

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JENNIFER MEI and HANMIN LIU,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **24-011**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 8, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 24, 2024 to Tina and Lindsey Huston, of a Site Permit (upgrade 3-story, 4-unit apartment consisting of brick foundation, wood frame structure, combination siding, etc.; project work consists of seismic/soft-story foundation upgrade (with nine-foot, rear-yard addition) and includes bringing front bedroom windows to fire exit code size with finish to match existing) at 45, 47 & 49 Bernard Street.

APPLICATION NO. 2020/08/22/2415

FOR HEARING ON April 3, 2024

Address of Appellant(s):

Address of Other Parties:

<p>Jennifer Mei and Hanmin Liu, Appellant(s) c/o Scott Emblidge, Attorney for Appellant(s) Moscone Emblidge & Rubens 220 Montgomery Street, Suite 2100 San Francisco, CA 94104</p>	<p>Tina Huston & Lindsey Huston, Permit Holder(s) 334 Santana Row, No. 211 San Jose, CA 95128</p>
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Date Filed: February 8, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-011

I / We, **Jennifer Mei and Hanmin Liu**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2020/08/22/2415** by the **Department of Building Inspection** which was issued or became effective on: **January 24, 2024**, to: **Tina Huston and Lindsey Huston**, for the property located at: **45, 47 & 49 Bernard Street**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **March 14, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org, tinahuston07@gmail.com and linlin4soccer@gmail.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **March 28, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org, deborah@holleyconsulting.com and plumblossom@icloud.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 3, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment.

Appeal filed by email by Deborah Holley, agent for appellants.

**STATEMENT OF APPEAL FOR BUILDING PERMIT NO. 202008222415 ISSUED
JANUARY 24, 2024**

We are filing this appeal because there are inconsistencies between previous versions of the plans and the approved permit set for which a building permit was issued for the following work under permit # 202008222415: “Upgrade 3-story, 4-unit apartment consisting of brick foundation, wood frame structure, combination siding, etc. Project work consists of seismic/soft-story foundation upgrade (w/9 ft rear-yard addition) and includes bringing front bedroom windows to fire exit code size with finish to match existing.”

In addition, the work on the building has been split up into two permits and we are concerned about work proceeding on the building under this overall permit without having a final, approved plan for the other permit #202201075581 which entails “Legalizing an existing illegal and unoccupied basement unit into 2BD/2BR 837SF ADU. Includes 232SF extension in the rear yard to the allowable depth.”

Permit Details Report

Report Date: 2/8/2024 2:26:27 PM

Application Number: 202008222415

Form Number: 3

Address(es): 0157 /030 /1 45 BERNARD ST
 0157 /030 /1 47 BERNARD ST
 0157 /030 /1 49 BERNARD ST

Description: Upgrade 3-story, 4-unit apartment consisting of brick foundation, wood frame structure, combination siding, etc. Project work consists of seismic/soft-story foundation upgrade (w/9 ft rear-yard addition) and includes bringing front bedroom windows to fire exit code size with finish to match existing

Cost: \$389,642.00

Occupancy Code: R-2

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
8/22/2020	TRIAGE	
8/22/2020	FILING	
8/22/2020	FILED	
12/4/2023	APPROVED	
1/24/2024	ISSUED	

Contact Details:

Contractor Details:

License Number: 720437
 Name: JAMES HUSTON
 Company Name: HUSTON GENERAL CONTRACTING INC.
 Address: 1615 SECOND STREET * LIVERMORE CA 94550-0000
 Phone:

Addenda Details:

Description:

SITE

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		8/22/20	9/14/20	9/14/20	9/22/20	9/22/20	TORRES SHIRLEY		#368-912-764 ELECTRONICALLY SUBMITTED. invoice sent. 09/22/20: PMT RCVD, OK TO PROCESS. ST
PRE-PLN		9/24/20	9/25/20			9/25/20	RUSSELL ERICA		
PRE-FIRE		9/24/20	9/24/20			9/24/20	HIGGINS PAT		pre-screen accepted
CP-ZOC		9/29/20	11/2/23			11/2/23	ASBAGH CLAUDINE	Approved	Approved
CP-NP		1/6/22	1/6/22			1/10/22	GUY KEVIN		1/6/22: Emailed the 311 cover letter. (JL) 1/10/22: Mailed the 311 notice on 1/24/22; expires on 2/23/22. (JL)
CP-DR		2/22/22	11/7/23			11/7/23	ASBAGH CLAUDINE	Approved	DR was heard at planning commission in 2021. This line is complete.
BLDG		2/27/23	5/9/23	5/26/23		9/22/23	OSPITAL JOSEPH	Administrative	REASSIGNED 9/22/2023 comments issued during google meeting on 5/26 at 9 am w/AOR and assoc. Waiting for PDF to be emailed to Jeffrey.barnes@sfgov.org prior to upload in BB session email to Property owner & AOR

									TINAHUSTON07@GMAIL.COM & ANDREWS@HGCI.COM, project on hold until response. seismic upgrade & new adu to be reviewed together.
BLDG		2/27/23	9/22/23			9/28/23	OSPITAL JOSEPH	Issued Comments	
BLDG	1	10/26/23	10/26/23			10/26/23	OSPITAL JOSEPH	Approved	
SFFD		3/6/23	4/6/23	4/6/23	5/30/23	5/30/23	TOLENTINO NEIL		4/6/2023 Not approved and on hold. Comments on bluebeam (994-436-227). - NT
SFFD		5/30/23	7/18/23	7/18/23		9/19/23	TOLENTINO NEIL	Issued Comments	7/18/2023 Not approved and on hold. Comments on bluebeam (994-436-227). - NT
SFFD	1	9/19/23	9/19/23			9/19/23	TOLENTINO NEIL	Approved-Stipulated	9/19/2023 Approved, comments addressed. As-built needed to include signed pre-application meeting minutes on plans. Inspection Fees. -NT
DPW-BSM		3/1/23	3/1/23			3/1/23	DENNIS RASSENDYLL		3.1.23 Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC		2/27/23	8/16/23			8/16/23	IMSON GRACE	Approved	08/16/2023. Approved.
SFFD	1	10/31/23	11/3/23			11/3/23	TOLENTINO NEIL	Approved	11/3/2023 Approved. Re-check. Inspection Fees. -NT
DPW-BSM	1	10/31/23	11/27/23			11/27/23	DENNIS RASSENDYLL	Approved	Restamped EPR- No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC	1	10/31/23	11/2/23			11/2/23	IMSON GRACE	Approved	11/02/2023 - APPROVED
PPC		9/22/20	9/24/20			11/30/23	PHAM ANH HAI	Administrative	11/30/23 02:47 PM Invite sent to CPB to close out permit; HP 11/28/23: Email sent to BSM to stamp REV2 permit application form. Email sent to applicant to update sheet index on REV3 drawing; HP 10/31/2023: Invite sent to plan checkers to review and stamp REV3 drawing;nl 2/27/2023: Concurrent review approved by Planning plan checker Clauding Asbagh on email dated 2/27. Invite sent to BLDG, SFFD, BSM, PUC to start electronic plan review (back dated, email was sent on 2/27 to all departments);nl 2/13/2023: Invite sent to Planning Plan checker to review and stamp REV1 drawing;nl 9/29/20: Pre-screening complete, invite planning to BB session; cm 9/24/20: Bluebeam session created; Invite Pre-Fire, Pre-Planning, and applicant; cm
CPB		11/30/23	12/4/23			1/24/24	GUTIERREZ NANCY	Administrative	1/24/2024: Issued to agent in BB.ng 12/18/2023: Cancellation/Extension Notification Letter Sent. Cancel Date:02/22/2024. 1st extension fee \$1,028.21. When pay fee, new cancel date: 02/16/2025.ay : WAITING FOR CONTRACTOR STATEMENT

SFFD INSP.
FEES REQ.

FIRE

APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER
202008222415-S

OSHA APPROVAL REQ'D
APPROVAL NUMBER

January 24, 2024
202008222415_Form 3 SITE_signed_REV2

Patrick O'Riordan
PATRICK O'RIORDAN
DIRECTOR
DEPT. OF BUILDING INSPECTION

BUILDING ENLARGEMENT
DESCRIPTION
 VERTICAL
 HORIZONTAL



Capacity Charges

Water: \$ 0

Wastewater: \$ 0

GI 110/02/2023

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 06/11/2020	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 45,47,49 & 49A Bernard Street	BLOCK & LOT 0157/030
RECEIPT NO. 20240123-124OL	ISSUED 1/24/2024	(2A) ESTIMATED COST OF JOB \$ 389,642.00	(2B) REVISED COST: 389,642.00 BY: J. Ospital DATE: 11/07/2023

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-B	(5A) NO. OF STORIES OF OCCUPANCY: 3	(6A) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: 3 Residential units + 1 ADU	(8A) OCCUP. CLASS R-2	(9A) NO. OF DWELLING UNITS: 4
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-B	(5) NO. OF STORIES OF OCCUPANCY: 3	(6) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE) 3 Residential units + 1 ADU	(8) OCCUP. CLASS R-2	(9) NO. OF DWELLING UNITS: 4
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>
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(14) CONTRACTOR HGCI	ADDRESS 101 Lucas Valley Rd, Ste 150, San Raf	ZIP 94609	PHONE (415) 509-0000	CALIF. LIC. NO. 720437	EXPIRATION DATE 01/31/2025
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(15) OWNER -LESSEE-(CROSS OUT ONE) Tina Huston (Owner)	ADDRESS 334 Santana Row, 211, San Jos	ZIP 95128	BTRC#	PHONE (FOR CONTACT BY DEPT.) 925.338.1755
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
Foundation/ seismic upgrades; Ceiling height increase to comply with the current code for Basement Floor/ADU; Removal of rear wall and rear stairs for new horizontal addition for each levels; new fire exit stair deck, patio area for required open space, remodel of 3 residential units, relocate PG&E and Tel/data service meters/boxes, new roof as per new rear addition; removal of existing stairs from street level to basement to be replaced with new stairs. ---See Plans for complete scope of works--- Related permit application: BPA# 202201075581

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT N/A	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 928 SQ. FT.
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(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input checked="" type="checkbox"/>
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(25) ARCHITECT OR ENGINEER (DESIGN <input checked="" type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> Nathan Watkins	ADDRESS 101 Lucas Valley Rd, Ste 150, San Raf	CALIF. CERTIFICATE NO. C 38960
---	--	-----------------------------------

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") Unknown	ADDRESS
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.
CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.
I hereby affirm under penalty of perjury one of the following declarations:
(x) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
() II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier
Policy Number
() III. The cost of the work to be done is \$100 or less.
() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
(x) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

APPLICANT'S CERTIFICATION


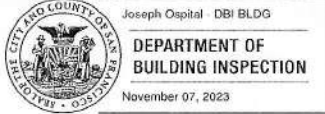



I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

Signature of Applicant or Agent

10/2/2023

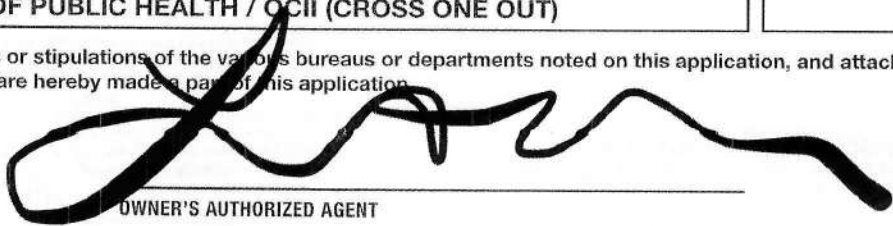
Date

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:		DATE: _____ INSPECTOR: _____
<input type="checkbox"/>		<hr/> HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	<hr/> BUILDING INSPECTION DIVISION
<input type="checkbox"/>		 PLANNING <small>November 07, 2023</small>	<hr/> ELECTRICAL INSPECTION DIVISION
<input type="checkbox"/>		 <small>Joseph Ospital DBI BLDG</small> DEPARTMENT OF BUILDING INSPECTION <small>November 07, 2023</small>	<hr/> PLUMBING INSPECTION DIVISION
<input type="checkbox"/>		<hr/> CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	<hr/> CODE ENFORCEMENT SERVICES
<input type="checkbox"/>		<hr/> MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	<hr/> DATE: _____ INSPECTOR: _____
<input type="checkbox"/>		 PLEASE NOTIFY DISTRICT FIRE INSPECTOR AT THE START OF WORK 415-554-8968 <small>Neil Jacob Tolentino - FIRE</small> FIRE <small>November 03, 2023</small>	<hr/> DATE: _____ INSPECTOR: _____
<input type="checkbox"/>		 <small>DENNIS</small> PUBLIC WORKS <small>November 30, 2023</small>	<hr/> DATE: _____ INSPECTOR: _____
<input type="checkbox"/>		 <small>Grace Imson</small> PUBLIC UTILITIES COMMISSION <small>November 02, 2023</small>	<hr/> DATE: _____ INSPECTOR: _____
<input type="checkbox"/>		<hr/> DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)	<hr/> DATE: _____ INSPECTOR: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.



 OWNER'S AUTHORIZED AGENT

BRIEF(S) SUBMITTED BY APPELLANT(S)

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Attorneys for
Appellants Hanmin Liu and Jennifer Mei

SAN FRANCISCO BOARD OF APPEALS

Hanmin Liu and Jennifer Mei

Appellant,
vs.

DEPARTMENT OF BUILDING INSPECTION,

Respondent.

Case No. 24-0011

Hearing Date: April 3, 2024

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EXHIBITS

1. DISCRETIONARY REVIEW ACTION MEMO AND PLANS
2. RELEVANT PLANNING COMMISSION HEARING EXCERPTS
3. ADU PLANS
4. UPPER CHINATOWN OPEN SPACE MAP
5. COMMUNITY SUPPORT FOR PLAN MODIFICATIONS REQUESTED IN DR
6. 51 BERNARD STREET PLANS
7. LETTER FROM JOHN LUM, AIA

I. INTRODUCTION

So many questions have been raised about this proposed project that it is hard to know where to begin: should it be, for example, the misconduct towards neighbors in a tight-knit upper Chinatown community, evictions of elderly tenants, multiple contradictory statements by the project sponsors? While those issues are significant, this brief focuses primarily on two glaring problems with the proposed project.

First, as a threshold matter, this project should not even be before this Board given the unclear and internally inconsistent plans the project sponsors have submitted. The project consists of an internal remodel, building expansion, and legalization of an ADU, but the project sponsors present only the remodel and expansion to this Board, ignoring the cumulative impact and interrelation of the ADU aspect of the project thereby depriving this Board of a clear picture of what is proposed. Moreover, the various plan sets the project sponsors have submitted to the Planning Department, the Building Department, and this Board have strikingly different measurements, raising serious questions about whether the plans before this Board are even accurate. Serious code issues related to life safety and open space also abound.

Second, regardless of which plan set (if any) is accurate, the project will excessively impinge on the mid-block open space in a block already starving for shared greenery. To preserve mid-block open space and light and air to neighboring buildings in accordance with the Residential Design Guidelines, this Board should require that the horizontal expansion be reduced by no less than 20'-10" from the rear property line. In addition, the second and third floors should be set back 24'-6" and 25', respectively, mirroring the adjacent building to the west at 51 Bernard Street.

II. BACKGROUND

Lindsey Huston and her mother, Tina Huston, purchased 45-49 Bernard, the subject four-unit apartment building, located in Upper Chinatown, in 2019. Lindsey Huston lives at 49 Bernard

Street (owner move-in) and her sister, Taylor Huston, resides at 47 Bernard Street (relative move-in). Lindsey and Taylor’s father, James Huston of Huston General Contracting, Inc. (HGCI), prepared the plans for the building permit that is the subject of this appeal. The plans reviewed by the Planning Commission and the Discretionary Action Memo that modifies those plans are included as *Exhibit 1*.

On August 25, 2022, the Planning Commission determined that there were extraordinary or exceptional circumstances and voted 4-1 (2 commissioners were absent) to take Discretionary Review. It determined that the project 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 determined that modifications to the plans were necessary and instructed staff to approve the project with the following plan modifications: (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. (See *Exhibit 1*.) The Planning Commissioner robustly discussed and offered objective justifications for the required modifications. Relevant quotes from the hearing with these justifications are included in *Exhibit 2*.

On January 24, 2024, DBI issued building permit no. 202008222415 for renovation of a 3-story, 4-unit apartment building including a seismic/soft-story foundation upgrade with a rear-yard addition (referred herein as “the Project,” “2024 plans,” “overall project,” and “subject project”). This is the permit that is the subject of our appeal. Appellants’ agents reviewed the 2024 plans at the DBI Records Department but were not permitted to reproduce them, and to date, the project sponsors have been unwilling to provide us with a copy of these plans. These plans are different from those which the Planning Commission approved as modified by the Discretionary Review Action Memo at least because the square footages are substantially different: compared to the plans approved by the Planning Commission, the January 2024 plans state that the building currently has more than 500 gross square feet (GSF) of space and that the project will add more

than 300 new GSF.

The Hustons submitted a separate permit on January 7, 2022 to convert the existing UDU to an ADU under the state ADU program, which is currently under review by Planning and DBI. This plan is included as *Exhibit 3* and is referred to as the “ADU plan” or “ADU project.” Because the ADU is located entirely within the subject building and simply expands the existing UDU, the ADU really is part of one overall project, and, therefore, the Board needs to understand both permits to properly evaluate the appeal.

III. EXCEPTIONAL CIRCUMSTANCES WARRANT GRANTING THIS APPEAL

Appellants request this appeal for the following reasons:

- A. The permitted 2024 plan set is inconsistent with the plans approved by the Planning Commission.
 - B. There are substantial inconsistencies between the ADU Plans currently under review by Planning and the Project Plans.
 - C. The Project as approved will have a significant impact on the midblock open space and does not conform with the Residential Design Guidelines.
 - D. There are clarity and Enforceability Issues with DR Action Memo.
 - E. There are substantial life safety and open space code compliance deficiencies.
- A. There are substantial inconsistencies between the plan set approved by the Planning Commission and the plan set stamped and approved for the permit that is the subject of the appeal.**

The project sponsor needs to provide one consistent, accurate set of plans that include the overall project under permit #202008222415 (“overall permit”). Because the Hustons have failed to do this, the hearing should be continued until they provide an accurate, consistent plan set, perhaps after preparing as-built plans to accurately show the existing square footage. In short, the Board cannot evaluate the project or the appeal until it has an accurate set of plans.

As shown below, there are significant inconsistencies in the square footages for the 311 plans, the plans that were approved by DBI, and those approved by the Planning Commission. We have asked Planning about these differences but to date have not received a response.

Existing GSF: (a) 2,944 on 311 plans, (b) 2,994 on the Planning Commission-approved plan set shown in *Exhibit 1*, and (c) 3,531 on the plan set attached to the issued permit 202008222415 reviewed at the DBI Records Department. We do not know why there is a **587 GSF difference** between the 311 Plans and the permit-issued plans and a **537 GSF difference** between the Planning Commission-approved plans and the permit-issued plans approved by DBI. Note that the ADU plans (BPA 20220107558) use the 3,531 GSF figure to represent the existing building square footage.

Proposed GSF: 3,478 on the Planning Commission-approved plans vs. 3,783 on plan set attached to the issued permit 202008222415 reviewed at the DBI Records Department. An **increase of 305 GSF** appears to be proposed. The ADU plans (BPA 20220107558) use this same 3,783 figure. To add to the confusion, the Planning Department describes the project as **adding approximately 996 square feet of space:**

	Existing GSF	Proposed GSF	Net Additional GSF
a.311 Plans	2,944	3,741	797
b.Planning Commission	2,994	3,478	484
Approved Plans			
c.Issued Permit Plans	3,531	3,783	252
d.ADU Plans	3,531	3,783	252
Differences	537-587	42-305	172-545

B. There are substantial inconsistencies between the ADU Plans currently under review by Planning and the Overall Plans.

The current proposed state ADU plans (*Exhibit 2*) include the roof deck and spiral staircase, which the Planning Commission removed when approving the overall project. These elements must be removed from the ADU plans as well.

In addition, the Planning Department has issued comments on the ADU plan that require 4' setbacks from both property lines at this lower level to provide compliance with state ADU regulations. The overall plans do not include the required 4' setbacks and need to be revised.¹ The recently issued 2024 overall permit (#202008222415) and ADU application and plans should be reviewed and approved *simultaneously* to ensure consistency and compliance with the Discretionary Review Action Memo adopted by the Planning Commission (*Exhibit 2*). It does not make sense to separate the approval process for the projects, especially when the plans are inconsistent. The overall permit should be suspended until the ADU permit has been issued to assure consistency with the project the Planning Commission approved.

C. Even if the plans were consistent and ripe for review by this Board, the project as approved will have a significant impact on the midblock open space and does not conform with the Residential Design Guidelines.

The approved plans include an approximately 9'-3" extension of the building into the 27'-11" existing rear yard. At the Discretionary Review hearing, the Planning Commission took DR and determined that there were exceptional and extraordinary circumstances. However, the required changes were minimal – the Commission did not require reduction of the horizontal extension to protect the neighborhood mid-block open space. But the Project impacts the Appellant's and the neighbors' visual access to the mid-block open space, light, and air

¹ Planning Department comments: "The ADU is proposed within a portion of the building that is proposed under Building Permit Application No. 202008222415, which has not received a certificate of final completion (CFC) and is not considered to be part of the existing building envelope for purposes of this review. The State ADU Program requires 4-ft setbacks from the side property lines for any portion of the building containing the ADU and within the expansion proposed under Building Permit Application No. 202008222415."

in contravention of several key San Francisco Residential Design Guidelines.

