photos are included:

- The one below shows the historic photograph, an aerial view of Folsom Street and the surrounding area at that time.
- The second (attachment photo) is the same aerial photo, highlighted to indicate the location of the building at 515 Folsom and further highlighted in yellow to show the area of the corner that was removed and is proposed to be replaced.

This is the best photo we seen to date to verify the original footprint of the building. Please contact us with any questions, and with any info available to the status of the process.

Thank you.

AL BURRELL AIA Principal

DAHLIN GROUP ARCHITECTURE | PLANNING 5865 Owens Drive Pleasanton, California 94588 USA +1-925-251-7200 www.dahlingroup.com

http://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~217219~5504219;jsessionid=772AB 3AF55DAD8C7EB9A023403A96E1F?trs=166&qvq=q%3A5852.000%3Bsort%3APub_List_No_InitialSort %2CPub_Date%2CPub_List_No%2CSeries_No%3Blc%3ARUMSEY~8~1&mi=0

Here is a photo from 1937 or 1938 of the building with a flat front.









SAN FRANCISCO PLANNING DEPARTMENT

Environmental Evaluation Application

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally nonrefundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Fordham or Ms. Poling. For all other projects, please send the application materials to the attention of Ms. Pereira.

Monica Pereira 1650 Mission Street, Suite 400 San Francisco, CA 94103 (415) 575-9107, monica.pereira@sfgov.org Chelsea Fordham or Jeanie Poling 1650 Mission Street, Suite 400 San Francisco, CA 94103 (415) 575-9071, chelsea.fordham @sfgov.org (415) 575-9072, jeanie.poling@sfgov.org

PART 1 – EE Application Checklist	Provided	Not Applicable
Two copies of this application with all blanks filled in	⊠	
Two sets of project drawings in 11x17 format (see "Additional Information" on page 4)	⊠	
Photos of the project site and its immediate vicinity, with viewpoints labeled		
Fee		
Supplemental Information for Historical Resource Evaluation form and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	⊠	
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b		⊠
Tree Disclosure Statement, as indicated in Part 3 Question 4	⊠	
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8		⊠
Additional studies (list)		⊠

Applicant's Affidavit. I certify the accuracy of the following declarations:

a. The undersigned is the owner or authorized agent of the owner(s) of this property.

b. The information presented is true and correct to the best of my knowledge.

c. I understand that other applications and information may be required.

Signed (owner or agent):

Date: Address Block/Lot: 🕥

(For Staff Use Only) Case No. 2013. 1452E

v.2.4.2013

PART 2 – PROJEC	T INFC	RMATION				
Owner/Agent Inf	ormat	ion	<u> </u>			
Property Owner	End	a Keane		Telephone No.	415-828	-4981
Address	24	58 Rolk#	12	Fax. No.		
	5.	F. CA 9	14109	Email	endapk	eane@gmail.com
Project Contact	Jona	than Pearlman		Telephone No.	415-537	-1125
Company	Elev	ation Architects		Fax No.	415-821	-1121
Address	1099	23 rd Street, Suite	18	Email	jonatha	n@elevationarchitects.com
	San	Francisco, CA 94	107	-		
Site Information			<u> </u>	<u></u>		· · · · · · · · · · · · · · · · · · ·
Site Address(es):		51 Bernard Stre	et			
Nearest Cross Stre	eet(s)	between Jones	and Taylor Stre	ets		
Block(s)/Lot(s)		0157/029		Zoning Dist	rict(s)	RH-3
Site Square Footag	ge	1,380 sf	<u> </u>	Height/Bul	k District	65-A
Present or previou	Present or previous site useSingle family residence					
Community Plan any)	Area (if				
Project Description	on - pl	ease check all tha	t apply			
Addition	*	Change of use		 change	×	New construction
☐ Alteration		Demolition	L V	/subdivision or le	_	
□ Other (descril	_			Estimated C	-	
Describe proposed	d use	single family	residential	- 1979		<u></u>
Narrative project				scribe the purpose	e of the pro	oject.
The project is to d over basement sin			v over basemen	it single family res	sidence an	d replace with new, 4-story
over basement sin	igie iai	inity residence.				

PA	RT 3 – Additional Project Information	Yes	No
1.	Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district?		⊠
	If yes, submit a Supplemental Information for Historical Resource Evaluation form.		
2.	Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district?	⊠	
	If yes, a Historic Resource Evaluation Report (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.		
3a.	Would the project result in excavation or soil disturbance/modification greater than 8 feet below grade?		Ø
	If yes, how many feet below grade would be excavated?		
	What type of foundation would be used (if known)?		
ЗЬ.	Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more?		
	If yes to either Question 3a or 3b, please submit a Geotechnical Report.*		
4.	Would the project involve expansion of an existing building envelope, or new construction, or grading, or new curb cuts, or demolition?	Ø	
	If yes, please submit a Tree Disclosure Statement.		
5.	Would the project result in ground disturbance of 5,000 gross square feet or more?		⊠
6.	Would the project result in any construction over 40 feet in height?		⊠
	If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center, 1660 Mission Street, First Floor.		
7.	Would the project result in a construction of a structure 80 feet or higher?		⊠
	If yes, an initial review by a wind expert, including a recommendation as to whether a wind analysis* is needed, may be required, as determined by Department staff.		
8.	Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?		
	If yes, please submit a Phase I Environmental Site Assessment (ESA).* A Phase II ESA (for example, soil testing) may be required, as determined by Department staff.		
9.	Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps?		⊠
	If yes, please describe.		
10.	Is the project related to a larger project, series of projects, or program?		⊠
	If yes, please describe.		
11.	Is the project in Eastern Neighborhoods or Market & Octavia Community Plan Area?		
	If yes, and the project would be over 55 feet tall or 10 feet taller than an adjacent building built before 1963, please submit an elevation or renderings showing the project with the adjacent buildings.		

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

1 ...