For example, because the proposed expansion into the rear yard significantly impacts the midblock open space and would contribute to the erosion of the social and cultural fabric it conflicts with the design principle to “Provide architectural features that enhance the neighborhood’s character and ensure that the building respects mid-block open space.”²

The project also Reduces light to adjacent properties. The proposed plans will limit the visual access to midblock open space and will reduce the amount of light and air to bedrooms and living-area windows of the buildings adjacent to and directly opposite the development. The light to adjacent neighbors on all three sides of 45-49 Bernard Street will be affected. This expansion encroaches on the rear neighbor at 1144-1146 Pacific Avenue. If the plans are implemented, light and air quality in the mid-block open space will be reduced.

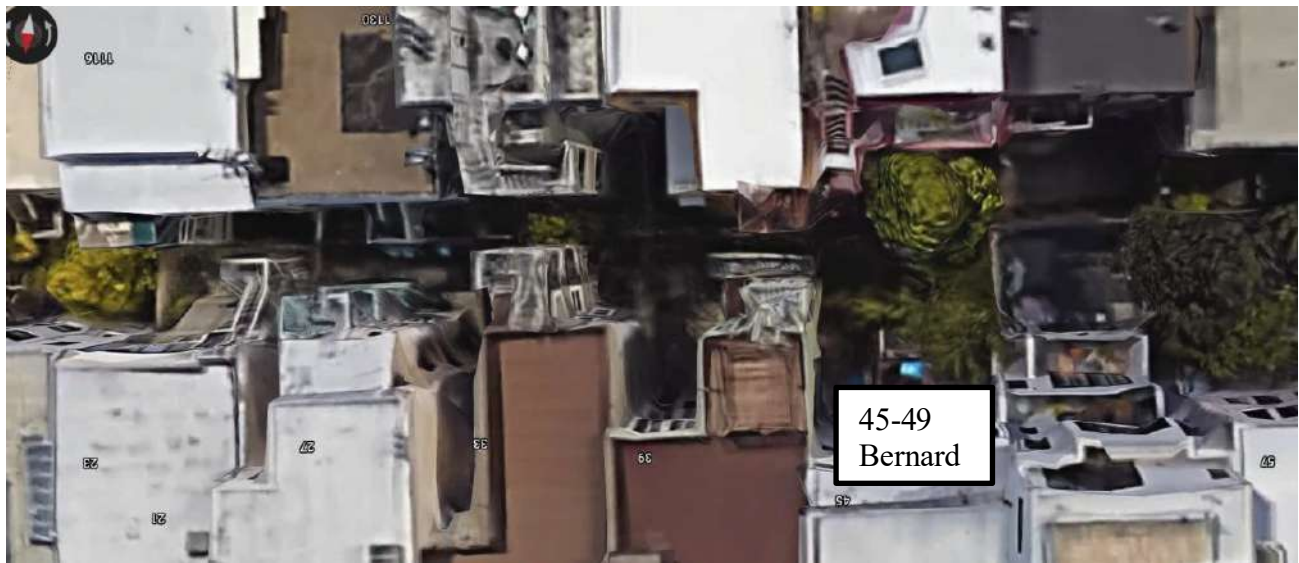


Figure 1. Aerial photo of the mid-block open space on Bernard Street and Pacific Avenue between Taylor and Jones.

² San Francisco Planning, *Residential Design Guidelines, Introduction: Design Principles*, p. 5, December 2013.

As shown in *Figure 2* below, and *Exhibit 4*, the amount of access to midblock open space in Upper Chinatown is much more limited than in most other San Francisco neighborhoods.

Mid-Block OPEN SPACE
 Pacific Avenue - Taylor Street - Bernard Street - Jones Street

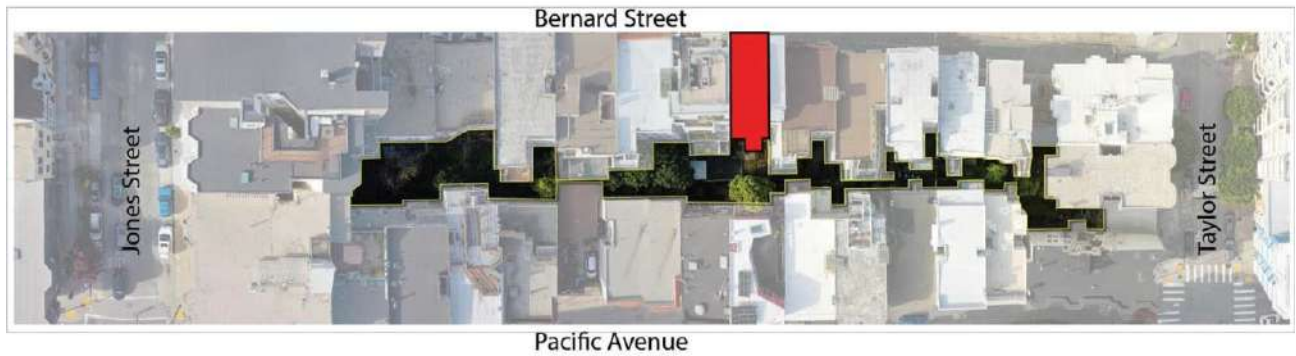


Figure 2. Aerial Photos of Mid-Block Open Space on Subject Block

As shown in **Figure 3** below, the proposed project would greatly reduce the rear yard from the current depth of 27'-11" to 17'-9" with decks extending an additional 2'-9" effectively providing a rear yard of just 15'.

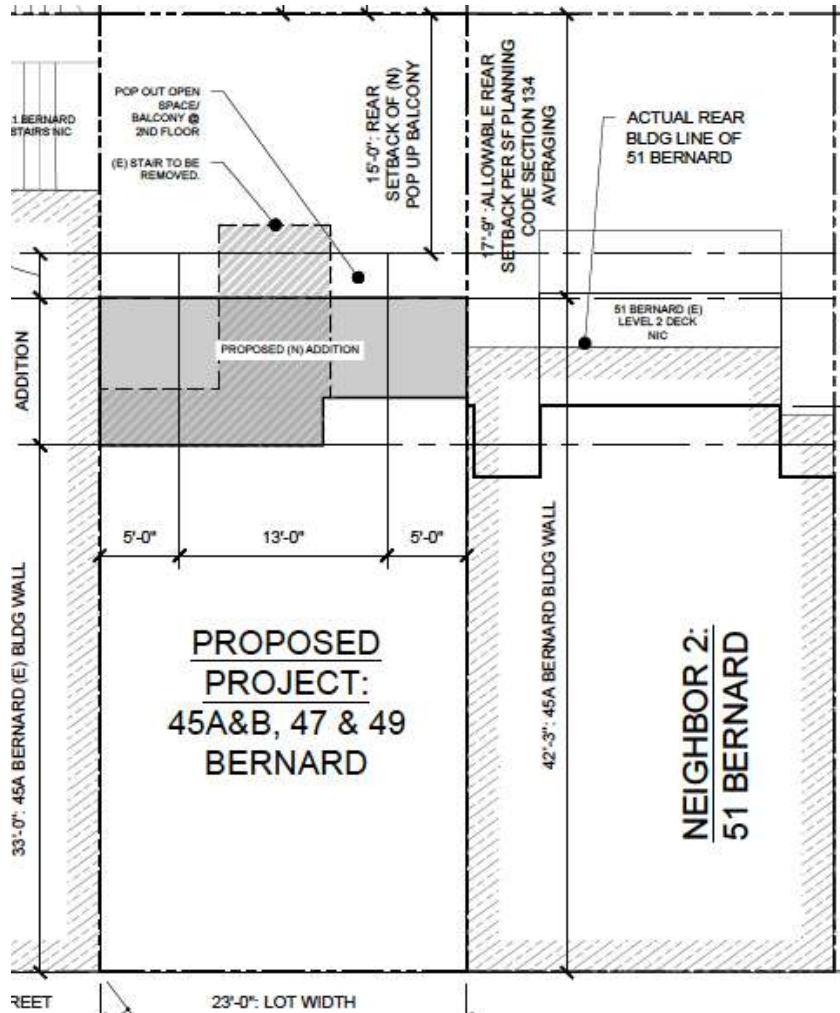


Figure 3. Project and 51 Bernard Street Site Plans

The limited midblock open space is precious on this block; hence, the significant community support to protect this vital outdoor refuge. Over 1,000 individuals have signed a petition supporting the original DR request, including 80 percent of the properties on this block. (See **Exhibit 5**) The following five associations have also submitted letters of support: The Community Improvement Service, Community Youth Center, Community Tenants Association, Lao Iu Mien Culture

Association, and Tenderloin Chinese Rights Association (See *Exhibit 5*).

We request that the Board require the project sponsor to modify the project design to maintain the midblock open space and increase the rear yard setbacks to align with the setbacks for 51 Bernard Street. The setback design of the adjacent building at 51 Bernard Street is a good precedent. The 1st floor has a 20'-10" setback from the rear yard. The 2nd floor has a 24'-6" setback, the 3rd floor has a 25' setback.

We request that the rear yard setback for the project mirror those of 51 Bernard stated above and be no less than 20'-10" from the rear property line. See the "As-Built" plans for 51 Bernard are shown in *Exhibit 6*.

D. The DR Action Memo Contains Clarity and Enforceability Issues.

First, the highlighted portion of the following provision of the DR Action Memo adopted as revised October 4, 2022 does not make sense:

"The Commission further encourages that the duration of any relocation of the existing tenant will be as short as possible **and a green rear yard open space.**" Second, it is not clear who will enforce provision 2 of the DRA:

"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."

Third, it is not clear what would be done in six months if the DRA provision 4 -- required update -- reveals that the project sponsors are not in compliance. It is also not clear if staff or the project sponsors are to provide the update:"4. Provide the Commission with an update report within six months of BPA issuance."

We ask the board of appeals to Require the Planning Commission and Planning Department to revise the Discretionary Review Action Memo so that the language is specific and enforceable.

E. There are significant life safety and open space code compliance deficiencies in the approved plans.

As previously mentioned, to date, the project sponsor has not agreed to provide a copy of the 2024 approved plan set that is the subject of this appeal and their own appeal. However, we were able to view the plans at the DBI Records Department. John Lum, a licensed architect with more than 30 years of experience, including extensive work in San Francisco, reviewed the plans and, in a thorough letter to this Board included as *Exhibit 7*, determined that the plans are deficient in many ways ranging from minor formatting issues (e.g., failing to include a clear space for stamps) to curable code violations (a proposed out-swinging gate twice as wide as the current double gate that overly narrows the sidewalk space) to serious life safety issues limiting emergency egress.

Most importantly, the life safety of the building is affected by (i) Emergency Escape and Rescue Openings that are only operable from the inside thereby preventing rescuers from accessing the building, (ii) the careless placement of gas appliances in exit ways, and (iii) the replacement of a full stairway with a fire escape while simultaneously increasing occupancy (by increasing the square footage) and in light of the already very narrow front entry stairway. Mr. Lum concludes: “The series of blatant code and process violations in the approved Site Permit raise series concerns about the rigor in which this permit application was reviewed. Errors have been found in the reviews of each department including Planning, Building, Fire and Public Works.”

This is not something that can wait until later in the process: “These errors are germane to the Site Permit review and should not simply be addressed in later addenda applications. If the same level of rigor is applied to the reviews of the addenda, this project would pose a life-safety concern to future occupants and adjacent neighbors. There is no mechanism to appeal flawed addenda approvals. We therefore urge the Board of Appeals to rescind the approval of this flawed Site Permit and require the necessary corrections be made before each department approves the proposed work.”

Additionally, Mr. Lum notes that the removal of the rear stairs eliminates convenient access to common open space as required by Planning Code § 135 because there is no way to get to the rear yard from within the property. The actual proposed private usable open space (39 square feet as opposed to the incorrectly tabulated 134 square feet), including proposed private decks, is also insufficient to meet each unit's required minimum (100 square feet), and the backyard open space has been calculated incorrectly.

IV. CONCLUSION

For the foregoing reasons, Appellants request that the Board of Appeals approve this appeal and take the following actions:

- A. Require the project sponsors to modify the plans to reduce the horizontal expansion into the rear yard so that no elements of the building, including decks, extend further than the adjacent building to the west at 51 Bernard Street.
- B. Require the subject permit to remain on hold until the review of the ADU permit has been reviewed so that the Planning Department and DBI can verify that both plan sets are accurate, code-compliant, and consistent.
- C. Require the Planning Commission and Planning Department to revise the Discretionary Review Action Memo so that the language is specific and enforceable.

Dated: March 14, 2024

Respectfully Submitted,

MOSCONE EMBLIDGE & RUBENS LLP

By: _____
Evan M. Rosenbaum
Attorneys for Appellants

EXHIBIT 1

DISCRETIONARY REVIEW ACTION MEMO AND PLANS



DISCRETIONARY REVIEW ACTION DRA-793

HEARING DATE: AUGUST 25, 2022

AMENDED DATE: OCTOBER 4, 2022

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

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

Preamble

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

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

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

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

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

Action

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

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

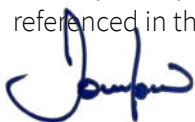
1. There are extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code and the General Plan, but does not conform with the Residential Design Guidelines with respect to articulating the building to minimize impacts to light and air to the adjacent buildings.
2. The Commission recognizes the Rent Control Ordinance and its direct impact as it relates to tenant rights, owner move-in evictions, the need to be able to locate previous tenants, first right of refusal at their previous rent rates, and that the current tenant may continue their tenancy for as long as they wish. ~~and first right of refusal for evicted tenants.~~
3. The Commission further encourages that the duration of any relocation of the existing tenant will be as short as possible and a green rear yard open space.
4. The Commission determined that modifications to the project were necessary, and encouraged greening 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

BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/REMODEL

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



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

PERMIT NUMBER:

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

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

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

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DATE	REVISION	DESCRIPTION
10.08.2021	2	PLAN REVIEW RESPONSE #1
06.28.2022	3	PLAN SET UPDATE
07.15.2022	4	PLAN SET UPDATE 2

DATE	04.27.2020
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	PR, MD
CHECKED BY	JH

COVER SHEET

SHEET TITLE

A0.0

SHEET NO.

CONTACT INFORMATION

OWNER: Tina Huston c: 925.337.1755 Lindsey Huston c: 925.337.9532	GENERAL CONTRACTOR: HGCI 112 Spaulding St., Unit - A San Anselmo, CA - 94960 p: 415.597.6880 c: 415.509.0304	ENGINEER: CRES Engineering Andres Stambuk 2420 Sand Creek Rd, Suite C-1252 Brentwood, CA. 94513 c: 925.487.0895
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PROJECT DATA

ADDRESS:	45, 47 & 49 Bernard St., SAN FRANCISCO, CA. 94133
BLOCK/ LOT :	0157 / 030
LOT SIZE :	23' 0" X 60' 0" = ± 1380 SF
ZONING :	RH - 3 (RESIDENTIAL HOUSE - THREE FAMILY)
HEIGHT & BULK DISTRICT :	65 - A

PLANNING DISTRICT:	DISTRICT-3 NORTHEAST
SET BACK REQUIREMENTS:	<ul style="list-style-type: none"> • FRONT SETBACK: (E) SETBACK 0'0" OR AVERAGE OF ADJACENT BUILDINGS = 0'0" • REAR SETBACK: AVERAGE OF ADJACENT BUILDING per SF PLANNING CODE SECTION 134 = NO LESS THAN 17'-9". SEE SITE PLAN. • SIDE SETBACKS: NOT REQUIRED PER SF PLANNING CODE SECTION 133

EXISTING BUILDING :	<ul style="list-style-type: none"> • YEAR BUILT: 1906 • NUMBER OF STORIES: 3 STORIES + BASEMENT • BUILDING AREA: 2944 SQFT • OCCUPANCY CLASS: R-2 • USE TYPE: MULTI-UNIT APARTMENTS • NO. OF DWELLING UNITS: 3 DU • BUILDING HEIGHT: 32'-6" • CONSTRUCTION TYPE V-B
----------------------------	---

PROPOSED BUILDING SIZE :	<ul style="list-style-type: none"> • PROPOSED NUMBER OF STORIES: 3 STORIES + BASEMENT (NO CHANGE) • PROPOSED BUILDING AREA: 3478 SQFT • PROPOSED OCCUPANCY CLASS: R-2 (NO CHANGE) • PROPOSED USE TYPE: MULTI-UNIT APARTMENT (NO CHANGE) • PROPOSED NO. OF DWELLING UNITS: 3 DU • OCCUPANCY LOAD: 1 PER 200 SQFT • BUILDING HEIGHT: 32'-6" (NO CHANGE) • CONSTRUCTION TYPE V-A
---------------------------------	---

(E) GARAGE PARKING:	NONE
REQUIRED PARKING:	NONE
FIRE SPRINKLERS:	Yes - Existing in Basement Unit
FIRE ALARM:	(N) Sprinklers for Grd to 3rd floors Yes

APPLICABLE CODES

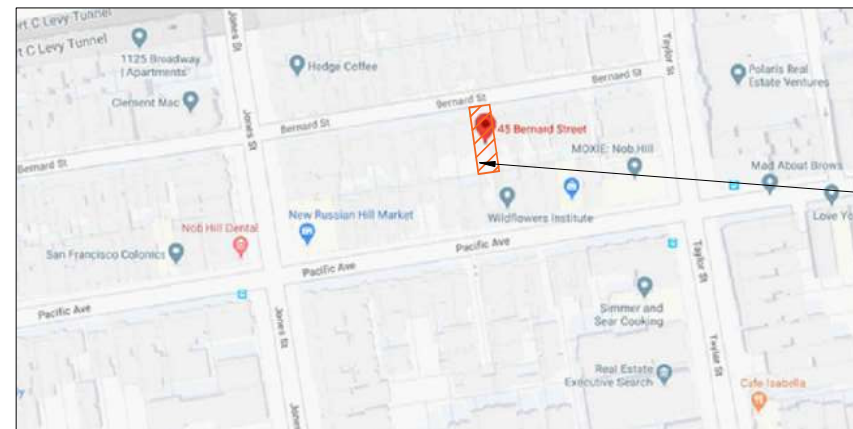
- APPLICABLE CODES:
- 2019 CALIFORNIA BUILDING CODE
 - 2019 CALIFORNIA RESIDENTIAL CODE
 - 2019 CALIFORNIA ELECTRICAL CODE
 - 2019 CALIFORNIA MECHANICAL CODE
 - 2019 CALIFORNIA PLUMBING CODE
 - 2019 CALIFORNIA ENERGY CODE
 - 2019 CALIFORNIA FIRE CODE
 - SAN FRANCISCO RESIDENTIAL DESIGN GUIDELINES
 - SAN FRANCISCO HOME-SF DESIGN GUIDELINES
 - SAN FRANCISCO URBAN DESIGN GUIDELINES
 - SAN FRANCISCO CODE OF ORDINANCES

SHEET INDEX

ARCHITECTURAL	
A0.0	COVER SHEET
A1.0	SITE PLAN & SETBACKS
A2.0	EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 1/2
A2.1	EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 1/2
A3.0	PROPOSED BASEMENT AND GROUND FLOOR PLANS
A3.0a	PROPOSED SECOND AND THIRD FLOOR PLANS
A3.1	PROPOSED ROOF DECK FLOOR PLAN AND ROOF PLAN
A4.0	EXISTING VS PROPOSED FRONT ELEVATION
A4.1	EXISTING VS PROPOSED REAR ELEVATION
A4.2	EXISTING VS PROPOSED EAST ELEVATION
A4.3	EXISTING VS PROPOSED WEST ELEVATION
A5.0	EXISTING BUILDING SECTION
A5.1	PROPOSED BUILDING SECTION

SCOPE OF WORK

- THIS RESIDENTIAL REMODEL WORK PROPOSES:
1. FOUNDATION / SEISMIC UPGRADES WITH CEILING CODE HEIGHT ADJUSTMENTS TO COMPLY TO CURRENT CODE.
 2. REAR YARD ADDITION WITH MISC UNIT UPGRADES INCLUDING MODIFY/RELOCATE PG&E METERS.
 3. FUTURE ADU AT BASEMENT UNDER SEPARATE STATE ADU PERMIT



1. LOCATION MAP

SCALE: NTS



2. ZONING MAP

SCALE: NTS



SUBJECT PROPERTY

NOTE: IF ANY DEMOLITION IS REQUIRED, IT MAY NOT START UNTIL THE CONTRACTOR HAS OBTAINED A PERMIT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT. THE PERMIT NUMBER (J#) NUMBER MUST BE PROVIDED TO THE INSPECTOR AND NOTED ON THE JOBSITE INSPECTION CARD. IF THE BAAQMD HAS DETERMINED THE PROJECT IS EXEMPT, A LETTER FROM THE AGENCY MUST BE PROVIDED. PROOF MUST BE PROVIDED TO THE BUILDING INSPECTOR NO LATER THAN THE FIRST INSPECTION.