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	924 sf	0	3,297 sf	3,297 sf
Retail	-	_	-	-
Office	-	-	-	-
Industrial	-	-	-	-
Parking	0	0	542 sf	542 sf
Other (specify use)	_	-	-	-
Total GSF	924 sf	0	3,839 sf	3,839 sf
Dwelling units	1	0	1	1
Hotel rooms	-	-	-	-
Parking spaces	0	0	2	2
Loading spaces	-	_	-	-
Number of buildings	1	0	1	1
Height of building(s)	17'-0"	0	40'-0''	40'-0"
Number of stories	1 over basement	0	4 over basement	4 over basement

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

•••


50 VARA BLK. 213



GARMENT SHOP SPECIAL USE DISTRICT See Section 236

NCRS

NEIGHBORHOOD COMMERCIAL REZONING STUDY Immem Canada 1986 595512 Datas Tricks States Permanent 966 196724 (no. 6387, Data 4126) Fine 1946 AVETZM Ord 244-57, Data 1212157

		Scale of	Feet				
TTTT		[1111111111		ASSESSED	99,000
0	50	100	150	200	250	BLK.TOTAL	99,000 SQ.FT.

157



KEANE RESIDENCE

51 BERNARD ST. SAN FRANCISCO, CA 94133

VICINITY MAP GENERAL NOTES WALL TYPES GLOSSAR 1. THESE DRAWINGS CONSTITUTE A PORTION OF THE CONTRACT DOCUMENTS AS DEFINED IN AIA DOCUMENT A201, THE GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION REFER TO PROJECT MANUAL. EXISTING NEW ABV. A.D. ADJ ACT AFF ALUM ABOVE AREA DRAIN ADJACENT ACOUSTIC CEILING TILE ABOVE FINISH FLOOR ALUMINUM MAX. MED MECH MIN. MTL MV MAXIMUM MEDICINE CABINET MECHANICAL -0.10100.000 NON-RATED WALL Same inselit a MINIMUM METAL MICROWAVE TITT 1 HOUR RATED WALL 777777 2. IN BEGINNING WORK, CONTRACTOR ACKNOWLEDGES THOROUGH FAMILUARITY WITH THE BUILDING SITE CONDITIONS, WITH THE DERAWINGS AND SPECIFICATIONS, WITH THE DELIVERY FACILITIES AND ALL OTHER MATTERS AND CONDITIONS WHICH MAY AFFECT THE OPERATIONS AND COMPLETION OF THE WORK AND ASSUMES ALL RISK, CONTRACTOR TO VERIEY SURVEY DIMENSIONS BEFORE COMMENCING WORK, CONTRACTOR SHALL REPORT, AT ONCE TO THE ARCHITECT ANY ERROR, INCONSISTENCY OR OMISSION THAT MAY BE DISCOVERED AND CORRECT AS DIRECTED, IN WRITING, BY THE ARCHITECT. A CONTRACTOR BLKG BLDG BD BLOCKING (N) N.I.C. NTS XX BUILDING NOT IN CONTRACT NOT TO SCALE ELEVATION KEY A3.1 - 12 CENTERLINE CLEAR CONCRETE CONTINUOUS CARPET CERAMIC TILE 0.C. 0/ 0D 0.H. tar air tar las taigai t ON CENTER CLR CONC CONT CPT CT 13-14-14-XX OVER OVERFLOW DRAIN OPPOSITE HAND DETAIL KEY A8.1 Party and Burder 1 da 3. BY ACCEPTING AND USING THESE DRAWINGS, CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE SAFETY CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ARCHITECT HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALL ERED, IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON PLAM PLY. PTD PLASTIC LAMINATE XX PLYWOOD DIAMETER DIMENSION DIMENSIONS DOWN DRAWING SECTION KEY DIA DIM. DIMS. DN DWG The second A3.2 RAD REF REQ. RB RM RO RDWD RADICAL Tail roles at man we XX ----WALL TYPE KEY REQUIRED RUBBER BASE ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT, EXCEPTING LIABLITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER, THE ARCHITECT OR ANY UNAUTHORIZED PERSON ON THE SITE WITHOUT PERMISSION OF THE CONTRACTOR. (E), EX. EA. EJ ELEC EL., ELEV. EMB. EQ EXT EXISTING $\langle \! \infty \! \rangle$ ROUGH OPENING REDWOOD DOOR NUMBER KEY EACH EXPANSION JOINT ELECTRIC ELEVATION EMBEDDED PERMITS SITE PERMIT ADDENDA FOR ARCHITECTURAL AND STRUCTURAL MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE SPRINKLER APPLICATION FOR PERMITS TO BE FILED SEPARATELY. WINDOW TYPE KEY SC SHTG SHT SIM SQ S.S.D. SOLID CORE 4 ARCHITECT AND OWNER WILL NOT BE RESPONSIBLE FOR ANY CHANGES IN PLANS, DETAILS OR SPECIFICATIONS UNLESS APPROVED IN WRITING IN ADVANCE OF CONSTRUCTION. EQUAL EXTERIOR SHEET X **REVISION CLOUD & KEY** 5. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE MADE COMPLETELY RESPONSIBLE FOR ALL APPLICABLE CODES SQUARE SEE STRUCTURAL DWGS FIRE ALARM FLOOR DRAIN FINISH FLOOR FLOOR FA FD FF BUILDING: 2010 CBC MECHANICAL: 2010 CMC PLUMBING: 2010 CPC ELECTRICAL: 2010 CEC FIRE: 2007 CFC STL ST. STL STOR STRL STV STEEL STAINLESS STEEL STORAGE DIMENSIONS AND CONDITIONS SHOWN AND A WRITTEN CHANGE ORDER REQUEST SHALL BE ISSUED BEFORE MAKING ANY CHANGES AT THE JOB SITE. FLR F.O.S. F.O.M. FACE OF STUD STRUCTURAL SHEET VINYL 6. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ANY AND ALL EXISTING UNDERGROUND UTILITIES. ALL DAMAGE TO SUCH SHALL BE REPAIRED AT CONTRACTOR EXPENSE. ENERGY: 2010 CEC (TITLE 24, PART 6) WITH SAN FRANCISCO BUILDING CODE AMENDMENTS GA GALV GAUGE GALVANIZED TONGUE AND GROOVE TEG T.C. TOP OF CUR GL GND GSM GYP. BD GWB GLASS GROUND GALVANIZED SHEET METAL TELEPHONE TOP OF STEEL TOP OF WALL TEL T.O.S. T.O.W. TYP. SCOPE OF WORK 7. CONTRACTOR TO PROVIDE BRACING AND SUPPORT AS REQUIRED TO MAINTAIN THE INTEGRITY AND SAFETY OF THE EXISTING STRUCTURE AND ADJACENT STRUCTURE(S) AS NECESSARY. DEMOLITION OF EXISTING STRUCTURE CONSTRUCT A 4-STORY OVER A BASEMENT, SINGLE-FAMILY HOME (3,297 SF + 542 SF GARAGE & PIT) GYPSUM BOARD TYPICAL GYPSUM WALLBOARD U.O.N. UNLESS OTHERWISE NOTED 8. ALL DIMENSIONS ARE TO FACE OF STUD, FACE OF CMU OR CENTERLINE OF STEEL, UNLESS OTHERWISE NOTED. HB HC HM H.P. HT HOSE BIB VCT VERT. V.I.F. VINYL COMPOSITION TILE VERTICAL VERIFY IN FIELD PLANNING DEPARTMENT NOTES HANDICAPPED HOLLOW META HOUSE PANEL HEIGHT 9. ALL EXISTING WALLS, FLOORS AND CEILING AT REMOVED, NEW OR MODIFIED CONSTRUCTION SHALL BE PATCHED AS REQUIRED TO MAKE SURFACES WHOLE, SOUND AND TO MATCH EXISTING ADJACENT CONSTRUCTION, EXCEPT AS OTHERWISE NOTED. LOCATION: BLOCK/LOT: 51 BERNARD STREET 029 0157/0 RH-3 WD W/D W/ WC WH WP WOOD ZONING: RH-3 BUILDING USE: SINGLE-FAMILY RESIDENTIAL SETBACKS: FRONT: AVERAGE SIDE: NONE REQUIRED REAR: 45% OF LOT OF LOT NOT < 15:0° HEIGHT & BUILK: 65-A BUILDING HEIGHT: 40:0° (AVG. AT STREET) PARKING: 1-CAR GARAGE WITH LIFT INS. INSUL. INT INSULATION INSULATION INTERIOR WASHER AND DRYER 10. ALL WORK SHALL BE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL BUILDING CODES AND SAFETY ORDINANCES IN EFFECT AT THE PLACE OF BUILDING. WATER CLOSET WATER HEATER WATERPROOF JAN JANITOR CLOSET KIT KITCHEN

LAV

LAVATORY

100 2

BUILDING DEPARTMENT NOTES

OCCUPANCY CLASS: OCCUPANCY SEPARATION: R-3 1-HR BETWEEN GARAGE AND LIVING SPACE V-8 4 STORIES OVER A BASEMENT CONSTRUCTION TYPE : NUMBER OF FLOORS: SPRINKLER SYSTEM: YES

SQUARE FOOTAGE CALCULATIONS

PROPOSED:

700 SF + GARAGE PIT: 229 SF 700 SF + GARAGE: 313 785 SF 804 SF 408 SF BASEMENT: 1ST FLOOR: 2ND FLOOR: 3RD FLOOR 4TH FLOOR TOTAL: 3 297 SF

11. ALL DRAWINGS, SPECIFICATIONS AND COPIES THEREOF FURNISHED BY THE ARCHITECT ARE COPYRIGHTED DOCUMENTS THESE DOCUMENTS ARE THE INSTRUMENTS OF SERVICE AND AS

THESE DOCUMENTS ARE THE INSTRUMENTS OF SERVICE AND AS SUCH, SHALL REMAIN THE PROPERTY OF ELEVATION ARCHITECTS AND THE PROPERTY OWNER WHETHER THE PROJECT FOR WHICH THEY ARE INTENDED IS EXECUTED OR NOT. THESE DOCUMENTS SHALL NOT BE USED BY ANYONE OTHER THAN THE PROJECT OR FOR COMPLICION OTHER PROJECTS, ADDITIONS TO THES PROJECT ON FOR COMPLICION OF THIS PROJECTS OTHER WHICH APPROPRIATE COMPENSATION.

SUBMISSION OR DISTRIBUTION TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF THE ARCHITECT'S COMMON LAW COPYRIGHT OR OTHER RESERVED RIGHTS.

12. THE CONTRACTOR SHALL TAKE APPROPRIATE STEPS THROUGHOUT THE EXECUTION OF THE PROJECT TO PREVENT ARBORNE DUST DUE TO THE WORK. MAINTAIN WORK AREAS CLEAN AND FREE FROM UNDUE ENCUMBRANCES AND REMOVE SURPLUS MATERIALS AND WASTE AS THE WORK PROGRESSES.

13. IT IS THE INTENT OF THESE DOCUMENTS TO FULLY COMPLY WITH 13. IT IS THE INTENT OF THESE DOCUMENTS TO FULLY COMPLY WITH THE AMERICANS WITH DISABILITIES ACT UADA AND TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS. WHERE A REQUIREMENT IS IN CONFLICT. THE WORE STRUMENT REQUIREMENT SHALL GOVERN. WHERE DIMENSIONS, SLOPE GRADIENTS AND OTHER CRITICAL CRITERIA ARE NOTED, THEY ARE TO BE ADHERED TO SHACTLY. UNLESS NOTED AS APPROXIMATE. CONTRACTOR'S FALLURE TO COMPLY WITH ANY PROVISION DESCRIBED IN THE ORWINGS AND COMPLY WITH ANY PROVISION DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS RELATED TO THESE ACCESSIBILITY LAWS AND CODES WILL REQUIRE CORRECTION, AT CONTRACTOR'S EXPENSE. WHERE MAXIMUM DIMENSIONS AND SLOPE GRADIENTS ARE NOTED, NO EXCEPTION WILL BE MADE FOR EXCEEDING THESE REQUIREMENTS.



PROJECT TEAM

Building Owner Enda Keene 51 Bernard Street San Francisco, CA 94117 Contact: Enda Keane 415.828.4981 endapkeane@gmail.con

Architect:

Elevation Architects 1099-23rd Street, Suite 18 San Francisco, CA 94107 Contact: Jonathan Pearlman 415.537.1125 ionathan@elevationarchitects.com



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ENCE Single-Family Home KEANE RESIDE 51 Bernard Street San Francisco, CA # date issue EE SUBMITTAL 10.03.13 Cover Sheet/ Site Plans 13.08 project: drawn by KC checked by: 10.02.13 date: scale: A-0.1









BERNARD STREET ELEVATION - Scale: 1/4" = 1'-0"

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1099 - 23rd Street Suite 18 San Francisco, CA 94107

415.537.1125 :v 415.821.1121 :f evationarchitects.com :w





date issue EE SUBMITTAL 10.03.13

North Elevation

project:	13.08
drawn by:	КС
checked by:	
date:	10.02.13
scale:	