AREA CALCULATIONS

UPDATED CALCULATIONS



DWELLING UNITS (DU)	(E) AREA SF	(N) ADDITION IN SF	TOTAL UNIT AREA IN SF
UNIT # 1 - (E) GRD FLR	736 SF	102 SF	838 SF
UNIT # 2 - (E) 2ND FLR	736 SF	102 SF	838 SF
UNIT # 3 - (E) 3RD FLR	736 SF	122 SF	858 SF
TOTAL DU FLOOR AREA	2,208 SF	326 SF ¹	2,534 SF
OTHER			
(E) BASEMENT	786 SF	222 SF	1008 SF
GROSS USABLE			
BLDG TOTALS (E) & (N)	2994 SF	548 SF	3542 SF

- 1 TOTAL (N) ADDITION IS LESS THAN 20% OF TOTAL GROSS FLOOR AREA AS DEFINED UNDER SF PLANNING CODE SECTION 102. NO BIKE ROOM/ RACKS REQUIRED AS PER SF PLANNING CODE SECTION 155.2

DWELLING UNITS	QUALIFIED OPEN SPACE (QOS) TOTAL PER DU
UNIT # 1	101 SF
UNIT # 2	101 SF
UNIT # 3	324 SF
TOTAL QOS	526 SF

EACH DWELLING UNIT HAVE MORE THAN 100 SF QUALIFIED PRIVATE OPEN SPACE

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94060
T: 415.597.6890 F: 925.559.4814



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

APN # 0157030

- PERMIT NUMBER:
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 - 2020-05176PRJ
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REVISIONS

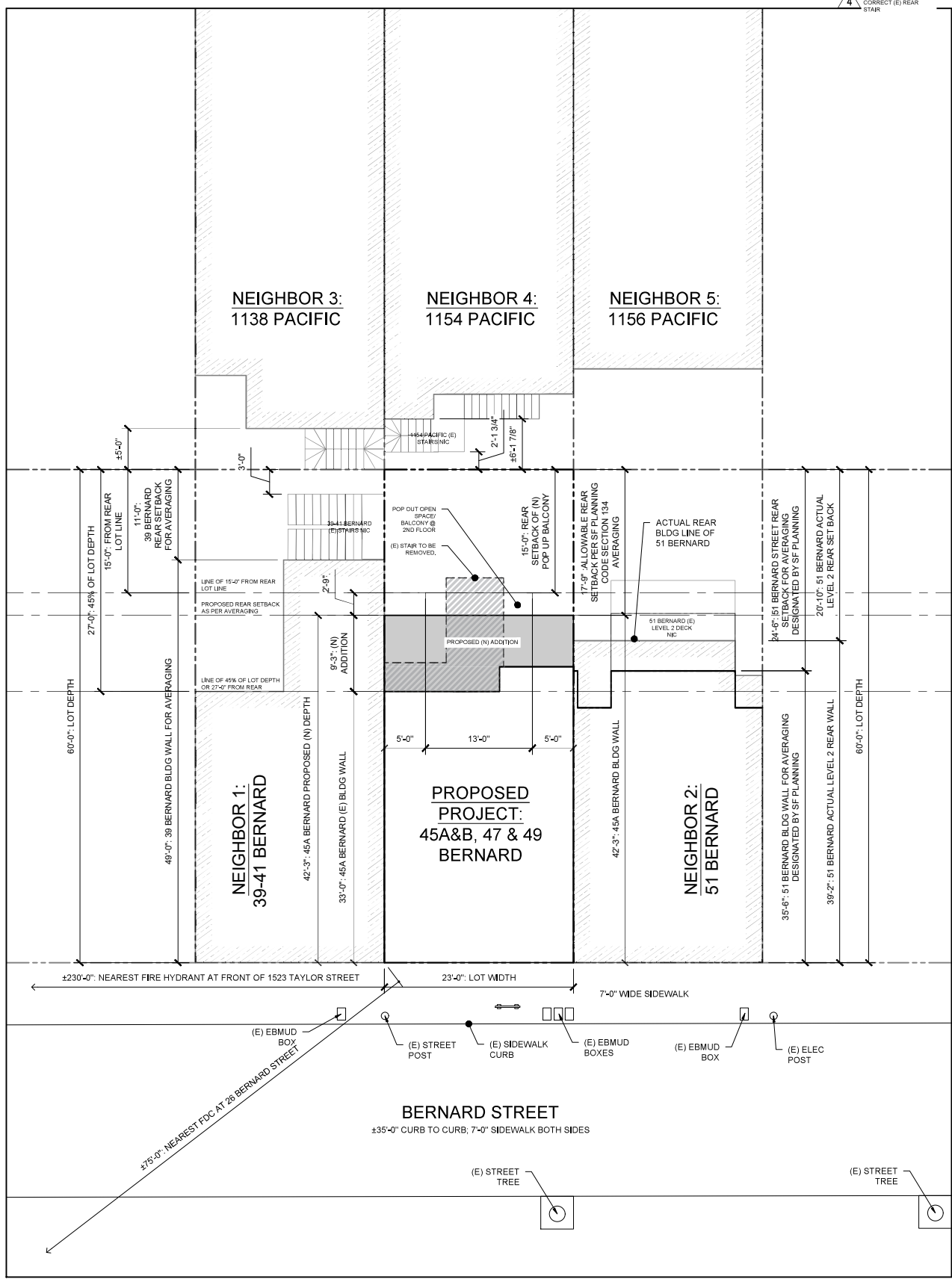
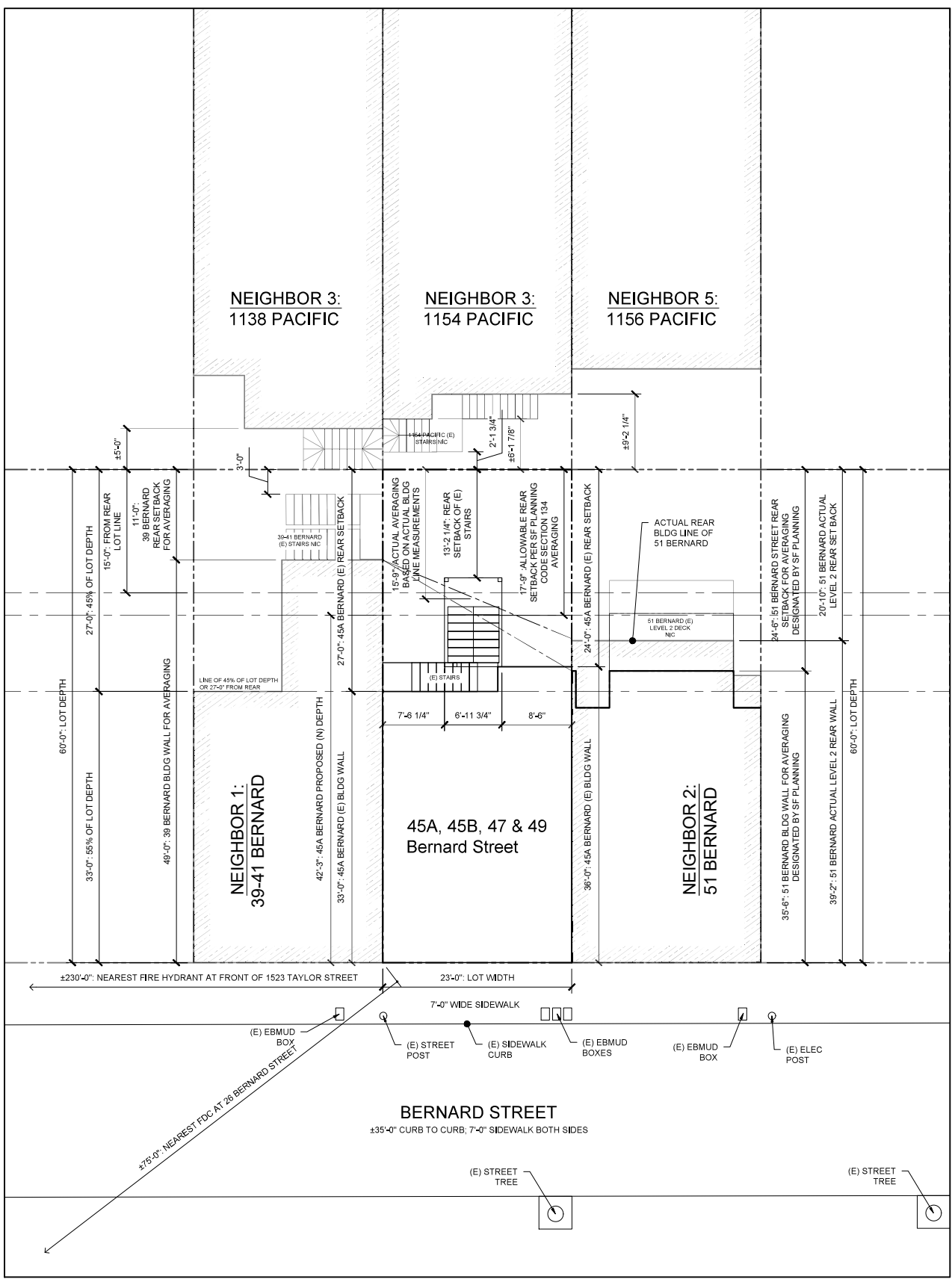
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DATE	04.27.2020
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	PR, MD
CHECKED BY	JH

EXISTING AND PROPOSED SITE PLAN

SHEET TITLE

SHEET NO.



1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



A1.0

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94960
T: 415.597.6880 F: 415.597.4814



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

APN # 0157030

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REVISIONS

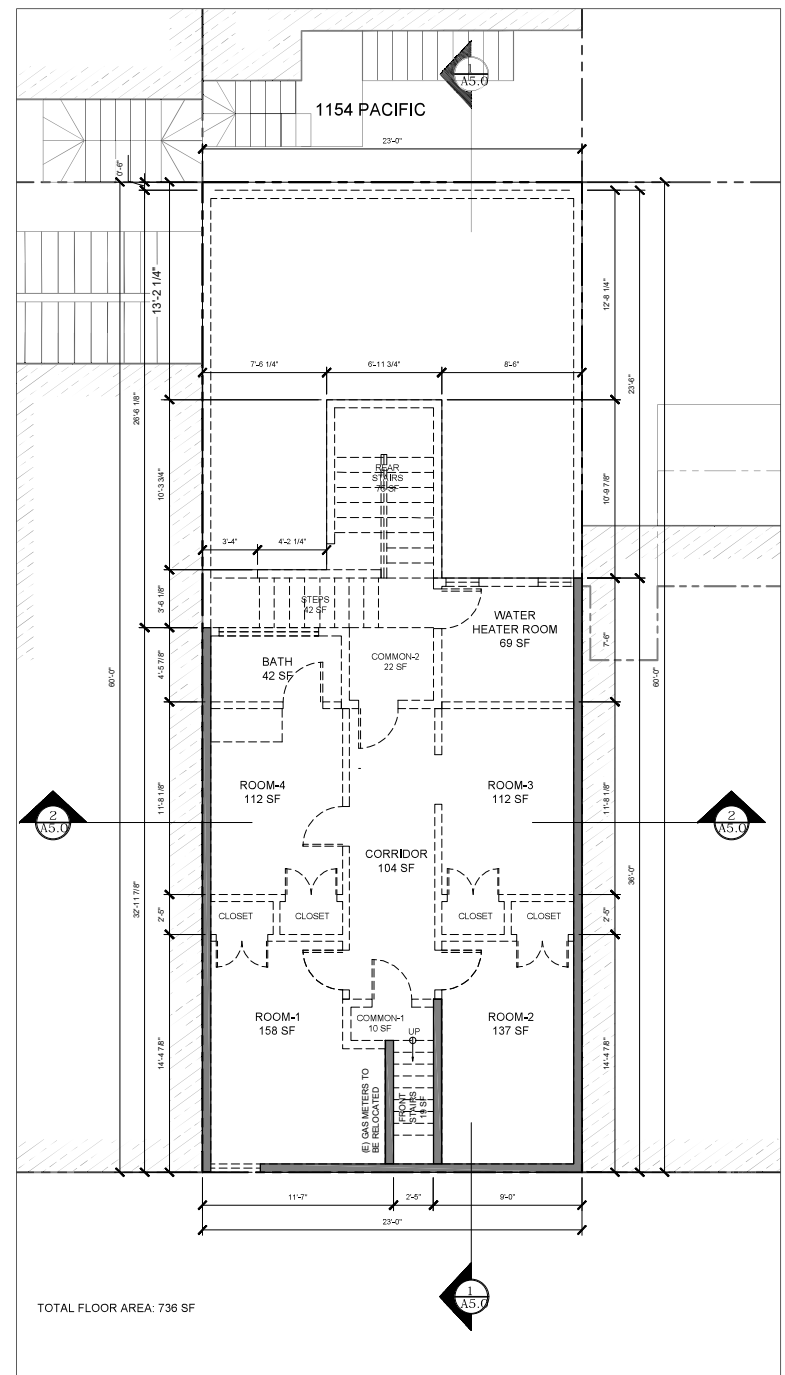
10.08.2021	2	PLAN REVIEW RESPONSE #1
08.28.2022	3	PLAN SET UPDATE

DATE	04.27.2020
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	PR, MD
CHECKED BY	JH

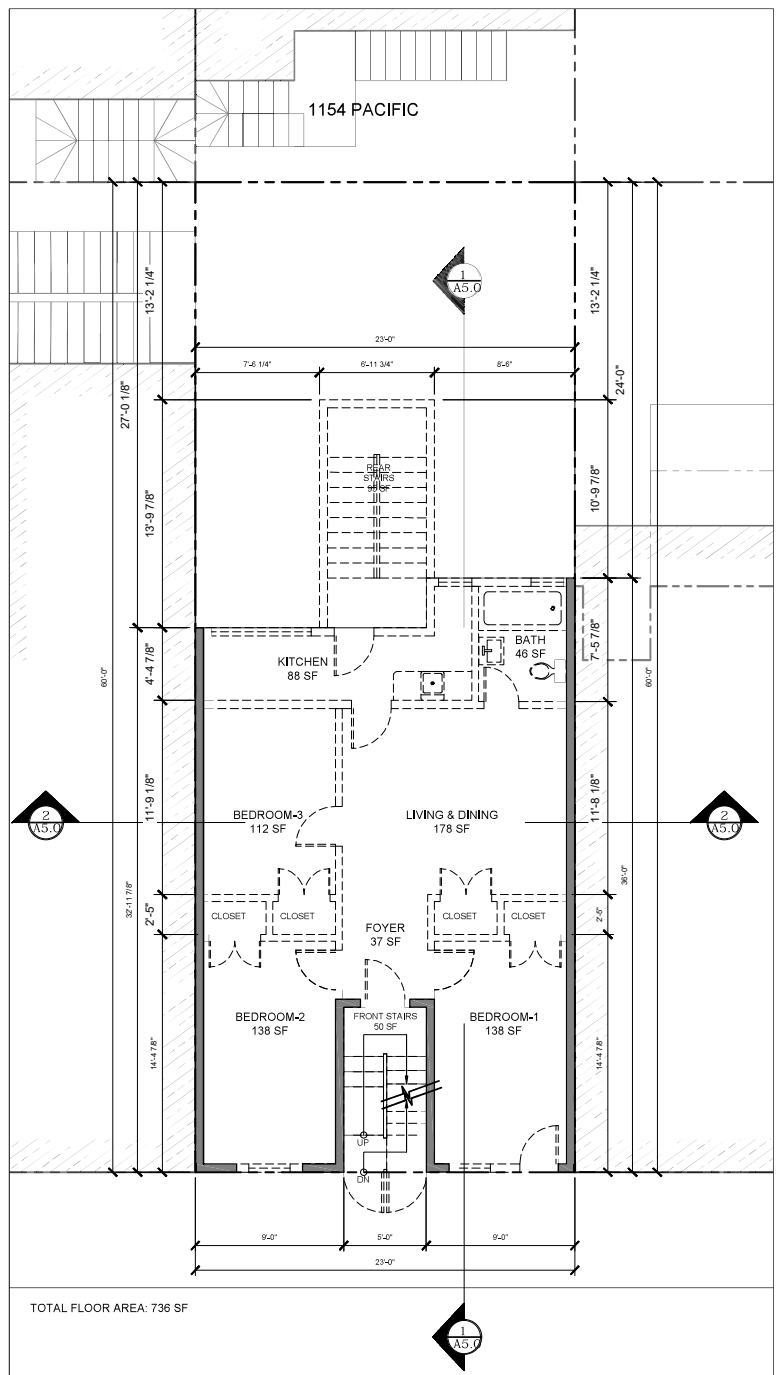
EXISTING/ DEMO FLOOR
PLANS - REFERENCE
1 OF 2

SHEET TITLE

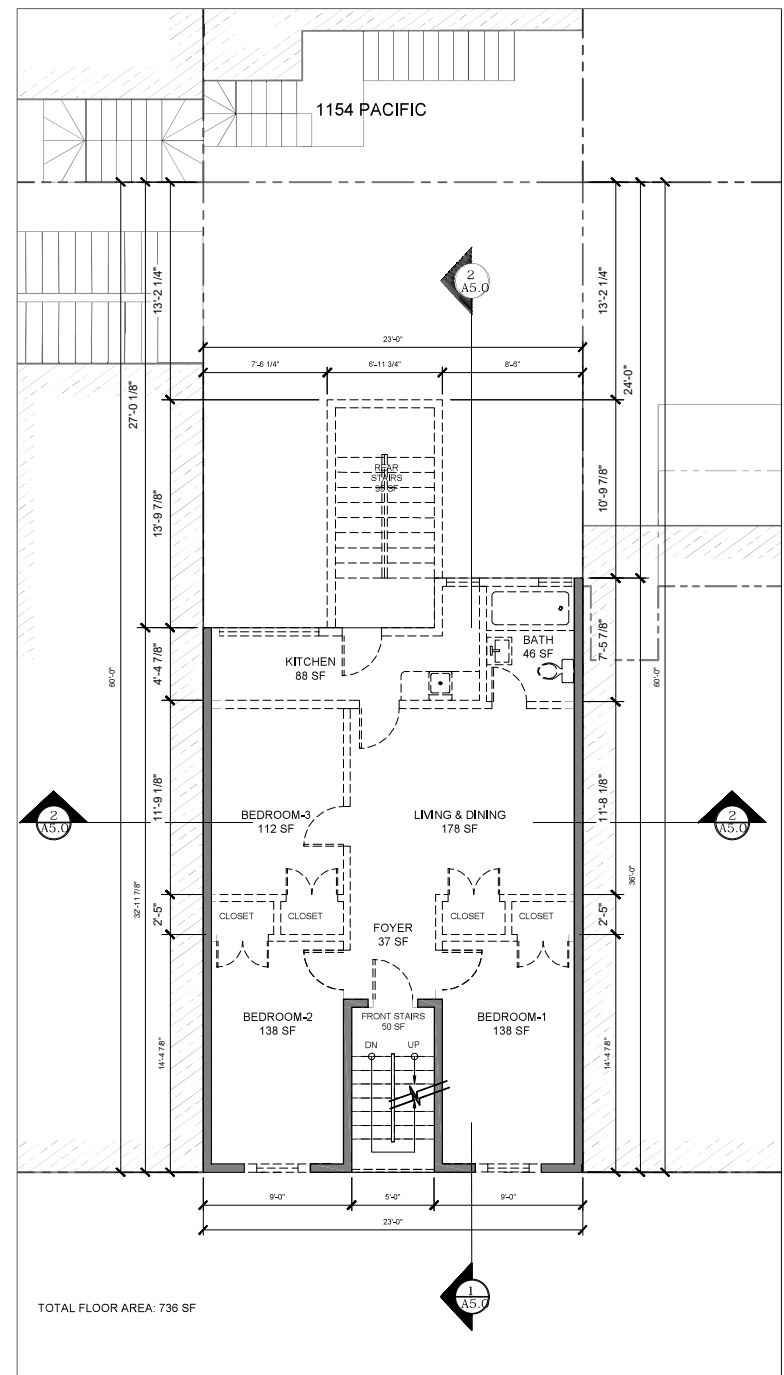
SHEET NO.