A-3.1



2 EAST ELEVATION - Scale: 1/4" = 1'-0"



-*

ELEVATIONarchitects 1099 - 23rd Street Suite 18 San Francisco, CA 94107

415.537.1125 v 415.821.1121 f www.eleva5onarchitects.com w



Single-Family Home KEANE RESIDENCE 51 Bernard Street San Francisco, CA

date issue

EE SUBMITTAL 10.03.13

East Elevation

project:	13.08
drawn by:	КС
checked by:	
date:	10.02.13
scale;	

1000

A-3.2









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1099 - 23rd Street Suite 18 San Francisco, CA 94107

415.537.1125 v 415.821.1121 f www.elevationarchitects.com .w





date issue

EE SUBMITTAL 10.03.13

Exterior Elevation

13.08
КС
10.02.13

16000

A-3.4



2 EAST - WEST SECTION - Scale: 1/4" = 1'-0"

**

2 NORTH - SOUTH SECTION - Scale: 1/4" = 1'-0"



KEANE RESIDENCE

51 BERNARD ST. SAN FRANCISCO, CA 94133

WALL TYPES

NEW EXISTING NON-RATED WALL County Incounty ____ 777777 71111 1 HOUR RATED WALL XX A3.1 ELEVATION KEY XX DETAIL KEY A8.1 XX SECTION KEY A3.2 XX ----WALL TYPE KEY $\langle \! x \! x \! \rangle$ DOOR NUMBER KEY $\langle \infty \rangle$ WINDOW TYPE KEY X **REVISION CLOUD & KEY**

GLOSSAR ABV. A.D. ADJ ACT AFF ALUM MAX, MED MECH MIN, MTL MV ABOVE MAXIMUM MEDICINE CABINET MECHANICAL AREA DRAIN ADJACENT ACOUSTIC CEILING TILE MINIMUM ABOVE FINISH FLOOP MICROWAVE ALUMINUM BLOCKING BUILDING BOARD BLKG BLDG BD (N) N.I.C. NTS NOT IN CONTRACT 0.C. 0/ 0D 0.H. ON CENTER CLR CONC CONT CPT CT CENTERLINE CLEAR CONCRETE CONTINUOUS CARPET CERAMIC TILE OVERFLOW DRAIN OPPOSITE HAND PLASTIC LAMINATE PLYWOOD PAINTED PLAM PLY. PTD DIA DIM, DIMS, DN DWG DIAMETER DIMENSION DIMENSIONS DOWN DRAWING RAD REF REQ. RB RM RO RDWD RADICAL REQUIRED RUBBER BASE EXISTING EACH EXPANSION JOINT ELECTRIC ELEVATION EMBEDDED EQUAL EXTERIOR (E), EX. EA. EJ ELEC EL., ELEV. EMB. EQ EXT ROUGH OPENING REDWOOD SC SHTG SIM SQ S.S.D. STL STCR STRL STV SOLID CORE SHEETING SHEET SIMILAR SQUARE SEE STRUCTURAL DWGS FA FD FF FLR F.O.S. F.O.M. FIRE ALARM FINE ALARM FLOOR DRAIN FINISH FLOOR FLOOR FACE OF STUD FACE OF MASO STEEL STAINLESS STEEL STORAGE STRUCTURAL SHEET VINYL GA GAUGE GALVANIZED TAG T.C. TONGUE AND GROOVE TOP OF CURB GLASS GROUND GALVANIZED SHEET METAL GYPSUM BOARD GYPSUM WALLBOARD GL GND GSM GYP. GWB TEL T.O.S. T.O.W. TYP. TELEPHONE TOP OF STEEL TOP OF WALL TYPICAL U.O.N. UNLESS OTHERWISE NOTED HB HC HM H.P. HT HOSE BIB VCT VERT. V.I.F. DICAPPED VINYL COMPOSITION TILE HOLLOW METAL HOUSE PANEL VERTICAL VERIFY IN FIELD WD W/D W/ WC WH WP WOOD WASHER AND DRYER INSULATION INSULATION INTERIOR INS. INSUL WATER CLOSET WATER HEATER JAN JANITOR CLOSET WATERPROO KIT KITCHEN LAV LAVATORY



PERMITS

SITE PERMIT
 ADDENDA FOR ARCHITECTURAL AND STRUCTURAL
 MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE SPRINKLER
 APPLICATION FOR PERMITS TO BE FILED SEPARATELY.

APPLICABLE CODES

BUILDING: 2010 OBC MECHANICAL: 2010 CMC PLUMBING: 2010 CPC ELECTRCAL: 2010 CEC FIRE: 2007 CFC ENERGY: 2010 CEC (TITLE 24, PART 6) WITH SAN FRANCISCO BUILDING CODE AMENDMENTS

SCOPE OF WORK

DEMOLITION OF EXISTING STRUCTURE
 CONSTRUCT A 4-STORY OVER A BASEMENT,
 SINGLE-FAMILY HOME (3,297 SF + 542 SF GARAGE & PIT)

PLANNING DEPARTMENT NOTES

LOCATION: 51 BERNARD STREET BLOCKLOT: 0157029 ZONING: RH-3 BUILDING USE: SINGLE-FAMILY RESIDENTIAL SETBACKS: FRONT: VOERAGE SIDE: NONE REQUIRED REAR: 45% OF LOT OF LOT NOT < 15°0° HEIGHT & BUILX: 65-A BUILDING HEIGHT: 40°0° (AVG. AT STREET) PARKING: 1-CAR GARAGE WITH LIFT

BUILDING DEPARTMENT NOTES

OCCUPANCY CLASS: R3 OCCUPANCY SEPARATION: 1-I-IR BETWEEN GARAGE AND LIVING SPACE CONSTRUCTION TYPE: V-8 NUMBER OF FLOORS: 4 STORIES OVER A BASEMENT SPRINKLER SYSTEM: YES

SQUARE FOOTAGE CALCULATIONS

 PROPOSED:

 BASEMENT:
 700 SF + GARAGE PIT: 229 SF

 1ST FLOOR:
 700 SF + GARAGE: 313

 2ND FLOOR:
 785 SF

 3RD FLOOR:
 804 SF

 4TH FLOOR:
 408 SF

 TOTAL:
 3.297 SF

GENERAL NOTES

1. THESE DRAWINGS CONSTITUTE A PORTION OF THE CONTRACT DOCUMENTS AS DEFINED IN AIA DOCUMENT A201, THE GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, REFER TO PROJECT MANUAL.

2. IN BEGINNING WORK, CONTRACTOR ACKNOWLEDGES THOROUGH FAMILIARITY WITH THE BUILDING SITE CONDITIONS, WITH THE DRAWINGS AND SPECIFICATIONS, WITH THE DELIVERY FACILITIES AND ALL OTHER MATTERS AND CONDITIONS WHICH MAY AFFECT THE OPERATIONS AND COMPLETION OF THE WORK AND ASSUMES ALL RISK. CONTRACTOR TO VERIFY SURVEY DIMENSIONS BEFORE COMMENCING WORK, CONTRACTOR SHALL REPORT, AT ONCE, TO THE ARCHITECT ANY ERROR, INCONSISTENCY OR OMISSION THAT MAY BE DISCOVERED AND CORRECT AS DIRECTED, IN WRITING, BY THE ARCHITECT.

ARCHITCHT AND USING THESE DRAWINGS, CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE SARETY CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SARETY OF ALL PERSONS AND PROPERTY THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOURS AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOURS AND THAT THE ARCHITECT HARMLESS FROM ANY AND ALL LIABILITY, REAL, OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE HEGLIGENCE OF THE OWNER, THE ARCHITECT OR ANY UNAUTHORIZED PERSON ON THE SITE WITHOUT PERMISSION OF THE CONTRACTOR.

4. ARCHITECT AND OWNER WILL NOT BE RESPONSIBLE FOR ANY CHANGES IN PLANS, DETAILS OR SPECIFICATIONS UNLESS APPROVED IN WRITING IN ADVANCE OF CONSTRUCTION.

5. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE MADE COMPLETELY RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS SHOWN AND A WRITTEN CHANGE ORDER REQUEST SHALL BE ISSUED BEFORE MAKING ANY CHANGES AT THE JOB SITE.

6. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ANY AND ALL EXISTING UNDERGROUND UTILITIES. ALL DAMAGE TO SUCH SHALL BE REPAIRED AT CONTRACTOR EXPENSE.

7. CONTRACTOR TO PROVIDE BRACING AND SUPPORT AS REQUIRED TO MAINTAIN THE INTEGRITY AND SAFETY OF THE EXISTING STRUCTURE AND ADJACENT STRUCTURE(S) AS NECESSARY.

8. ALL DIMENSIONS ARE TO FACE OF STUD, FACE OF CMU OR CENTERLINE OF STEEL, UNLESS OTHERWISE NOTED.

9. ALL EXISTING WALLS, FLOORS AND CEILING AT REMOVED, NEW OR MODIFIED CONSTRUCTION SHALL BE PATCHED AS REQUIRED TO MAKE SURRACES WHOLE, SOUND AND TO MATCH EXISTING ADJACENT CONSTRUCTION, EXCEPT AS OTHERWISE NOTED.

10. ALL WORK SHALL BE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL BUILDING CODES AND SAFETY ORDINANCES IN EFFECT AT THE PLACE OF BUILDING.

11 ALL DRAWINGS, SPECIFICATIONS AND COPIES THEREOF FURNISHED BY THE ARCHITECT ARE COPYRIGHTED DOCUMENTS. THESE DOCUMENTS ARE THE INSTRUMENTS OF SERVICE AND AS SUCH, SHALL REMAIN THE PROPERTY OF ELEVATION ARCHITECTS AND THE PROPERTY OWNER WHETHER THE PROJECT FOR WHICH THEY ARE INTENDED IS EXECUTED OR NOT. THESE DOCUMENTS SHALL NOT DE USED BY ANYONE OTHER THAN THE PROPERTY OWNER FOR OTHER PROJECTS, ADDITIONS TO THIS PROJECT OR FOR COMPLETION OF THIS PROJECT BY OTHER SEXCEPT AS AGREED IN WITTING BY ELEVATION ARCHITECTS AND WITH APPROPRIATE COMPLEXATION.

SUBMISSION OR DISTRIBUTION TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF THE ARCHITECT'S COMMON LAW COPYRIGHT OR OTHER RESERVED RIGHTS.

12. THE CONTRACTOR SHALL TAKE APPROPRIATE STEPS THROUGHOUT THE EXECUTION OF THE PROJECT TO PREVENT AIRBORNE DUST DUE TO THE WORK. MAINTAIN WORK AREAS CLEAN AND FREE FROM UNDUE ENCUMBRANCES AND REMOVE SURPLUS MATERILAS AND WASTE AS THE WORK PROGRESSES.

13. IT IS THE INTENT OF THESE DOCUMENTS TO FULLY COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AND TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS. WHERE A REQUIREMENT IS IN CONFLICT, THE MORE STRINGENT REQUIREMENT SHALL GOVERN. WHERE DIMENSIONS, SLOPE GRADIENTS AND OTHER CRITICAL CRITERIA ARE NOTED, THEY ARE TO BE ADHERED TO EXACTLY, UNLESS NOTED AS APPROXIMATE. CONTRACTORS FAILURE TO COMPLY WITH ANY PROVISION DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS RELATED TO THESE ACCESSIBILITY LAWS AND CODES WILL REQUIRE CORRECTION, AT CONTRACTORS EXPENSE. WHERE MAXIMUM DIMENSIONS AND SLOPE GRADIENTS ARE NOTED, NO EXCEPTION WILL BE MADE FOR EXCEEDING THESE REQUIREMENTS.