1 EXISTING AND DEMO PLAN: BASEMENT FLOOR
SCALE: 3/16" = 1'-0"



2 EXISTING AND DEMO PLAN: GROUND FLOOR
SCALE: 3/16" = 1'-0"



3 EXISTING AND DEMO PLAN: SECOND FLOOR
SCALE: 3/16" = 1'-0"

3 THIRD FLOOR REMOVED
TO SHOW ADJACENT
BLOCKS

LEGEND

- (E) WALL TO REMAIN
- (E) WALL TO BE DEMO

TANTAMOUNT TO DEMOLITION CALCULATION

FLOOR	HORIZONTAL ELEMENTS in SQFT					ALL EXTERIOR WALLS					
	(E) AREA in SQFT	AREA TO DEMOLISH in SQFT	AREA TO ADD in SQFT	TOTAL AREA in REMAIN SQFT	COMPLIANCE	EXTERIOR WALL	(E) EXTERIOR WALL in LFT	EXTERIOR WALL TO DEMOLISH in LFT	AREA TO ADD in LFT	TOTAL EXTERIOR WALL TO REMAIN IN LFT	COMPLIANCE
LEVEL - 01	736 = 100%	0 = 0%	236	736 > 50%	YES	NORTH	23 = 100%	0 = 0%	N.A.	23 > 50%	YES
LEVEL - 02	736 = 100%	0 = 0%	236	736 > 50%		SOUTH	23 = 100%	22 = 95.6%	N.A.	1 < 50%	
LEVEL - 03	736 = 100%	0 = 0%	236	736 > 50%		EAST	33 = 100%	0 = 0%	N.A.	33 > 50%	
ROOF AREA	736 = 100%	0 = 0%	236	736 > 50%		WEST	36 = 100%	0 = 0%	N.A.	36 > 50%	
BASEMENT	736 = 100%	0 = 0%	236	736 > 50%		TOTAL	115 = 100%	22 = 19%	N.A.	93 > 50%	

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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

STAMP

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08.28.2022	3	PLAN SET UPDATE

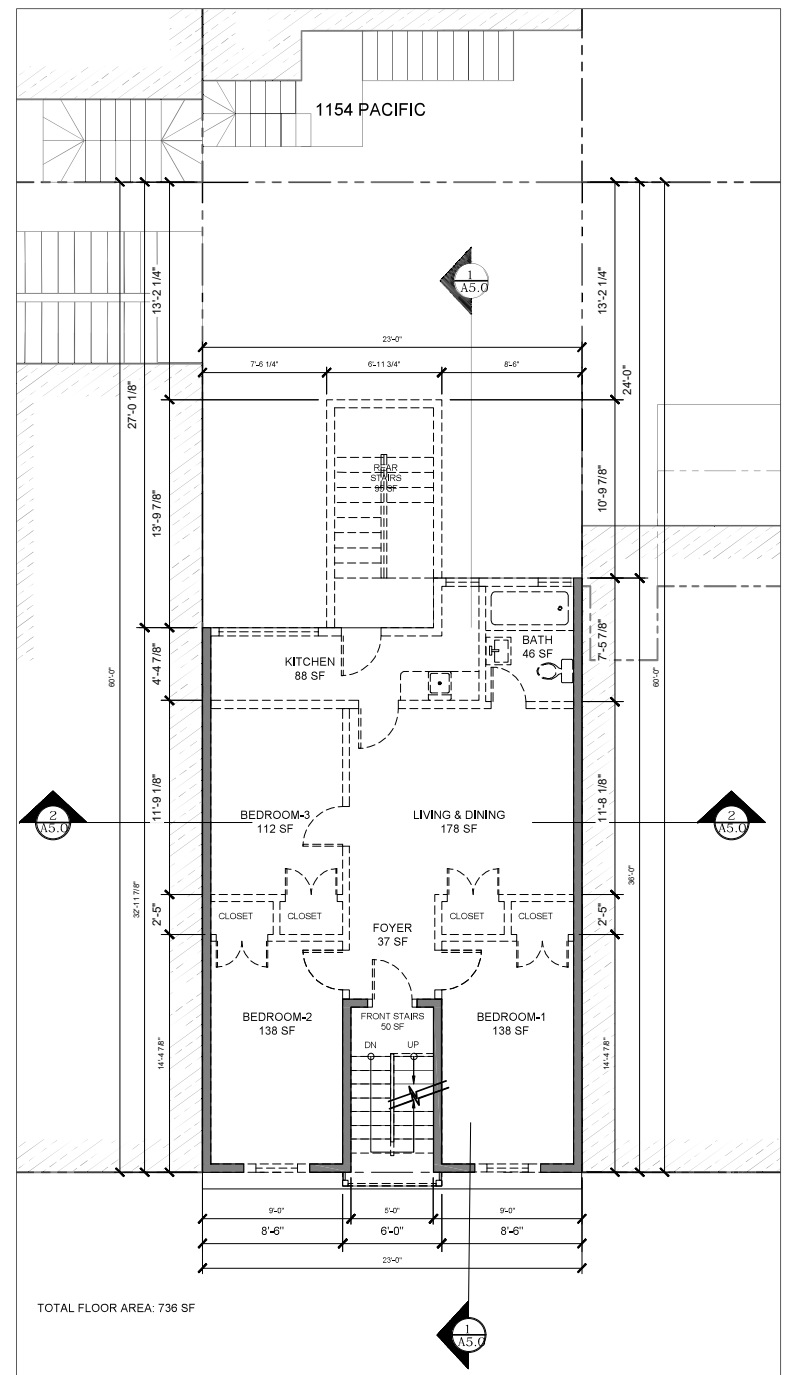
DATE	04.27.2020
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	PR, MD
CHECKED BY	JH

**EXISTING/ DEMO FLOOR
 PLANS - REFERENCE
 2 OF 2**

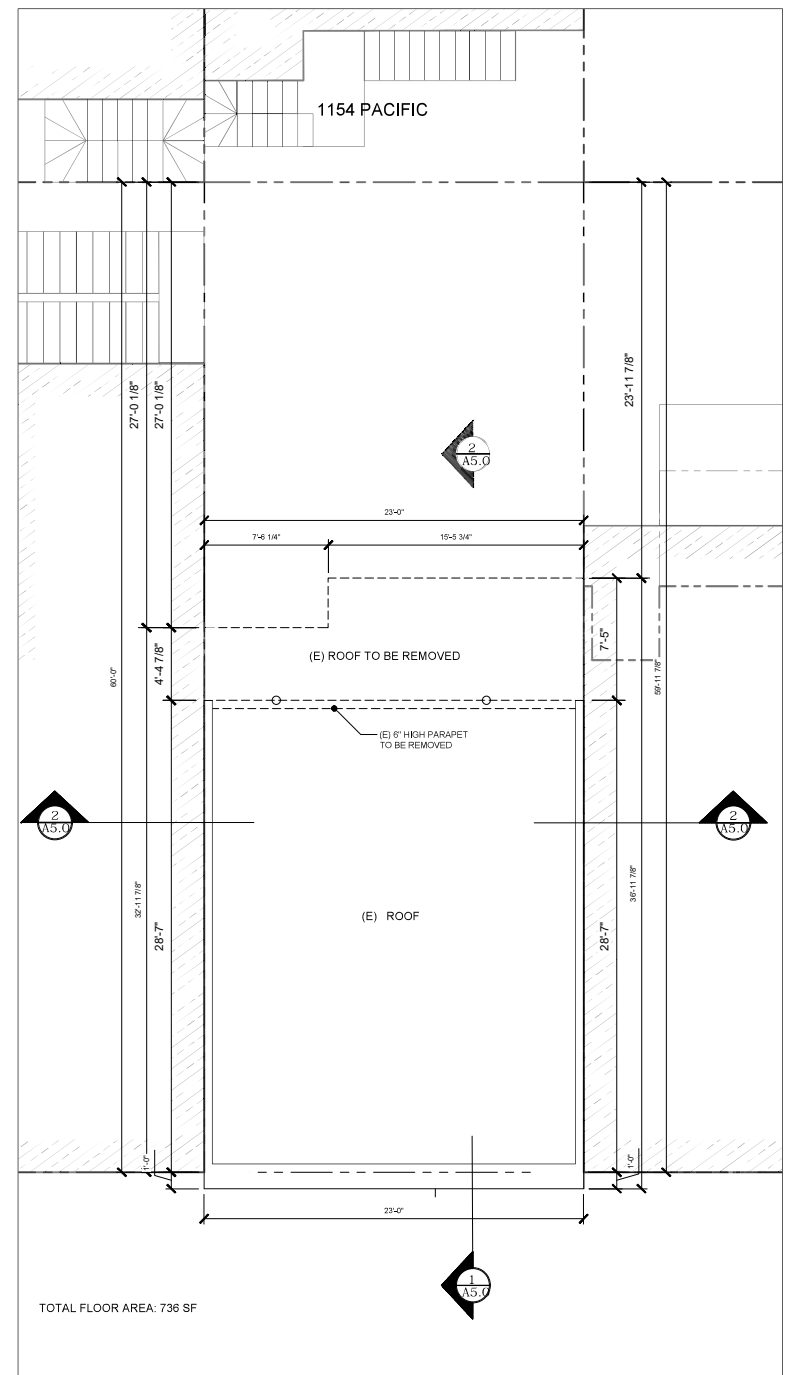
SHEET TITLE

NEW SHEET FOR THIRD
 AND ROOF EXISTING
 AND DEMO PLANS

SHEET NO.



1 EXISTING AND DEMO PLAN: THIRD FLOOR
 SCALE: 3/16" = 1'-0"



2 EXISTING AND DEMO PLAN: ROOF PLAN
 SCALE: 3/16" = 1'-0"

LEGEND

■ (E) WALL TO REMAIN

--- (E) WALL TO BE DEMO



A2.1

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06.28.2022	3	PLAN SET UPDATE
07.15.2022	4	PLAN SET UPDATE 2

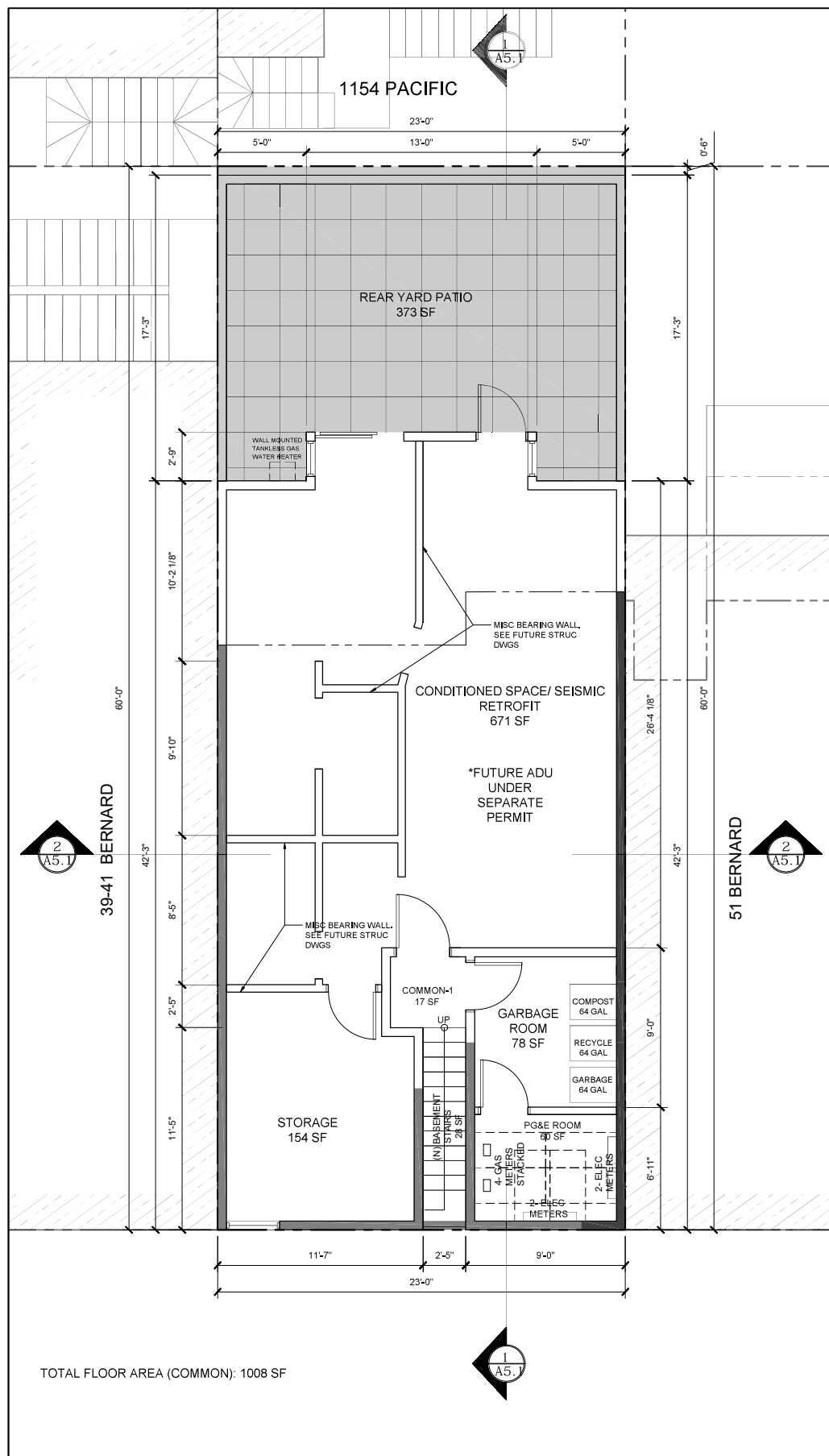
DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

**BASEMENT SEISMIC
 UPGRADE
 GROUND FLOOR PLAN**

SHEET TITLE

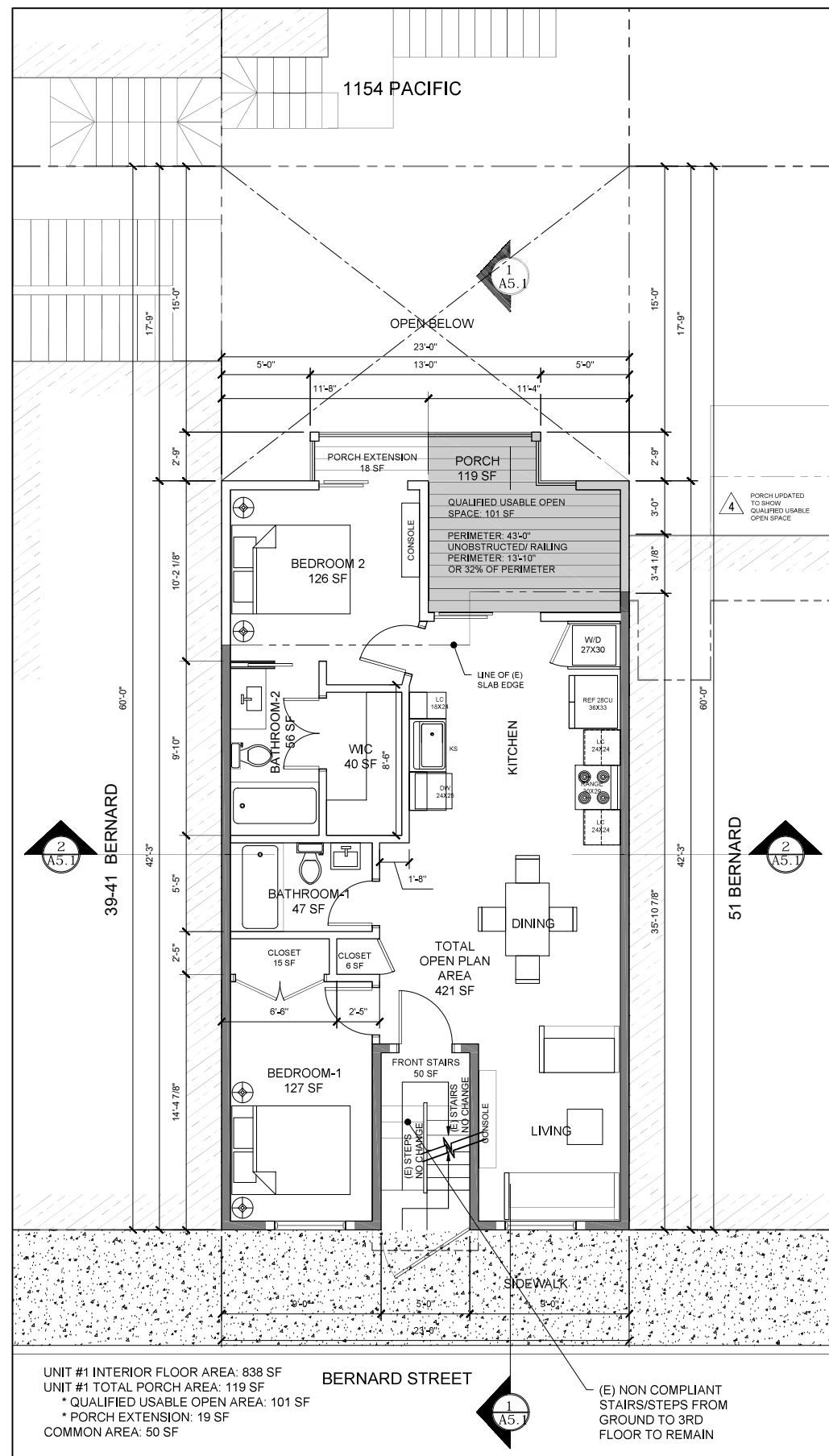
SHEET NO.

A3.0



TOTAL FLOOR AREA (COMMON): 1008 SF

1 BASEMENT FLOOR PLAN-SEISMIC UPGRADE
 SCALE: 1/8" = 1'-0"



UNIT #1 INTERIOR FLOOR AREA: 838 SF
 UNIT #1 TOTAL PORCH AREA: 119 SF
 * QUALIFIED USABLE OPEN AREA: 101 SF
 * PORCH EXTENSION: 19 SF
 COMMON AREA: 50 SF

2 GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

LEGEND

(E) WALL/FLOOR/ROOF TO REMAIN



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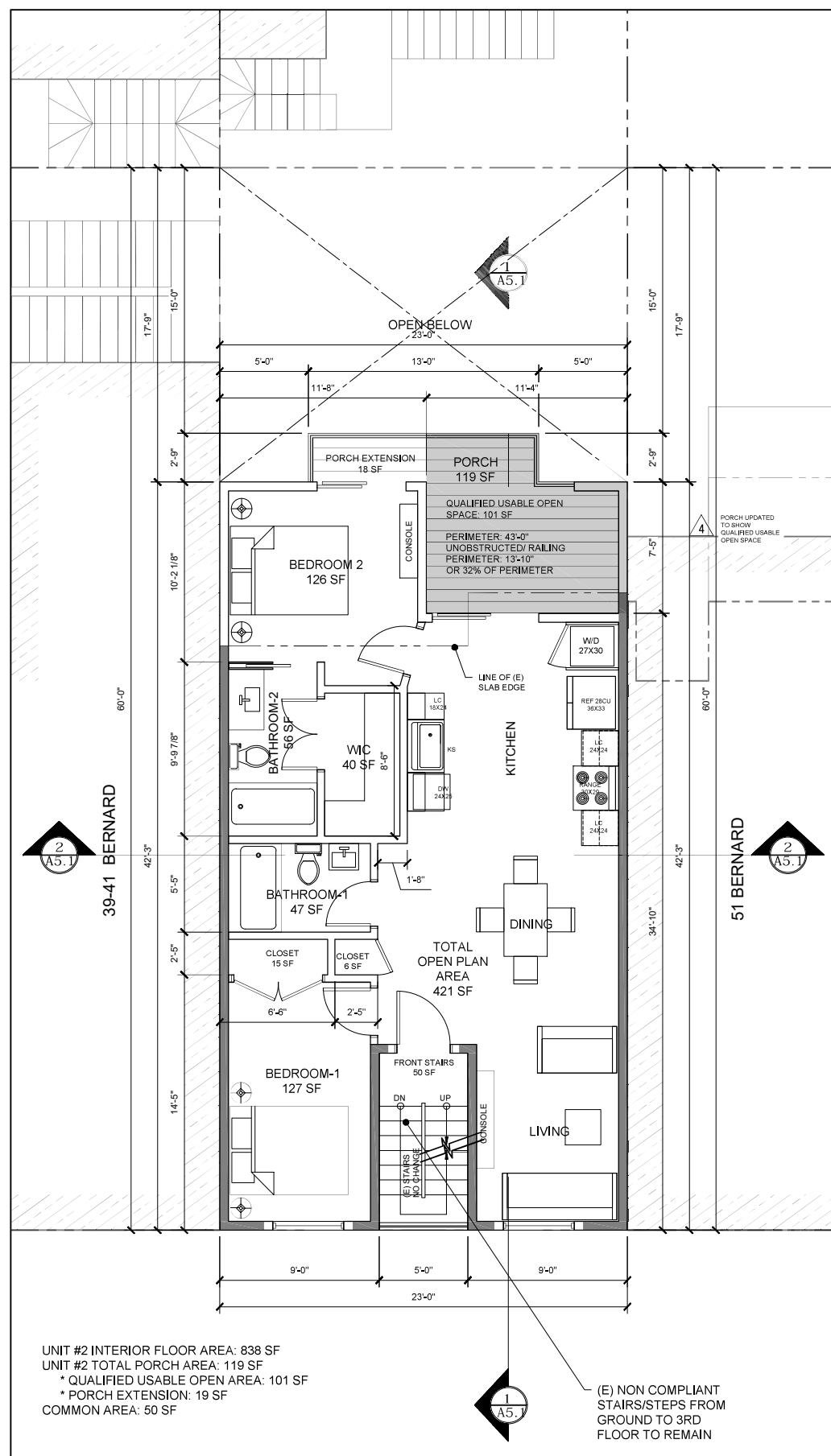
DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

**SECOND FLOOR PLAN
 THIRD FLOOR PLAN**

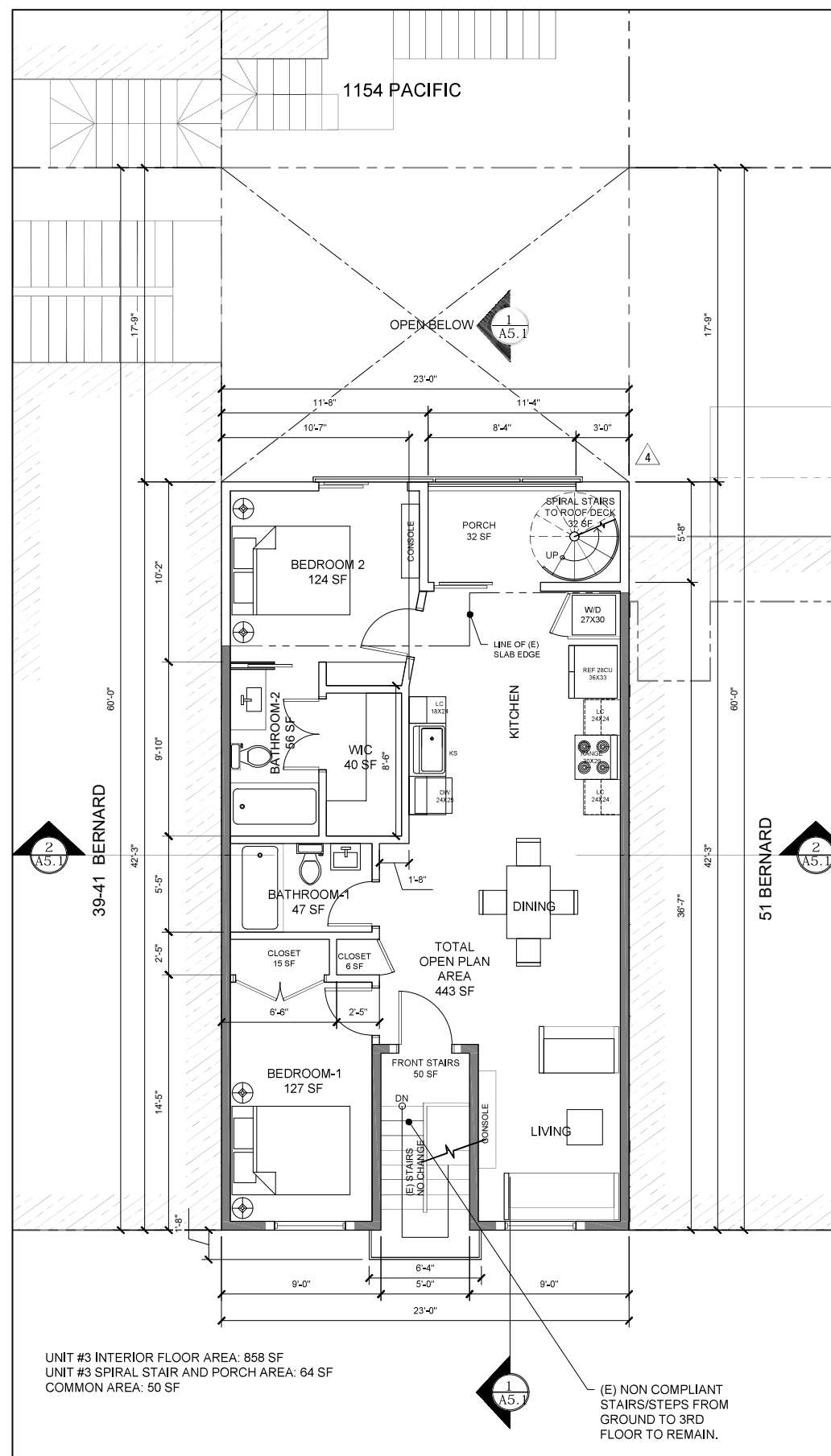
SHEET TITLE

SHEET NO.