415.537.1125 v 415.821.1121 :f

Building Owner: Enda Keene 51 Bernard Street San Francisco, CA 94117 Contact: Enda Keane 415.828.4981 endapkeane@gmail.com

PROJECT TEAM

Architect:

Elevation Architects 1099-23rd Street, Suite 18 San Francisco, CA 94107 Contact: Jonathan Pearlman 415.537.1125 jonathan@elevationarchitects.com



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A-3.2	EAST ELEVATION
A-3.3	SOUTH ELEVATION
A-3.4	WEST ELEVATION
A-3.5	BUILDING SECTIONS

H date issue EE SUBMITTAL 10.03.13 Cover Sheet/ Site Plans project: 13.08 drawn by: kC checked by: date: 10.02.13 scale: A-O.1



24

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SIDEWALK TO BE REPLACED PER DPW REQUIREMENTS

PROPERTY LINE

45% REAR YARD SETBACK AVERAGE REAR YARD SETBACK

SEC. 135 BONUS





project:	13.08
drawn by:	кс
checked by:	
date:	10.02.13
scale;	and the state of the

A-1.10







BERNARD STREET ELEVATION - Scale: 1/4" = 1'-0"

 (\mathbf{r}, \mathbf{k})

+



project:	13.08
drawn by:	KC
checked by:	
date:	10.02.13
scale;	

A-3.1



2 EAST ELEVATION - Scale: 1/4" = 1'-0"

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*



Single-Family Home KEANE RESIDENCE 51 Bernard Street San Francisco, CA

date issue

EE SUBMITTAL 10.03.13

East Elevation

project:	13.08
drawn by:	КС
checked by:	
date:	10.02.13
scale:	

A-3.2



1 SOUTH ELEVATION - Scale: 1/4" = 1'-0"

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10.02.13

scale: A-3.4



2 EAST - WEST SECTION - Scale: 1/4" = 1'-0"

.

2 NORTH - SOUTH SECTION - Scale: 1/4" = 1'-0"



From:	BOS Legislation, (BOS)
To:	<u>Brian O"Neill; Taylor Huston; Lindsey Huston; tinahuston07</u>
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Hillis, Rich (CPC); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Taylor, Michelle (CPC); Sucre, Richard (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	PROJECT SPONSOR RESPONSE: Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date:	Friday, October 21, 2022 10:02:00 AM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Project Sponsor for the appeal of CEQA of Exemption from Environmental Review of the proposed project of 45 Bernard Street.

Project Sponsor Response - October 21, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022; on November 1, 2022, if a motion to continue is considered, Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our Legislative Research Center by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place. Room 244 San Francisco. CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click <u>here</u> to complete a Board of Supervisors Customer Service Satisfaction form

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or

hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy. 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). Utlimately, 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 <u>no factual evidence</u> 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 complain¹.

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**"

- 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 <u>Article 10</u>, 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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Appendix 1: Hanmin and Jennifer's Permit

C EGORICALLY EXEMPT FRO ATTOMO TASON 1 to the quality 4/4/02 DATE KOWED. THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED 3 10 HAVE BEEN APPROVED CATE: only EASON ADURTA C M HOT -7 NOT DATE MASON HOTFIEL HOUSING HEMICTION D 0

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

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

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City and County of San F	rancisco	Department of Public Works Bureau of Building Inspection
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ESC: HORIZONTAL ADDITION.	<	
ADDRESSEE	MAILING ADDRESS	ADJACENT PARCEL LOCATION
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Resident 1144 Pacific

NAME: <u>Inf Unang</u> DBA: <u>United States Chena Educational Institute</u> PLACE OF BUSINESS: <u>1144</u> PAUFIC BERG d: unknown
BTRC #: I, as owned or lessee or his authorized agent of the proposed job site address: HALL-YB AUL am exempt from the Business Tax Registration Certificate requirement because:
This is my residence.
Other: Please explain: ¹ NON profit busines ¹ and rendered
Date: 10-14-93 Signature: Auluty

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
 - o 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/Wildlowers 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

<u>94133</u>

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 Wildlflowers 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 crosscultural 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 nonprofit (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 <u>application of the guidelines to the structures and to open spaces of a predominately Chinese immigrant and Chinese American populations</u>."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 <u>Chinese</u> <u>courtyard experience</u>"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 f 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 <u>Chinese courtyard experience</u>, 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 <u>younger, less</u> <u>diverse</u>, and more affluent population of individual tenants who will likely be more transient"⁸, again, taking issue with the sponsors race, and age.

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

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<u>did</u> 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)
 - "In terms of the context of the neighborhood, the DR requestor is referring to the "cultural preservation" of this neighborhood. Yes, it's a codecomplaint 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 <u>a predominate Chinese community</u> 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 <u>culturally context it</u>. 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. Secondarily, 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
- 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.
 - All involved in ex-parte and conflicts of interest voted to modify the project <u>in the exact manner that was suggested days before the</u> <u>hearing (3rd be identical to the 2nd)</u>

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 (<u>https://sfplanning.org/resource/neighborhood-group-organizations</u>) Mr. Liu and Ms. Mei (Appellants) are <u>direct rear neighbors of our property</u> (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



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, 4unit 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 🕑 2020-005176PRJ -2020-005176DRP

Related Records:



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: 202201075581





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 C. 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

8 🔒

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

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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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: <u>lew.stella@gmail.com</u> 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.

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

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

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DISCRETIONARY REVIEW ACTION DRA-793

HEARING DATE: AUGUST 25, 2022

AMENDED DATE: OCTOBER 4, 2022

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

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

Preamble

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

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

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

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

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

Action

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

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

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



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

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

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

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

Jonas P. Ionin Commission Secretary

AYES: Ruiz, Imperial, Koppel, Moore

NOES: Diamond

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



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

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

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BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

PERMIT NUMBER:

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

PROJECT ADDRESS

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

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

ALL DESIGNS, DRAWINGS AND WRITTEN MATERIALS INDICATED HEREIN ARE THE WORK AND PROPERTY OF HUSTON GENERAL CONTRACTING, INC. THIS DOCUMENT MAY NOT BE DUPLICATED, REUSED OR DISCLOSED BY ANY METHOD WITHOUT THE WRITTEN CONSENT OF HUSTON GENERAL CONTRACTING, INC. ALL RIGHTS RESERVED.

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2021 HGCI BASEBORDER 36 x 24 dwg

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06.28.2022	3	PLAN SET UPDATE
DATE		04.27.2020
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EXISTING/ DEMO FLOOR PLANS - REFERENCE 1 OF 2

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EXISTING/ DEMO FLOOR PLANS - REFERENCE 2 OF 2

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APN # 0157030

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BASEMENT SEISMIC UPGRADE **GROUND FLOOR PLAN**

SHEET TITLE









APN # 0157030

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

PERMIT NUMBER:

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

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SECOND FLOOR PLAN THIRD FLOOR PLAN

SHEET TITLE

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112 SPAULDING STREET, SUITE / SAN ANSELMO, CA 9496 T: 415.597,6880 F: 925,558,481



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

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ROOF DECK FLOOR PLAN ROOF PLAN



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SUBJECT

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SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

(E) REAR/SOUTH VIEW SCALE: NTS



MODIFY (E) WOOD RAIL TO METAL AND CODE HEIGHT





BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

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2021 HGCI BASEBORDER 36 x 24 dwg



DPOSED ADDITION WALL/FLOOR/ROOF TO REMAIN WALL/FLOOR/ROOF BE REMOVED	BERNARD ST. 3-UNITS APARTMEN SEISMIC RETROFIT/ REMODEL APN # 0157030 PERMIT NUMBER: BB#368-912-764 2020-0822-2415 PROJECT ADDRESS 45, 47 & 49 BERNARD ST., SAN FRANCISCO, CA 94133
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112 SPAULDING STREET, SUITE SAN ANSELMO, CA 9496 T: 415.597.6880 F: 925.558.48

BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

DESIGN CONSTRUCT WORK LIVE

APN # 0157030

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10.08.2021	2 1	PLAN REVIEW RESPONSE #1
06.28.2022	3	PLAN SET UPDATE
07.15.2022	4 PLAN SET UPDATE :	
DATE		05.26.2022
SCALE		AS NOTED
PROJECT I D		00000
DRAWN BY		MDC
CHECKED B	(JH
		PROPOSED

SECTION

SHEET TITLE



SHEET NO.

From:	BOS Legislation, (BOS)
To:	<u>Brian O"Neill; Taylor Huston; Lindsey Huston; tinahuston07</u>
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Hillis, Rich (CPC); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Taylor, Michelle (CPC); Sucre, Richard (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	HEARING NOTICE - Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date:	Tuesday, October 18, 2022 8:51:00 AM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board has scheduled a remote hearing for Special Order before the Board of Supervisors on **November 1, 2022, at 3:00 p.m**., to hear an appeal regarding the CEQA Exemption for the proposed project of 45 Bernard Street.

Please find the following link to the hearing notice for the matter:

Public Hearing Notice - October 18, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022; on November 1, 2022, if a motion to continue is considered, Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 221037

Regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard in person or remotely.

Members of the public attending this hearing in-person may be required to wear masks and adhere to certain procedures, please visit <u>https://sfbos.org/in_person_meeting_guidelines</u> for the current guidelines.

Hearing Notice - CEQA Exemption Determination Appeal 45 Bernard Street Hearing Date: November 1, 2022 Page 2

> the project includes façade alterations, and the proposed addition would add approximately 996 square feet. (District 3) (Appellant: Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association) (Filed September 26, 2022)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (https://sfbos.org/legislative-research-center-Irc). Agenda information relating to this matter will be available for public review on Friday, October 28, 2022.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew (<u>lisa.lew@sfgov.org</u> ~ (415) 554-7718) Jocelyn Wong (<u>jocelyn.wong@sfgov.org</u> ~ (415) 554-7702) Brittney Harrell (brittney.harrell@sfgov.org ~ (415) 554-4447)

Please Note: The Department is open for business, but employees are working from home. Please allow 24 hours for us to return your call or email.

Angela Calvillo

Angela Calvillo Clerk of the Board of Supervisors City and County of San Francisco

jw:ll:bh:ams



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

PROOF OF MAILING

Legislative File No. 221037

Description of Items: Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 45 Bernard Street Project - 476 Notices Mailed

I, <u>Jocelyn Wong</u>, an employee of the City and . County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date:	October 18, 2022		
Time:	8:06 am		
USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244			
Mailbox/Mailslot Pick-U	p Times (if applicable): N/A		
Signature:	m		

Instructions: Upon completion, original must be filed in the above referenced file.

From:	BOS Legislation, (BOS)
To:	Liu, Bella (CPC); Yeung, Tony (CPC); BOS-Operations
Cc:	BOS Legislation, (BOS)
Subject:	APPEAL CHECK PICKUP: Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date:	Tuesday, October 4, 2022 1:37:59 PM
Attachments:	image001.png
	Appeal Check Pickup.doc

Hi Bella and Tony,

We have a check for the appeal of 45 Bernard Street, ready to be picked up at the Clerk's Office, Monday through Friday from 8:00 a.m. to 5:00 p.m. No fee waiver has been submitted for this appeal.

Ops,

Check #23858 by Zacks, Freedman & Patterson PC should be in your possession currently. Please have Planning sign and date the attached form and scan/return it to leg clerks when completed.

Thank you all.

Lisa Lew

San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Tuesday, October 4, 2022 1:21 PM

To: Brian O'Neill <brian@zfplaw.com>

Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Gibson, Lisa (CPC)

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on **November 1, 2022**, at 3:00 p.m. Please find linked below an appeal letter regarding the proposed 45 Bernard Street project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

<u>Appeal Letter - September 26, 2022</u> <u>Planning Department Memo - September 29, 2022</u> <u>Clerk of the Board Letter - October 4, 2022</u>

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022.

I invite you to review the entire matters on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

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City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

October 3, 2022

File Nos. 221037-221040 Planning Case No. 2020-005176PRJ

Received from the Board of Supervisors Clerk's Office one check, one in the amount of Six Hundred Ninety Eight Dollars (\$698) the filing fee paid by Zacks, Freedman & Patterson PC for the appeal of the Categorical Exemption Determination under CEQA for the proposed 45 Bernard Street project:

Planning Department By:

ung Print Name

Signature and Date

From:	BOS Legislation, (BOS)
To:	<u>"brian@zfplaw.com"</u>
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Hillis, Rich (CPC); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC): Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Taylor, Michelle (CPC); Sucre, Richard (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	Appeal of CEQA Determination of Exemption - Proposed 45 Bernard Street Project - Appeal Hearing November 1, 2022
Date:	Tuesday, October 4, 2022 1:21:00 PM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on **November 1, 2022**, at 3:00 p.m. Please find linked below an appeal letter regarding the proposed 45 Bernard Street project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

Appeal Letter - September 26, 2022 Planning Department Memo - September 29, 2022 Clerk of the Board Letter - October 4, 2022

Note: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022.

I invite you to review the entire matters on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 221037

Best regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

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the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



City Hall 1 Dr. Carlton B. Goodlett Place Room 244 San Francisco, CA 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

October 4, 2022

Brian O'Neill Zacks, Freedman & Patterson PC 601 Montgomery Street, Suite 400 San Francisco, CA 94111

Subject: File No. 221037 - Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - Proposed 45 Bernard Street Project

Dear Mr. O'Neill:

The Office of the Clerk of the Board is in receipt of a memorandum dated September 29, 2022, from the Planning Department regarding their determination on the timely filing for appeal of the Categorical Exemption Determination issued by the Planning Department under CEQA for the proposed 45 Bernard Street project.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, November 1, 2022, at 3:00 p.m.**, at the Board of Supervisors meeting.