A3.0a



1 SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



2 THIRD FLOOR PLAN
 SCALE: 1/8" = 1'-0"

LEGEND

(E) WALL/FLOOR/ROOF TO REMAIN



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REVISIONS

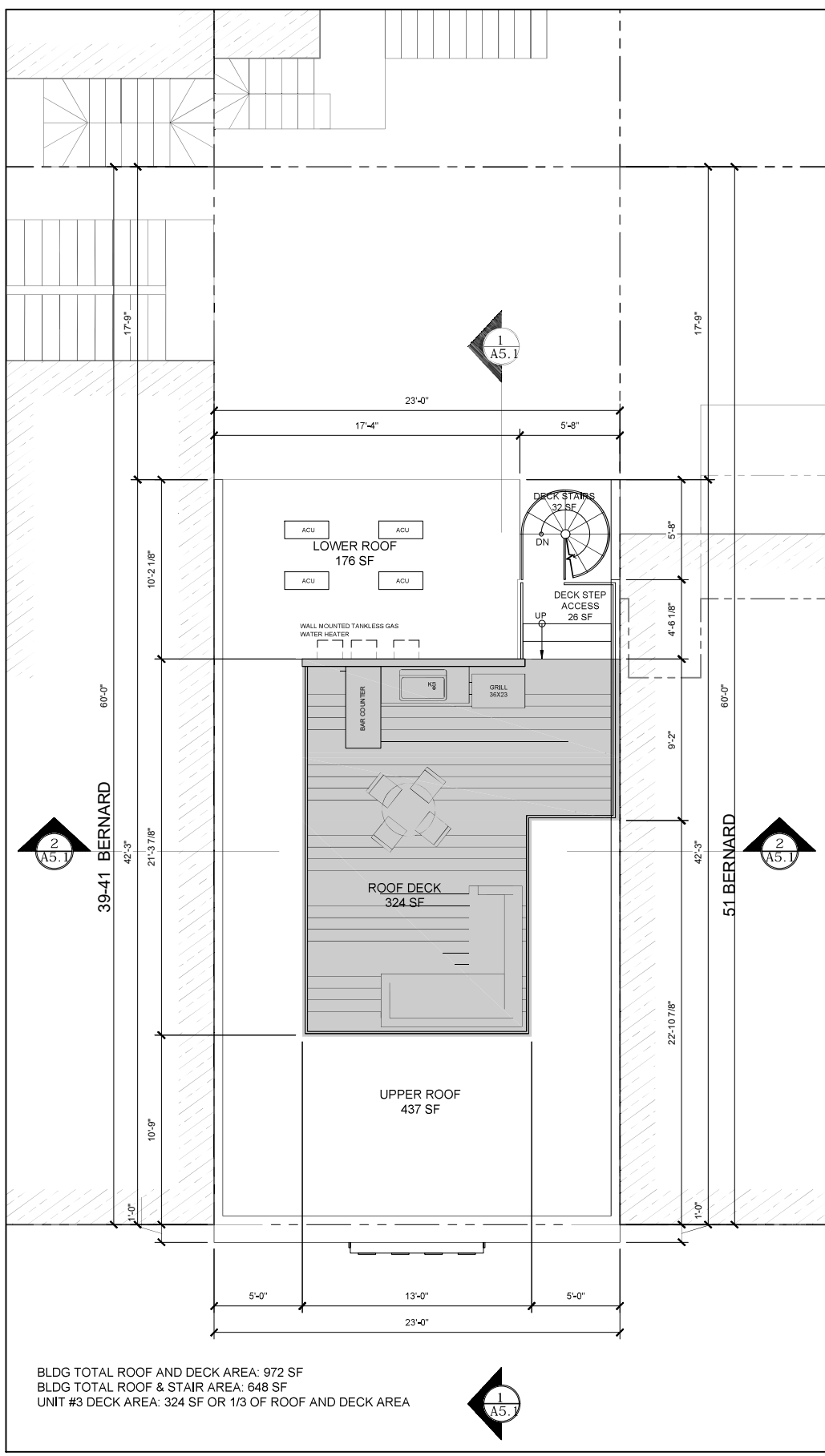
DATE	REVISION	DESCRIPTION
10.08.2021	2	PLAN REVIEW RESPONSE #1
08.28.2022	3	PLAN SET UPDATE

DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
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**ROOF DECK FLOOR PLAN
 ROOF PLAN**

SHEET TITLE


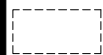
SHEET NO. **A3.1**



1 ROOF DECK FLOOR PLAN
 SCALE: 1/8" = 1'-0"



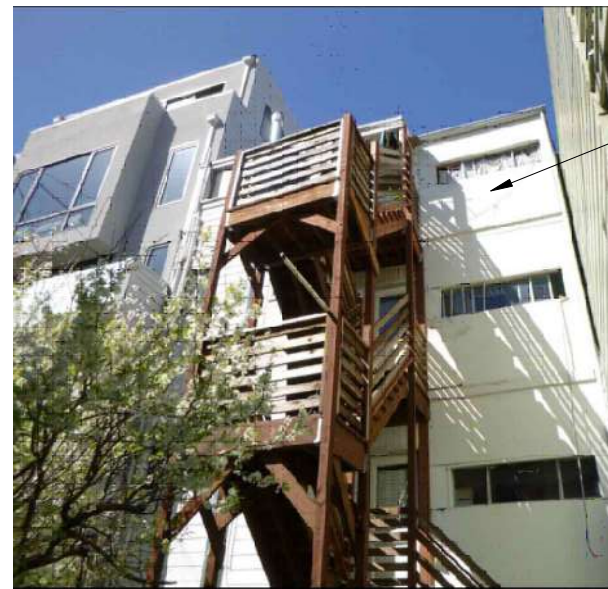
LEGEND

-  PROPOSED ADDITION
-  (E) ELEMENTS TO BE REMOVED



SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

1 (E) BERNARD STREET VIEW
SCALE: NTS



SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

2 (E) REAR/SOUTH VIEW
SCALE: NTS

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

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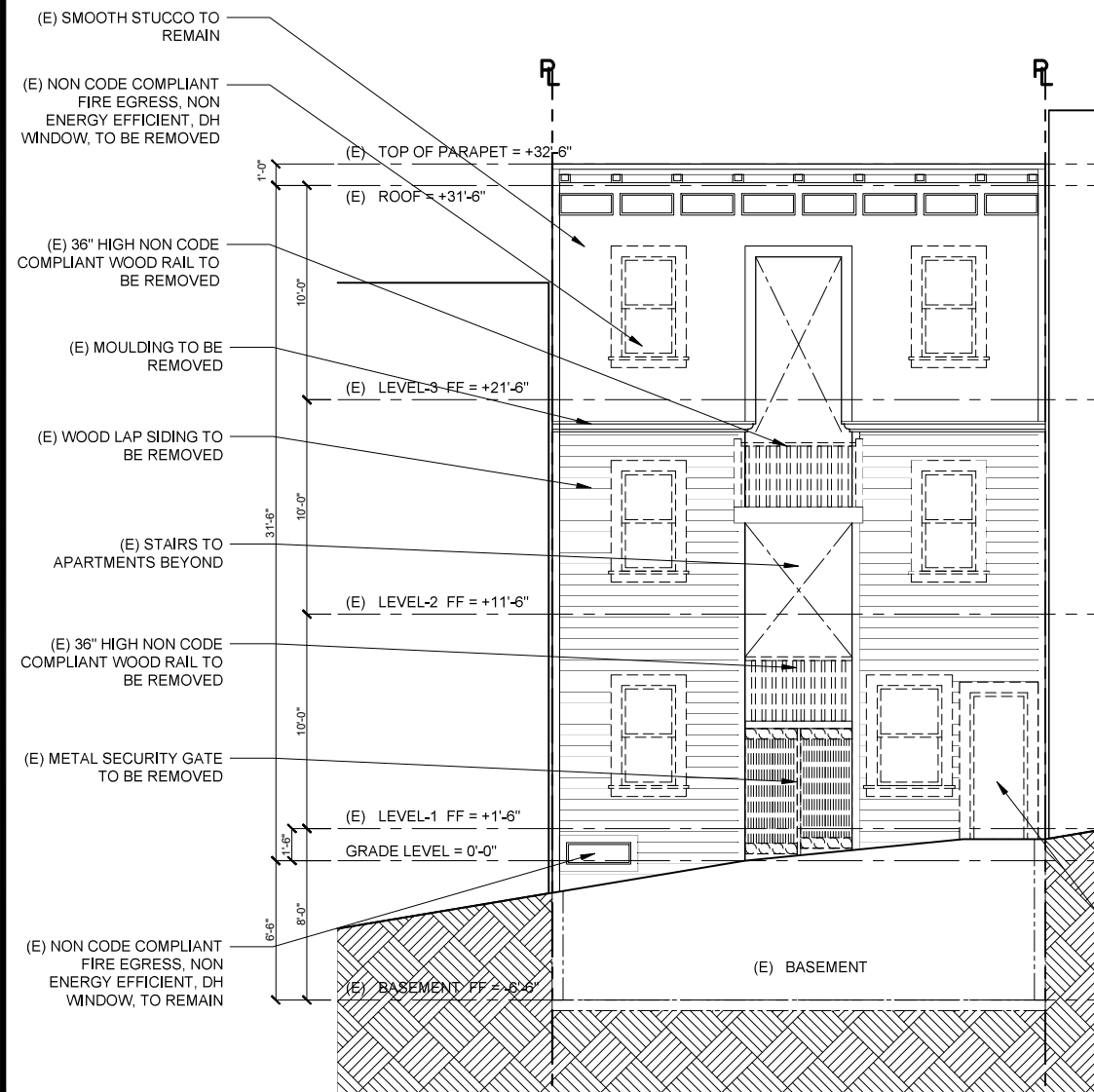
DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

FRONT ELEVATION

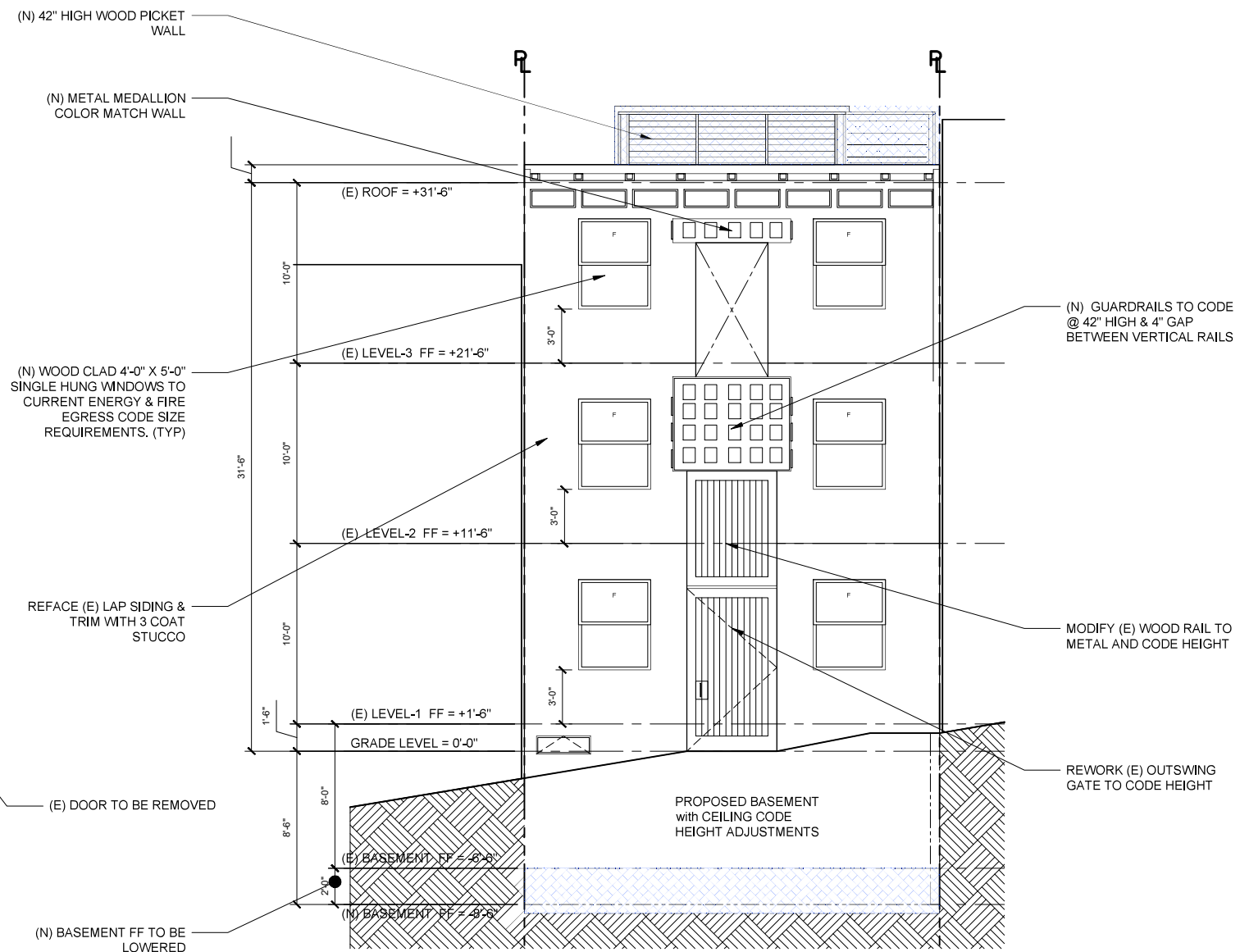
SHEET TITLE

A4.0

SHEET NO.



3 (E) FRONT/NORTH ELEVATION
SCALE: 1/4" TO 1'-0"



4 PROPOSED FRONT/NORTH ELEVATION
SCALE: 1/4" TO 1'-0" ELEVATION UPDATED

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**BERNARD ST. 3-UNITS APARTMENT
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 - 2020-0822-2415

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DATE 05.26.2022

SCALE AS NOTED

PROJECT ID 00000

DRAWN BY MDC

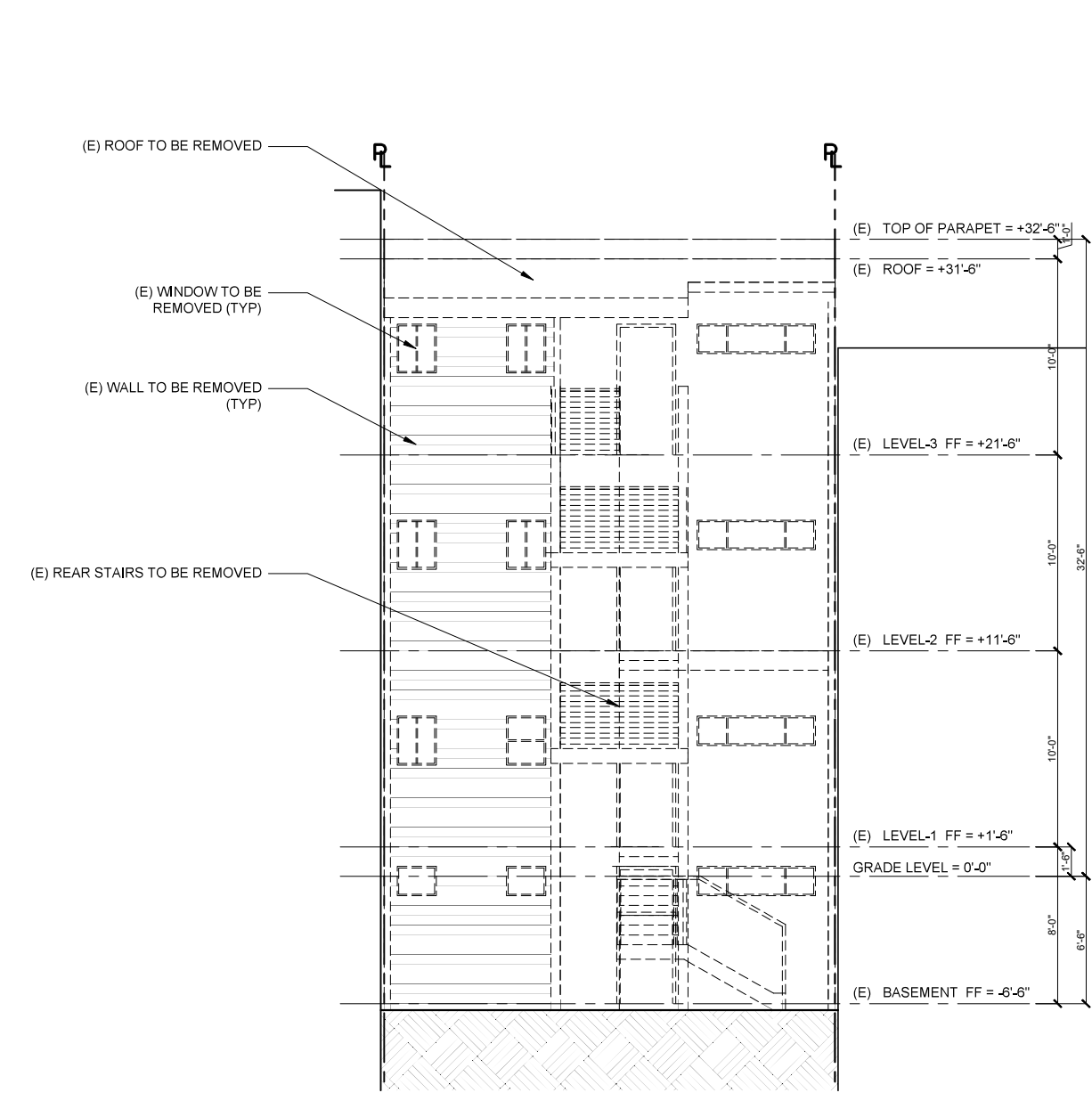
CHECKED BY JH

REAR ELEVATION

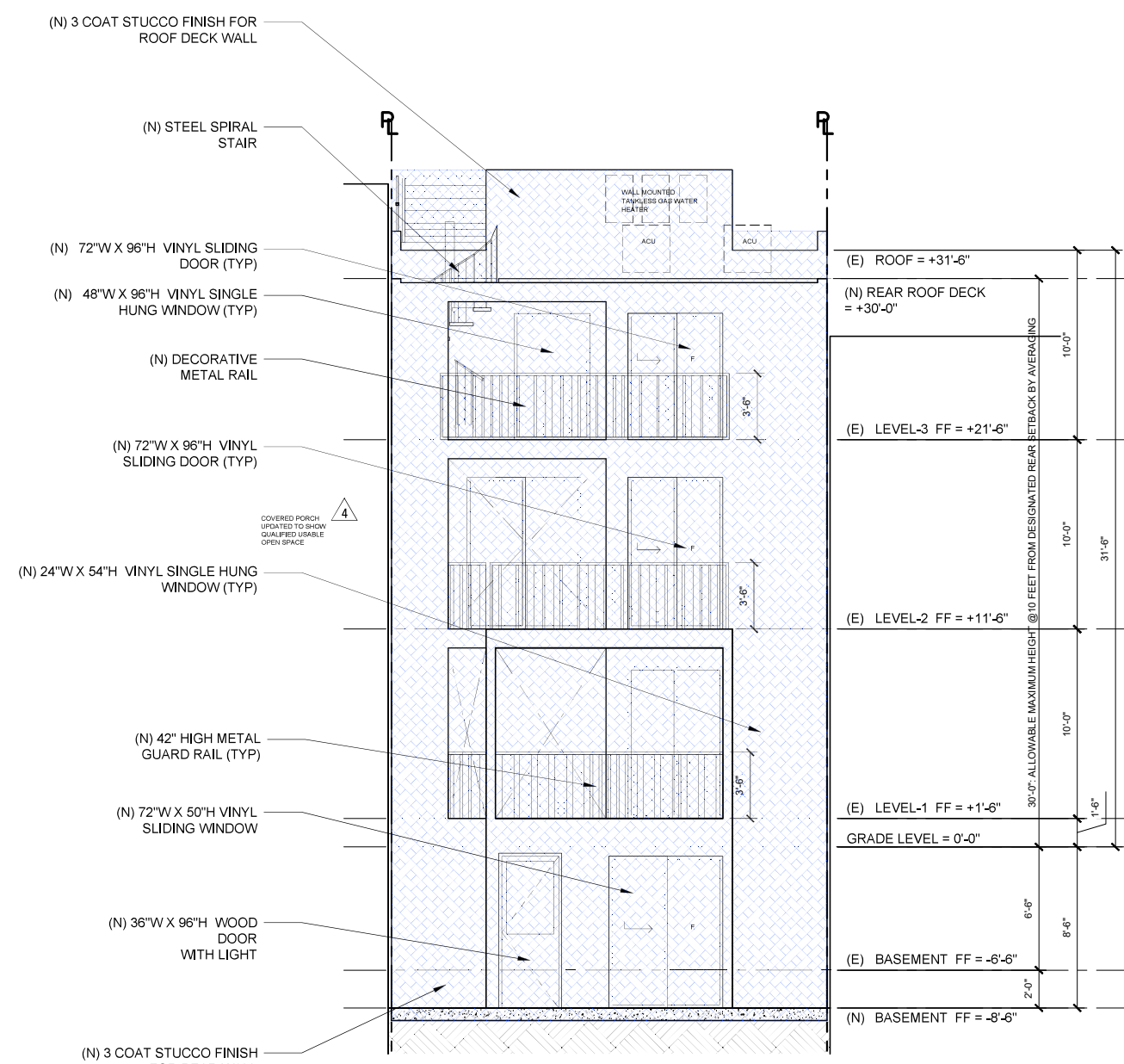
SHEET TITLE

A4.1

SHEET NO.



1 (E) REAR/SOUTH ELEVATION
SCALE: 1/4" TO 1'-0"



2 PROPOSED REAR/SOUTH ELEVATION
SCALE: 1/4" TO 1'-0"

LEGEND

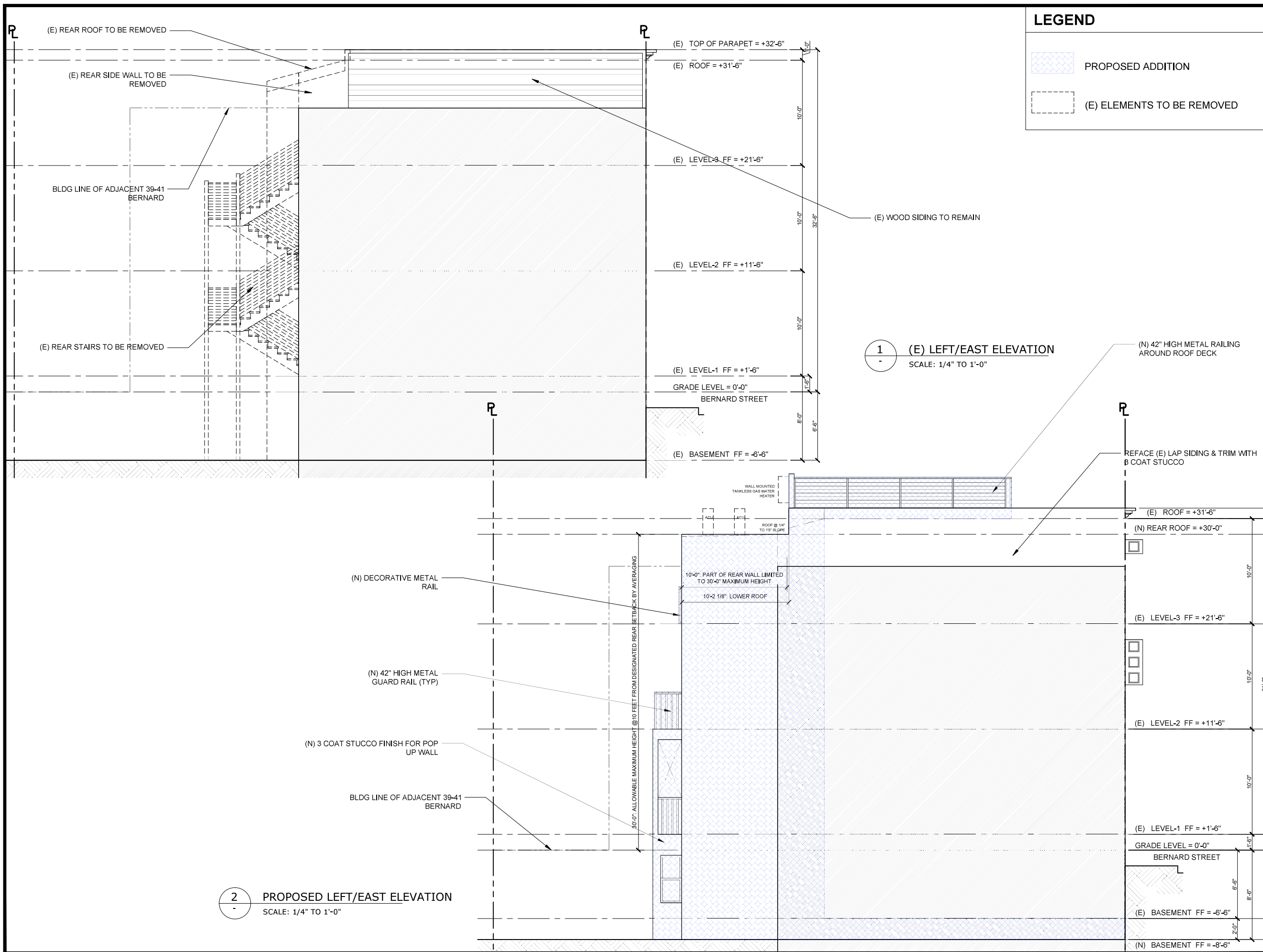
- EXTERIOR WITH CEMENT SIDING
- EXTERIOR FACADE ADDITION
- 3 COAT STUCCO - COLOR 1

TANTAMOUNT TO DEMOLITION CALCULATION

FRONT + REAR FACADE (LFT AT FOUNDATION)					
ELEVATION SIDE	(E) EXT WALL in LFT	(E) EXT WALL TO DEMOLISH in LFT	WALL TO ADD in LFT	(P) EXT TO REMAIN in LFT	COMPLIANCE
NORTH/FRONT ELEVATION	23 = 100%	0 = 0%	N.A.	23 < 50%	YES
SOUTH/REAR ELEVATION	23 = 100%	22 = 95.65%	N.A.	1 > 50%	
TOTAL	46	22	N.A.	24	

VERTICAL ENVELOP ELEMENTS TO REMAIN

ELEVATION SIDE	(E) ENVELOP AREA in SQFT	AREA TO DEMOLISH in SQFT	AREA TO ADD in SQFT	(P) ENVELOP AREA TO REMAIN in SQFT	COMPLIANCE
NORTH/FRONT ELEVATION	806 = 100%	43 = 5.33%	25.6 = 3.18%	788.6 < 50%	YES
SOUTH/REAR ELEVATION	962 = 100%	856 = 89%	N.A.	106 < 50%	
EAST ELEVATION	NO CHANGE	NO CHANGE	N.A.	100%	
WEST ELEVATION	NO CHANGE	NO CHANGE	N.A.	100%	
TOTAL	1768	899	25.600	894.6 > 50%	



LEGEND

PROPOSED ADDITION

(E) ELEMENTS TO BE REMOVED

1 (E) LEFT/EAST ELEVATION
SCALE: 1/4" TO 1'-0"

2 PROPOSED LEFT/EAST ELEVATION
SCALE: 1/4" TO 1'-0"

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HGCI
DESIGN | CONSTRUCT | WORK | LIVE

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

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FRANCISCO, CA 94133

MANAGED BY: HGCI
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PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH


EAST ELEVATION


SHEET TITLE

A4.2

SHEET NO.

LEGEND

 PROPOSED ADDITION

 (E) ELEMENTS TO BE REMOVED

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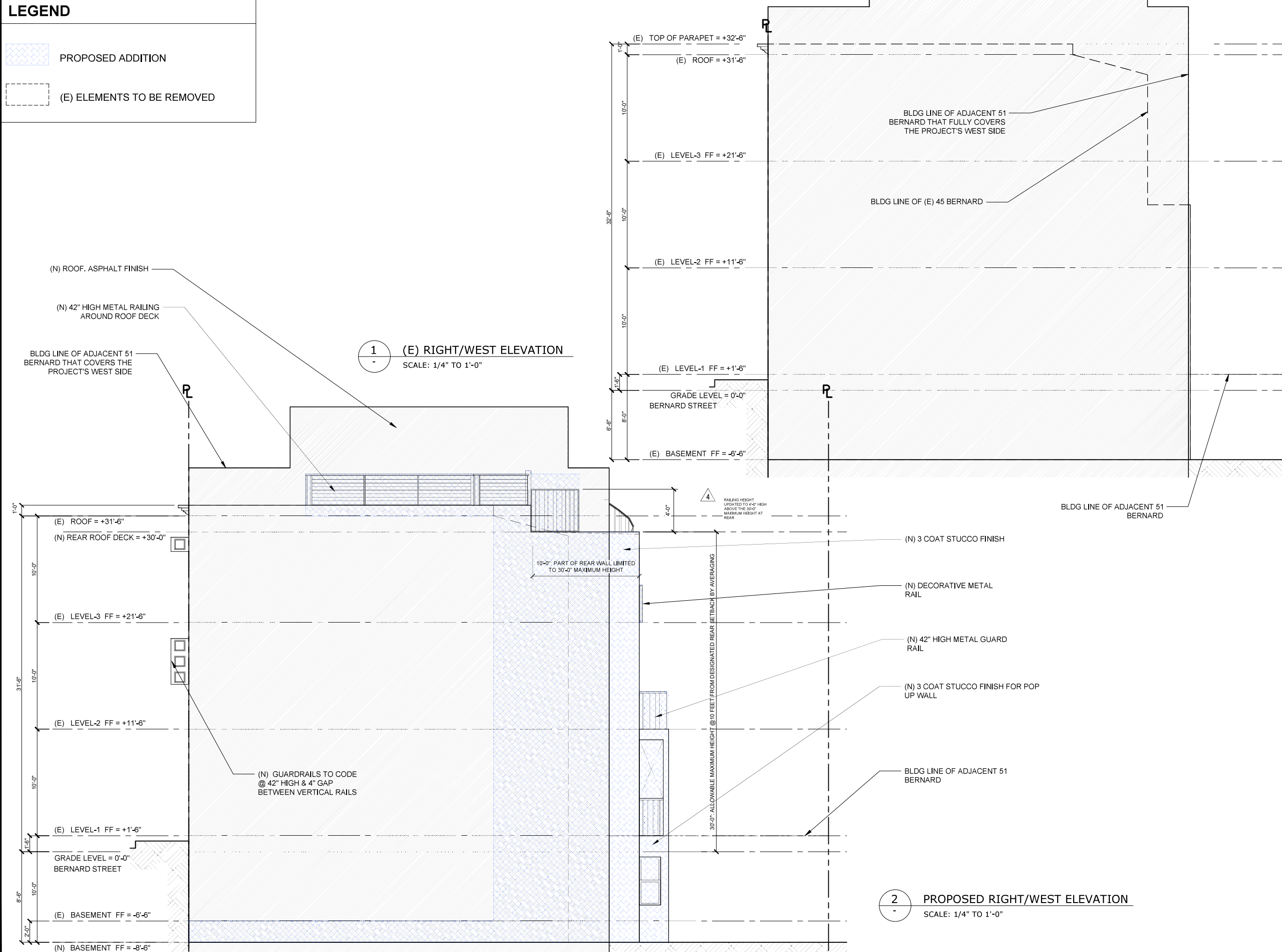
DATE	05.26.2022
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PROJECT ID	00000
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CHECKED BY	JH

WEST ELEVATION

SHEET TITLE

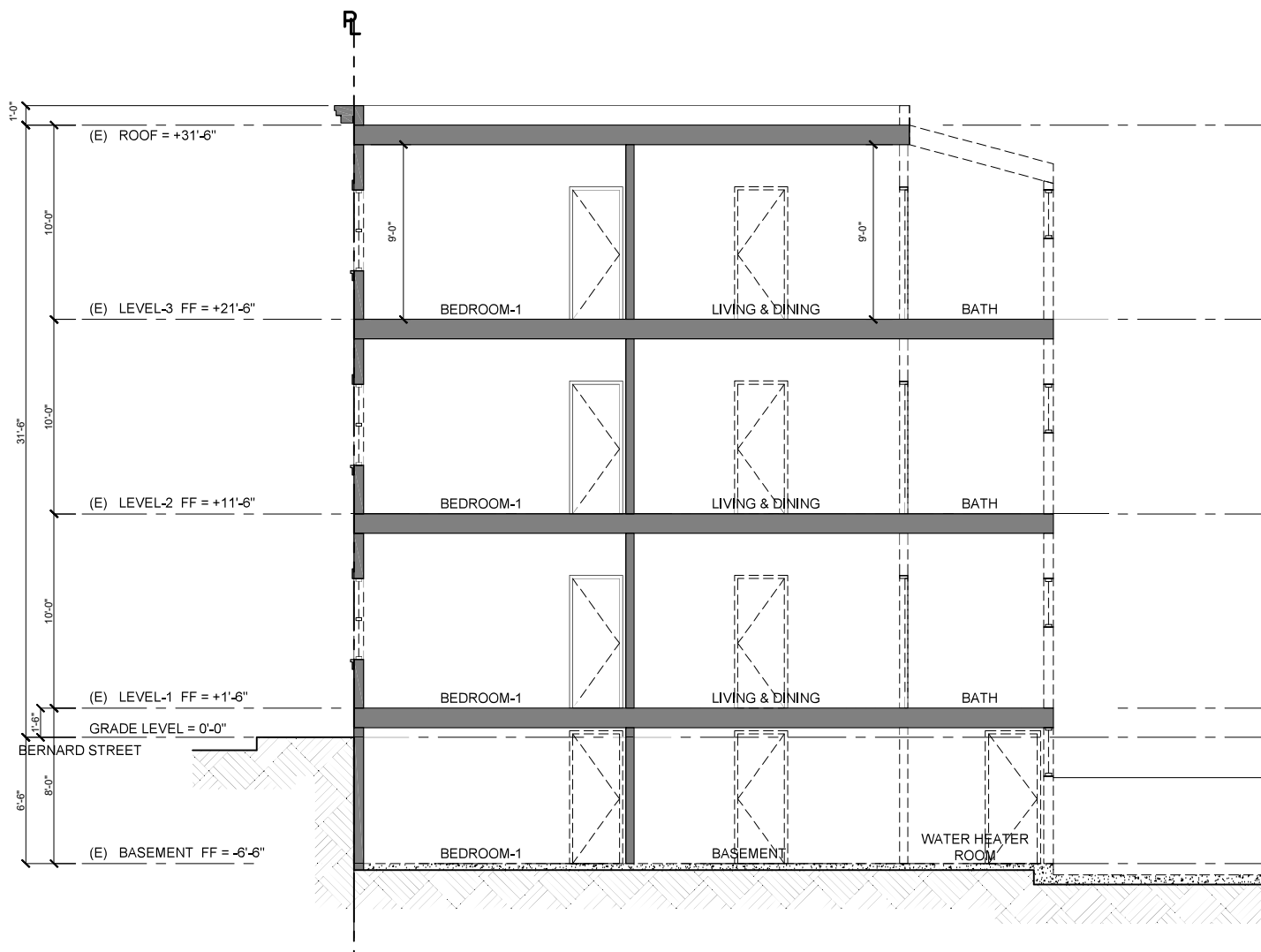
A4.3

SHEET NO.

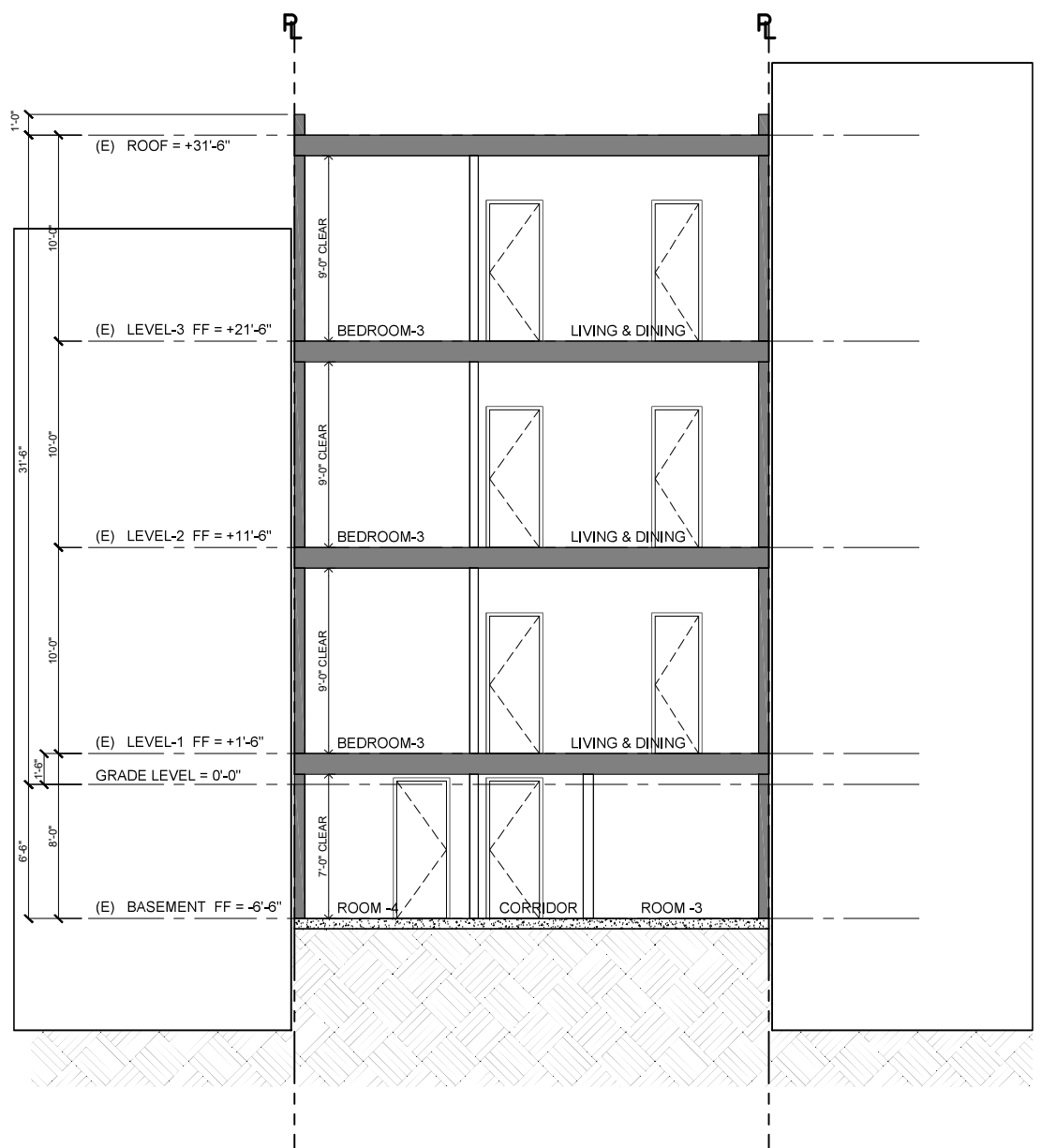


1 (E) RIGHT/WEST ELEVATION
SCALE: 1/4" TO 1'-0"

2 PROPOSED RIGHT/WEST ELEVATION
SCALE: 1/4" TO 1'-0"



1 (E) SECTION
SCALE: 1/4" TO 1'-0"



2 (E) TRANSVERSE SECTION
SCALE: 1/4" TO 1'-0"

LEGEND

- PROPOSED ADDITION
- (E) WALL/FLOOR/ROOF TO REMAIN
- (E) WALL/FLOOR/ROOF TO BE REMOVED

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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

STAMP

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10.08.2021	2	PLAN REVIEW RESPONSE #1
08.28.2022	3	PLAN SET UPDATE

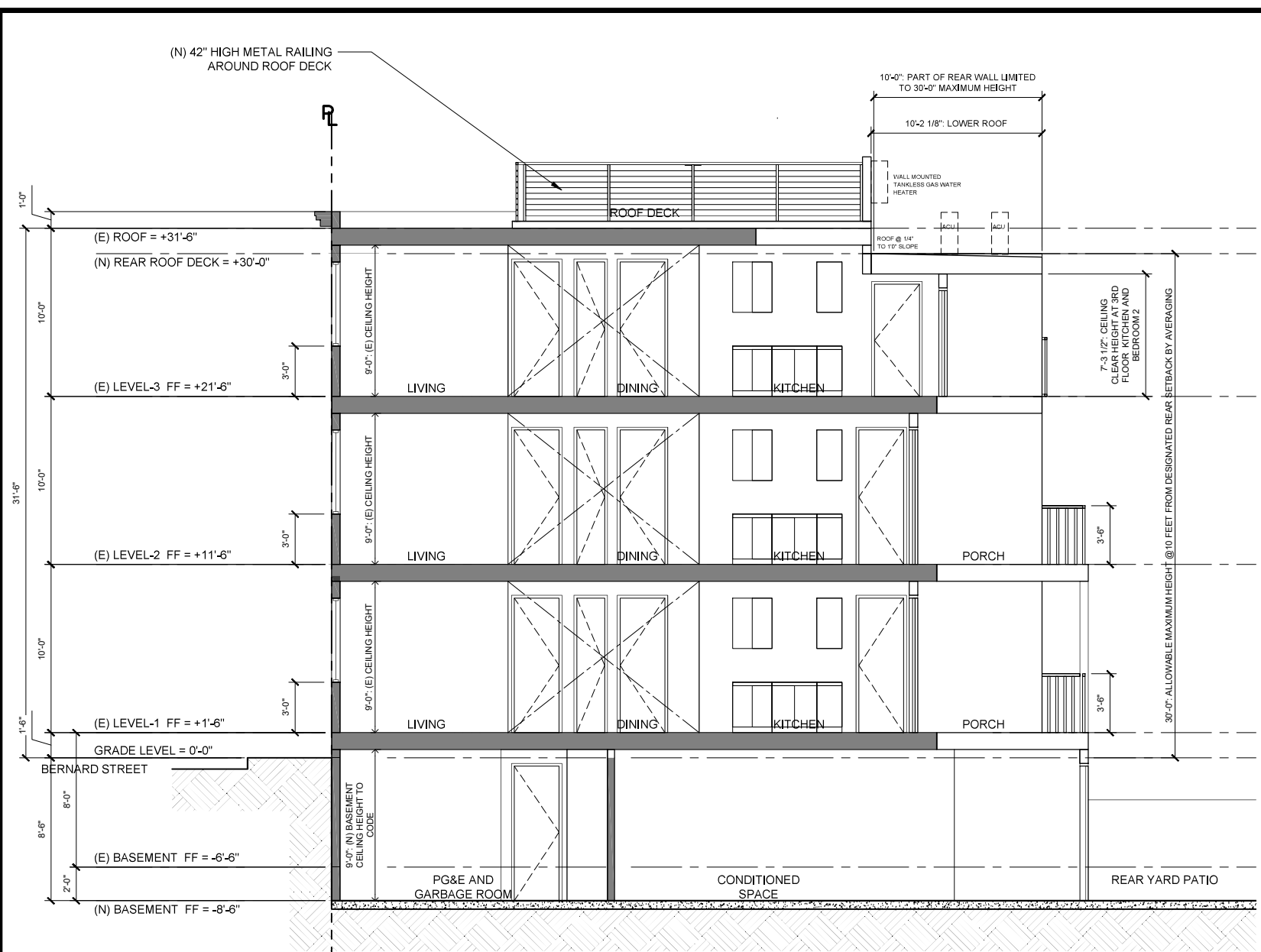
DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

**EXISTING BUILDING
SECTION**

SHEET TITLE

A5.0

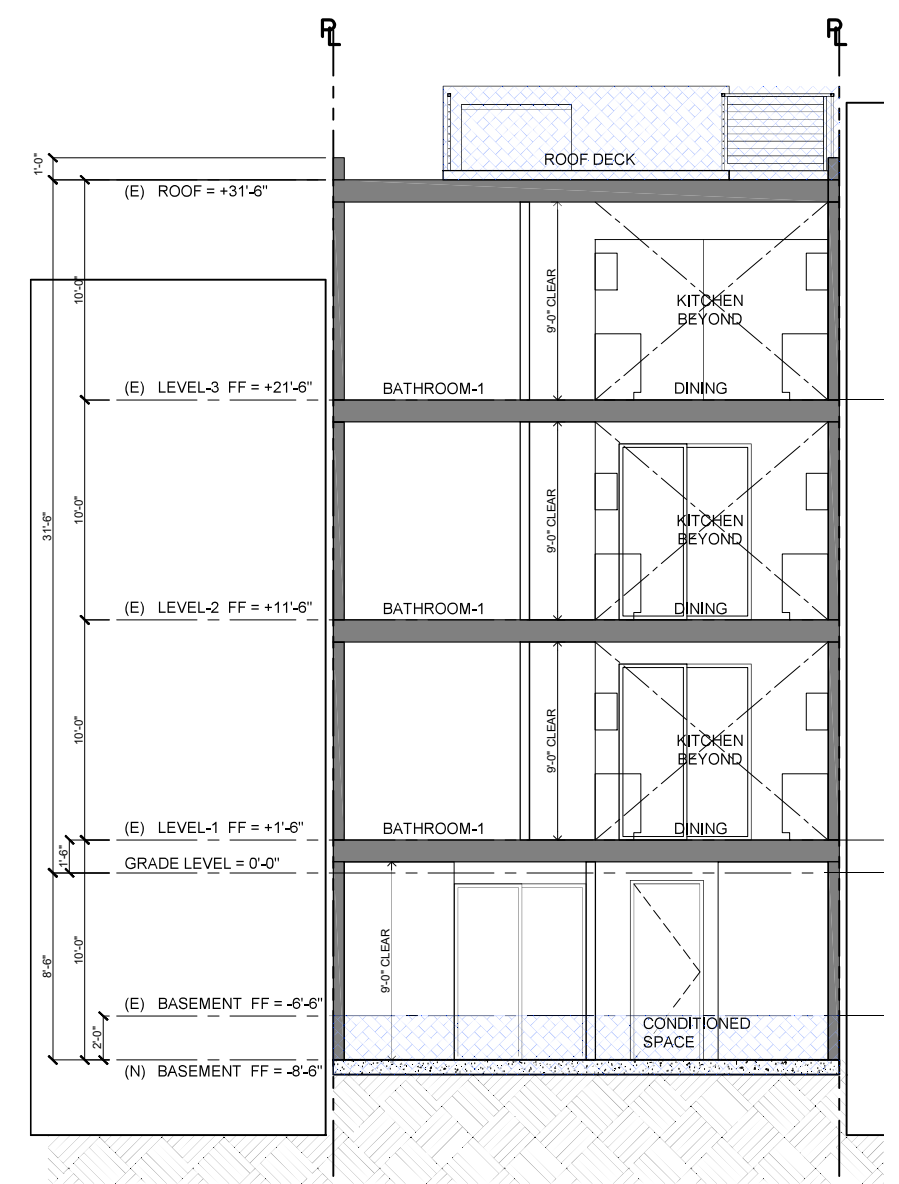
SHEET NO.



1 PROPOSED SECTION
SCALE: 1/4" TO 1'-0"
SECTION UPDATED AS PER FLOOR PLAN CHANGES

LEGEND

- PROPOSED ADDITION
- (E) WALL/FLOOR/ROOF TO REMAIN
- (E) WALL/FLOOR/ROOF TO BE REMOVED



2 PROPOSED TRANSVERSE SECTION
SCALE: 1/4" TO 1'-0"

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94960
T: 415.597.6880 F: 925.559.4814

HGCI
DESIGN | CONSTRUCT | WORK | LIVE

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

APN # 0157030
PERMIT NUMBER:
• BP#2020.0822.2415
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CHECKED BY	JH

PROPOSED SECTION

SHEET TITLE

A5.1

SHEET NO.

EXHIBIT 2
RELEVANT PLANNING COMMISSION EXCERPTS

The following excerpts from the Planning commission hearing were copied from the closed captions in the hearing video provided in this link:

https://sanfrancisco.granicus.com/player/clip/41915?view_id=20&redirect=true

Commissioner Moore:

1. My concerns are where we are asked to approve a building that when it ultimately goes through the sausage factory and DBI it becomes something completely different.”
2. “We are struggling with too many issues given the hundreds of comments the minimum I expect of them that what is in front of us is something that meets in a way to minimum expectations of an approvable building. “
3. “Why we are not having the details we are not substitute for the building department and fire department to look at the final grain of code compliant building or with air function in building be this is what our responsibility is here we are working hard to have that discussion...”
4. "... when I look to the building to the west, I regret it is overshooting in I mean that is too much. I would like to find a middle ground in terms of how deep the building can function. In addition to that and this is my personal opinion and I stated that opinion in many other cases, I believe that the rear spiral stair case to the roof is an abnormality and is bulking out too much. I'm not prepared to support it. It requires a tall fire separating wall from the other building bulking it out even further.”
5. “Why would you not choose a porch like you did on the other floors for that floor? Would you explain that to me please?”... Project Sponsor: "I want to have kids. It is a little bit of a space issue for us on there we both work from home."... Commissioner Moore: "This was a space in which families with multiple family members lived at a square footage that was by far smaller than anything you will move into. I don't want to entertain a conversation I'm speaking. And I think we need to understand the measure of scale here. For us as commissioners who are in the middle of the most brutal times I've experienced in my adult life. People are being displaced and people homeless and no affordable housing available this is a very tough project and I'm trying to find a middle ground and have been basically not been able to come to land on when we need to do.”
6. We need to see it now and if an adu occupied in 5 years I like to know what I'm approving if I don't get it 5 years from now. It is those things and I have issues with the massing of the building in the rear...The stair case is not a consideration for me. Nor is the roof deck. A porch would be great and make it a fitting building...

7. The stair case is on property line and because it is a stepping situation will require full height fire wall against the adjoining property will by appearance bulk up the building in the rear....However it requires a fire wall. So it is not like an open stair it is a stair that is wall in the on one side and it sits on the property line with the neighbor going to the west.

Commissioner Imperial

8. "...in terms of the context of the neighborhood that is when I'm trying to see here that the DR requestor is referring to the cultural preservation of this neighborhood...I'll take this as a DR. Evictions that happened and the fact that we have concern It is code compliant but not culturally designed for people who live in this area."

Commissioner Moore

9. I would like to interject a comment and that is that I would like to find this larger middle grounds that deals with the physicality of the building as I see potential issues, relative to the buildability of the building changing what is going to come out of this, I want to both make sure that the applicant who bought a building that needs improvements is habitable and gives them more space. But is also compliant with all the other things which can significantly alter the building from that which is in front of us.

EXHIBIT 3
ADU PLANS

BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/REMODEL

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



BERNARD ST. 3-UNITS APARTMENT SEISMIC RETROFIT/ REMODEL

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DRAWN BY	PR, MD
CHECKED BY	JH

COVER SHEET

SHEET TITLE

SHEET NO.

CONTACT INFORMATION

OWNER: Tina Huston c:925.337.1755 Lindsey Huston c: 925.337.9532	GENERAL CONTRACTOR: HGCI 112 Spaulding St., Unit - A San Anselmo, CA - 94960 p: 415.597.6880 c: 415.509.0304	ENGINEER: CRES Engineering Andres Stambuk 2420 Sand Creek Rd, Suite C-1252 Brentwood, CA. 94513 c: 925.487.0895
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PROJECT DATA

ADDRESS:	45, 47 & 49 Bernard St., SAN FRANCISCO, CA. 94133
BLOCK/ LOT :	0157 / 030
LOT SIZE :	23' 0" X 60' 0" = ± 1380 SF
ZONING :	RH - 3 (RESIDENTIAL HOUSE - THREE FAMILY)
HEIGHT & BULK DISTRICT :	65 - A

PLANNING DISTRICT: DISTRICT-3 NORTHEAST

- SET BACK REQUIREMENTS:
- FRONT SETBACK: (E) SETBACK 0'0" OR AVERAGE OF ADJACENT BUILDINGS = 0'0"
 - REAR SETBACK: AVERAGE OF ADJACENT BUILDING per SF PLANNING CODE SECTION 134 = NO LESS THAN 17'-9". SEE SITE PLAN.
 - SIDE SETBACKS: NOT REQUIRED PER SF PLANNING CODE SECTION 133

- EXISTING BUILDING :
- YEAR BUILT: 1906
 - NUMBER OF STORIES: 3 STORIES + BASEMENT
 - BUILDING AREA: 2944 SQFT
 - OCCUPANCY CLASS: R-2
 - USE TYPE: MULTI-UNIT APARTMENTS
 - NO. OF DWELLING UNITS: 3 DU
 - BUILDING HEIGHT: 32'-6"
 - CONSTRUCTION TYPE V-B

- PROPOSED BUILDING SIZE :
- PROPOSED NUMBER OF STORIES: 3 STORIES + BASEMENT (NO CHANGE)
 - PROPOSED BUILDING AREA: 3478 SQFT
 - PROPOSED OCCUPANCY CLASS: R-2 (NO CHANGE)
 - PROPOSED USE TYPE: MULTI-UNIT APARTMENT (NO CHANGE)
 - PROPOSED NO. OF DWELLING UNITS: 3 DU
 - OCCUPANCY LOAD: 1 PER 200 SQFT
 - BUILDING HEIGHT: 32'-6" (NO CHANGE)
 - CONSTRUCTION TYPE V-A

(E) GARAGE PARKING:	NONE
REQUIRED PARKING:	NONE
FIRE SPRINKLERS:	Yes - Existing in Basement Unit (N) Sprinklers for Grd to 3rd floors
FIRE ALARM:	Yes

APPLICABLE CODES

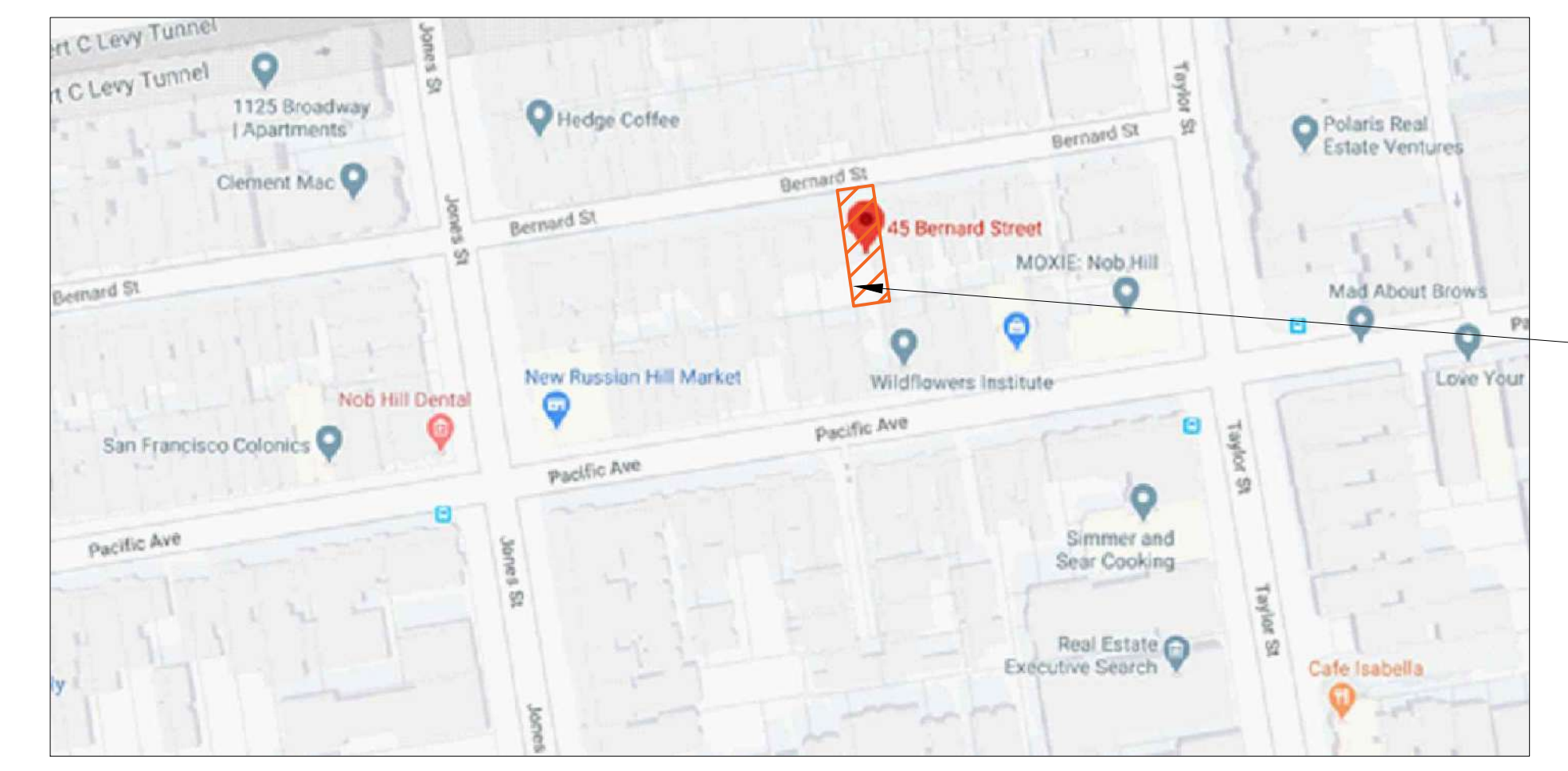
- APPLICABLE CODES:
- 2019 CALIFORNIA BUILDING CODE
 - 2019 CALIFORNIA RESIDENTIAL CODE
 - 2019 CALIFORNIA ELECTRICAL CODE
 - 2019 CALIFORNIA MECHANICAL CODE
 - 2019 CALIFORNIA PLUMBING CODE
 - 2019 CALIFORNIA ENERGY CODE
 - 2019 CALIFORNIA FIRE CODE
 - SAN FRANCISCO RESIDENTIAL DESIGN GUIDELINES
 - SAN FRANCISCO HOME-SF DESIGN GUIDELINES
 - SAN FRANCISCO URBAN DESIGN GUIDELINES
 - SAN FRANCISCO CODE OF ORDINANCES

SHEET INDEX

- ARCHITECTURAL
- A0.0 COVER SHEET
 - A1.0 SITE PLAN & SETBACKS
 - A2.0 EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 1/2
 - A2.1 EXISTING / DEMO FLOOR PLANS - REFERENCE ONLY 2/2
 - A3.0 PROPOSED BASEMENT AND GROUND FLOOR PLANS
 - A3.0a PROPOSED SECOND AND THIRD FLOOR PLANS
 - A3.1 PROPOSED ROOF DECK FLOOR PLAN AND ROOF PLAN
 - A4.0 EXISTING VS PROPOSED FRONT ELEVATION
 - A4.1 EXISTING VS PROPOSED REAR ELEVATION
 - A4.2 EXISTING VS PROPOSED EAST ELEVATION
 - A4.3 EXISTING VS PROPOSED WEST ELEVATION
 - A5.0 EXISTING BUILDING SECTION
 - A5.1 PROPOSED BUILDING SECTION

SCOPE OF WORK

- THIS RESIDENTIAL REMODEL WORK PROPOSES:
- FOUNDATION / SEISMIC UPGRADES WITH CEILING CODE HEIGHT ADJUSTMENTS TO COMPLY TO CURRENT CODE.
 - REAR YARD ADDITION WITH MISC UNIT UPGRADES INCLUDING MODIFY/RELOCATE PG&E METERS.
 - FUTURE ADU AT BASEMENT UNDER SEPARATE STATE ADU PERMIT

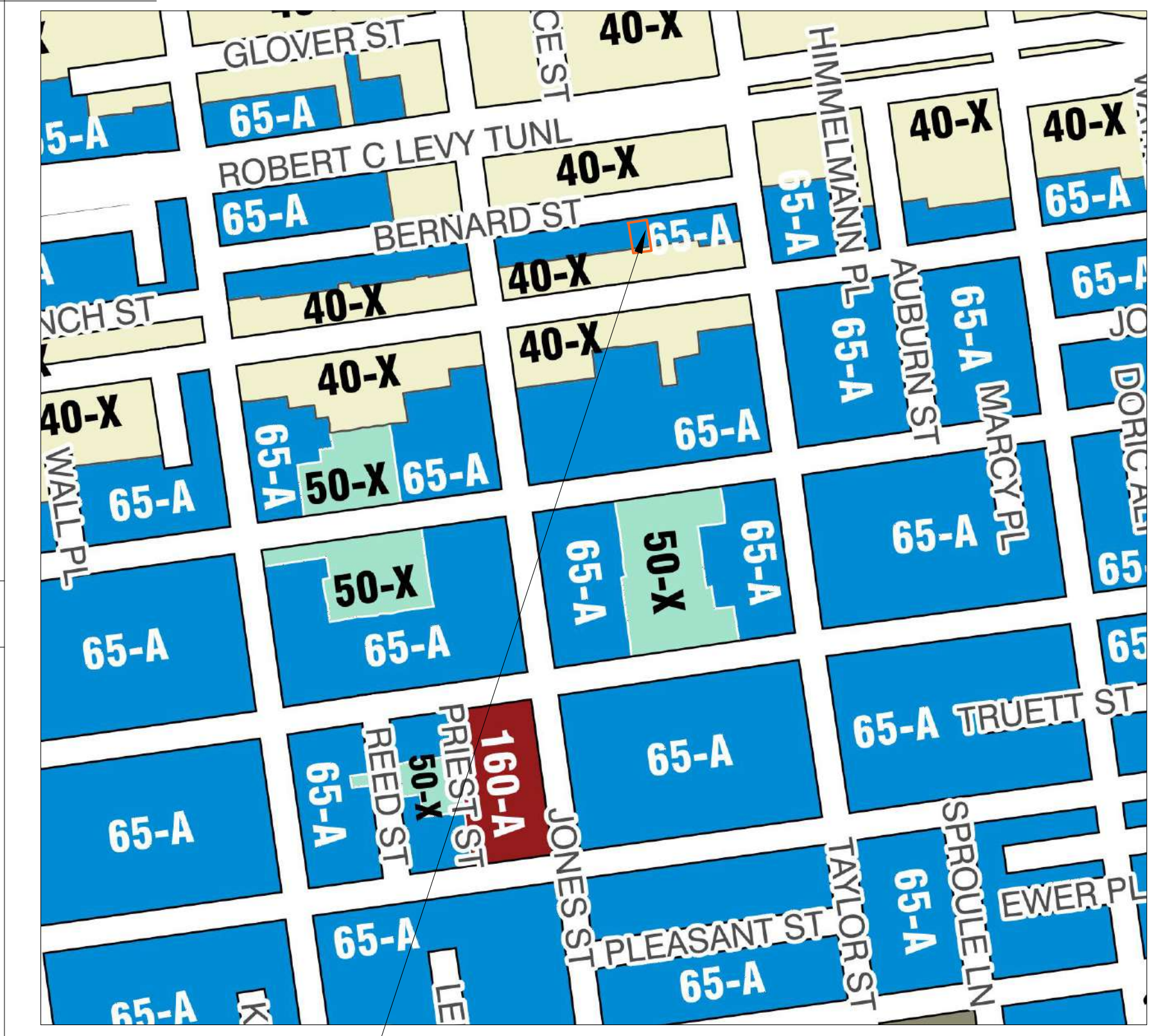


1. LOCATION MAP
SCALE: NTS

AREA CALCULATIONS

DWELLING UNITS (DU)	(E) AREA SF	(N) ADDITION IN SF	TOTAL UNIT AREA IN SF
UNIT # 1 - (E) GRD FLR	736 SF	102 SF	838 SF
UNIT # 2 - (E) 2ND FLR	736 SF	102 SF	838 SF
UNIT # 3 - (E) 3RD FLR	736 SF	122 SF	858 SF
TOTAL DU FLOOR AREA	2,208 SF	326 SF ¹	2,534 SF
OTHER			
(E) BASEMENT	786 SF	222 SF	1008 SF
GROSS USABLE			
BLDG TOTALS (E) & (N)	2994 SF	548 SF	3542 SF

1 TOTAL (N) ADDITION IS LESS THAN 20% OF TOTAL GROSS FLOOR AREA AS DEFINED UNDER SF PLANNING CODE SECTION 102. NO BIKE ROOM/ RACKS REQUIRED AS PER SF PLANNING CODE SECTION 155.2



2. ZONING MAP
SCALE: NTS

NOTE: IF ANY DEMOLITION IS REQUIRED, IT MAY NOT START UNTIL THE CONTRACTOR HAS OBTAINED A PERMIT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT. THE PERMIT NUMBER (J#) NUMBER MUST BE PROVIDED TO THE INSPECTOR AND NOTED ON THE JOBSITE INSPECTION CARD. IF THE BAAQMD HAS DETERMINED THE PROJECT IS EXEMPT, A LETTER FROM THE AGENCY MUST BE PROVIDED. PROOF MUST BE PROVIDED TO THE BUILDING INSPECTOR NO LATER THAN THE FIRST INSPECTION.

DWELLING UNITS	QUALIFIED OPEN SPACE (QOS) TOTAL PER DU
UNIT # 1	101 SF
UNIT # 2	101 SF
UNIT # 3	324 SF
TOTAL QOS	526 SF

EACH DWELLING UNIT HAVE MORE THAN 100 SF QUALIFIED PRIVATE OPEN SPACE

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94960
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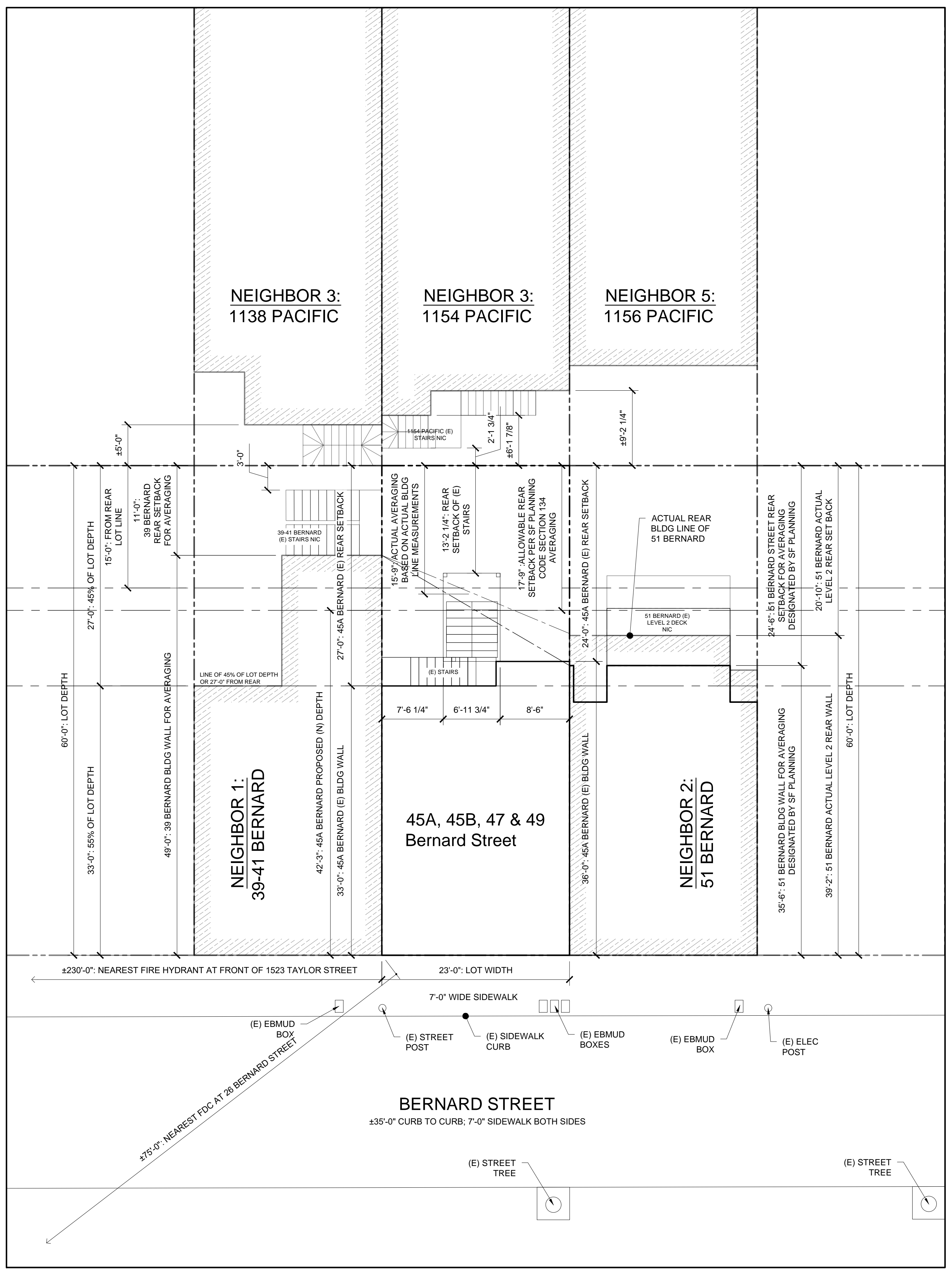
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07.15.2022	4	PLAN SET UPDATE 2

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DRAWN BY	PR, MD
CHECKED BY	JH

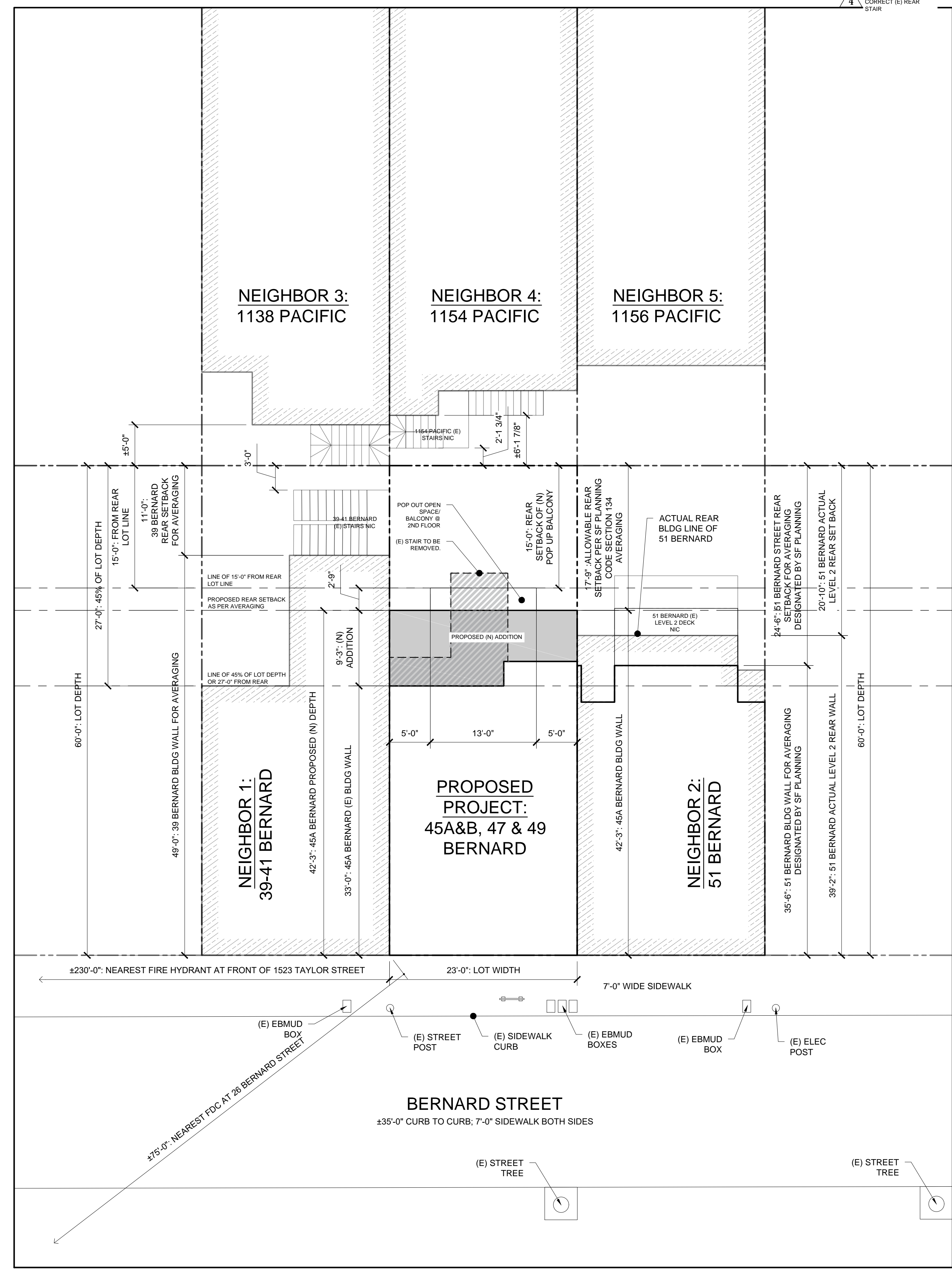
**EXISTING AND PROPOSED
SITE PLAN**

SHEET TITLE

SHEET NO.



1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



A1.0

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94960
T: 415.587.8800 F: 925.556.4814



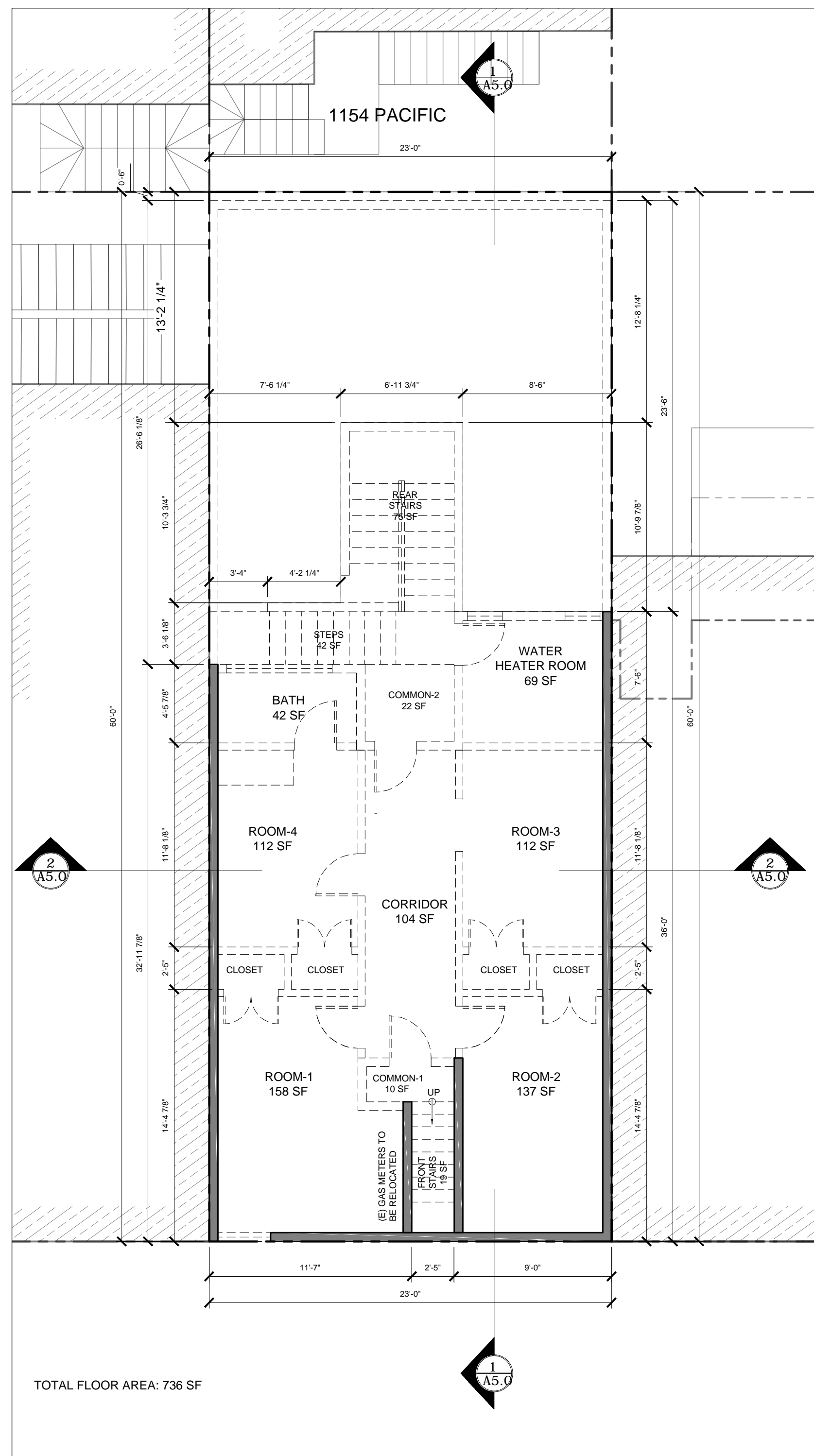
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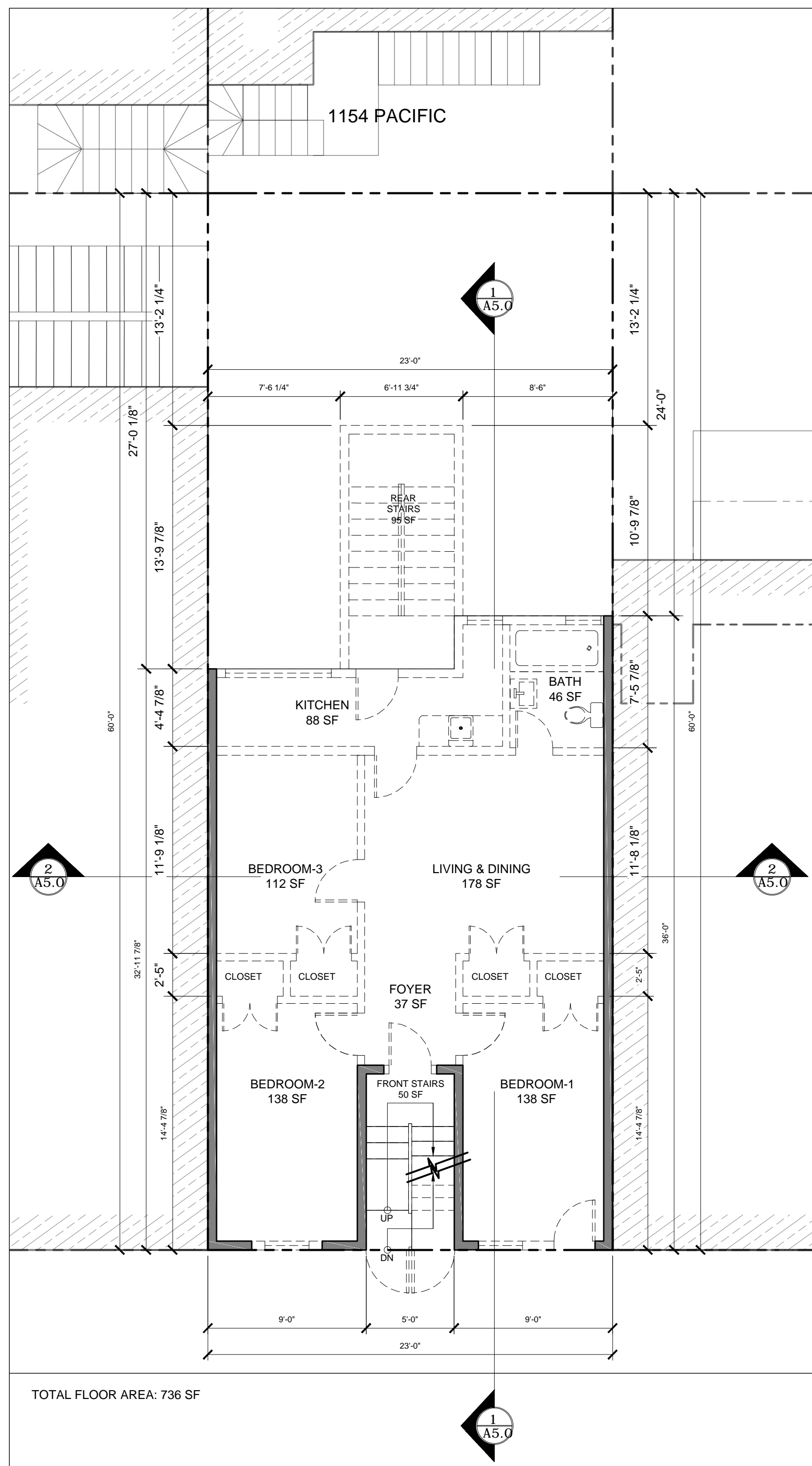
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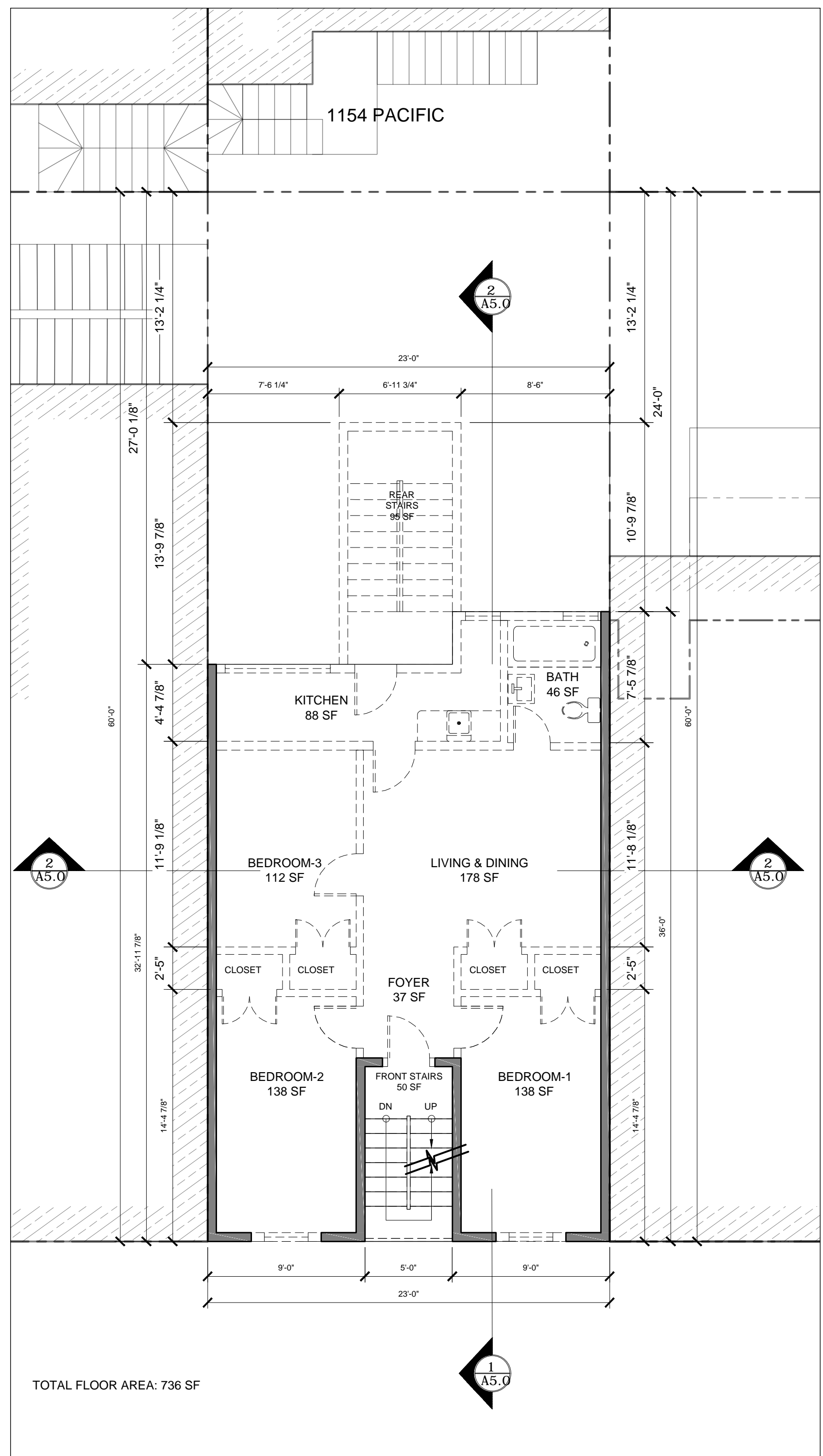
MANAGED BY: HGCI
B-GENERAL BUILDING CONTRACTOR
LIC.# 720437



1 EXISTING AND DEMO PLAN: BASEMENT FLOOR
SCALE: 3/16" = 1'-0"



2 EXISTING AND DEMO PLAN: GROUND FLOOR
SCALE: 3/16" = 1'-0"



3 EXISTING AND DEMO PLAN: SECOND FLOOR
SCALE: 3/16" = 1'-0"

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**EXISTING/ DEMO FLOOR
PLANS - REFERENCE
1 OF 2**

SHEET TITLE

SHEET NO.

LEGEND

- (E) WALL TO REMAIN
- (E) WALL TO BE DEMO

TANTAMOUNT TO DEMOLITION CALCULATION

FLOOR	HORIZONTAL ELEMENTS in SQFT				COMPLIANCE	ALL EXTERIOR WALLS					
	(E) AREA in SQFT	AREA TO DEMOLISH in SQFT	AREA TO ADD in SQFT	TOTAL AREA in REMAIN SQFT		EXTERIOR WALL	(E) EXTERIOR WALL in LFT	EXTERIOR WALL TO DEMOLISH in LFT	AREA TO ADD in LFT	TOTAL EXTERIOR WALL TO REMAIN in LFT	COMPLIANCE
LEVEL - 01	736 = 100%	0 = 0%	236	736 > 50%	YES	NORTH	23 = 100%	0 = 0%	N.A.	23 > 50%	YES
LEVEL - 02	736 = 100%	0 = 0%	236	736 > 50%		SOUTH	23 = 100%	22 = 95.6%	N.A.	1 < 50%	
LEVEL - 03	736 = 100%	0 = 0%	236	736 > 50%		EAST	33 = 100%	0 = 0%	N.A.	33 > 50%	
ROOF AREA	736 = 100%	0 = 0%	236	736 > 50%		WEST	36 = 100%	0 = 0%	N.A.	36 > 50%	
BASEMENT	736 = 100%	0 = 0%	236	736 > 50%		TOTAL	115 = 100%	22 = 19%	N.A.	93 > 50%	

A2.0

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