(<u>Note</u>: The Board of Supervisors' President is anticipated to make a motion to continue this hearing to Tuesday, November 15, 2022.)

Please provide to the Clerk's Office by noon:

20 days prior to the hearing:	names and addresses of interested parties to be
<i>Wednesday, October 12, 2022</i>	notified of the hearing, in spreadsheet format; and
11 days prior to the hearing: <i>Friday, October. 21, 20</i> 22	any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests electronic files be sent to bos.legislation@sfgov.org.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brittney Harrell at (415) 554-4447.

Very truly yours,

Angela Calvillo Clerk of the Board

ll:bh:ams

c: Anne Pearson, Deputy City Attorney Kristen Jensen, Deputy City Attorney Rich Hillis, Planning Director, Planning Department Corey Teague, Zoning Administrator, Planning Department Tina Tam, Deputy Zoning Administrator, Planning Department Lisa Gibson, Environmental Review Officer, Planning Department Devyani Jain, Deputy Environmental Review Officer, Planning Department Joy Navarrete, Environmental Planning, Planning Department Don Lewis, Environmental Planning, Planning Department AnMarie Rodgers, Director of Citywide Planning, Planning Department Dan Sider, Director of Executive Programs, Planning Department Aaron Starr, Manager of Legislative Affairs, Planning Department Elizabeth Watty, Current Planning Division, Planning Department Jonas Ionin, Planning Commission Secretary, Planning Department Elizabeth Gordon Jonckheer, Staff Contact, Planning Department Julie Rosenberg, Executive Director, Board of Appeals Alec Longaway, Legal Process Clerk, Board of Appeals



CATEGORICAL EXEMPTION APPEAL TIMELINESS DETERMINATION

Date:	September 29, 2022
То:	Angela Calvillo, Clerk of the Board of Supervisors
From:	Lisa Gibson, Environmental Review Officer – (628) 652-7571

RE: Appeal Timeliness Determination – 45 Bernard Street Categorical Exemption; Planning Department Case No. 2020-005176PRJ

On September 26, 2022, Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association (Appellant), filed an appeal with the Office of the Clerk of the Board of Supervisors of the Categorical Exemption for the proposed project at 45 Bernard Street. As explained below, the appeal is timely.

Date of	30 Days after	Appeal Deadline	Date of	Timely?
Approval Action	Approval Action	(Must Be Day Clerk of Board's Office Is Open)	Appeal Filing	
Thursday, August 25, 2022	Saturday, September 24, 2022	Monday, September 26, 2022	Monday, September 26, 2022	Yes

Approval Action: On April 13, 2021, the Planning Department issued a Categorical Exemption for the proposed project. The Approval Action for the project was the Planning Commission approval of the Project, which occurred on August 25, 2022 (Date of the Approval Action).

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, September 24, 2022. The next day when the Office of the Clerk of the Board of Supervisors was open was Monday, September 26, 2022 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Monday, September 26, 2022, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

From:	BOS Legislation, (BOS)
То:	Hillis, Rich (CPC)
Cc:	PEARSON, ANNE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Tam, Tina (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Watty, Elizabeth (CPC); Ionin, Jonas (CPC); Gordon-Jonckheer, Elizabeth (CPC); Rosenberg, Julie (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - Proposed 45 Bernard Street Project
Date:	Tuesday, September 27, 2022 1:53:13 PM
Attachments:	Appeal Ltr 092622.pdf COB Ltr 092722.pdf image001.png

Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project at 45 Bernard Street. The appeal was filed by Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination. Thank you.

Best regards, **Jocelyn Wong** San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T: 415.554.7702 | F: 415.554.5163 jocelyn.wong@sfgov.org | www.sfbos.org

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September 27, 2022

Rich Hillis Planning Director

From:

To:

Angela Calvillo Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 45 Bernard Street

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed Bernard Street was filed with the Office of the Clerk of the Board on September 26, 2022, by Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brittney Harrell at (415) 554-4447.

c: Anne Pearson, Deputy City Attorney Kristen Jensen, Deputy City Attorney Corey Teague, Zoning Administrator, Planning Department Tina Tam, Deputy Zoning Administrator, Planning Department Lisa Gibson, Environmental Review Officer, Planning Department Devyani Jain, Deputy Environmental Review Officer, Planning Department Joy Navarrete, Environmental Planning, Planning Department Don Lewis, Environmental Planning, Planning Department AnMarie Rodgers, Director of Citywide Planning, Planning Department Dan Sider, Chief of Staff, Planning Department Aaron Starr, Manager of Legislative Affairs, Planning Department Elizabeth Watty, Current Planning Division, Planning Department Jonas Ionin, Planning Commission Secretary, Planning Department Elizabeth Gordon Jonckheer, Staff Contact, Planning Department Julie Rosenberg, Executive Director, Board of Appeals Alec Longaway, Legal Process Clerk, Board of Appeals

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I heı	reby submit the following item for introduction (select only one):	
	1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)	
	2. Request for next printed agenda Without Reference to Committee.	
\boxtimes	3. Request for hearing on a subject matter at Committee.	
	4. Request for letter beginning "Supervisor inquires"	
	5. City Attorney request.	
	6. Call File No. from Committee.	
	7. Budget Analyst request (attach written motion).	
	8. Substitute Legislation File No.	
	9. Reactivate File No.	
	10. Question(s) submitted for Mayoral Appearance before the BOS on	
Plea	ase check the appropriate boxes. The proposed legislation should be forwarded to the following: Small Business Commission Youth Commission Ethics Commission	
	Planning Commission Building Inspection Commission	
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.	
Spons	sor(s):	
Clerk	k of the Board	
Subje	ect:	
Heari	ing - Appeal of Determination of Exemption From Environmental Review - Proposed 45 Bernard Street Pr	piect

The text is listed below or attached:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on April 13, 2021, for the proposed project at 45 Bernard Street, Assessor's Parcel Block No. 0157, Lot No. 030 for a proposed renovation of a three story, four-unit apartment building, including 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. (District 3) (Appellant: Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association) (Filed September 26, 2022)

For Clerk's Use Only: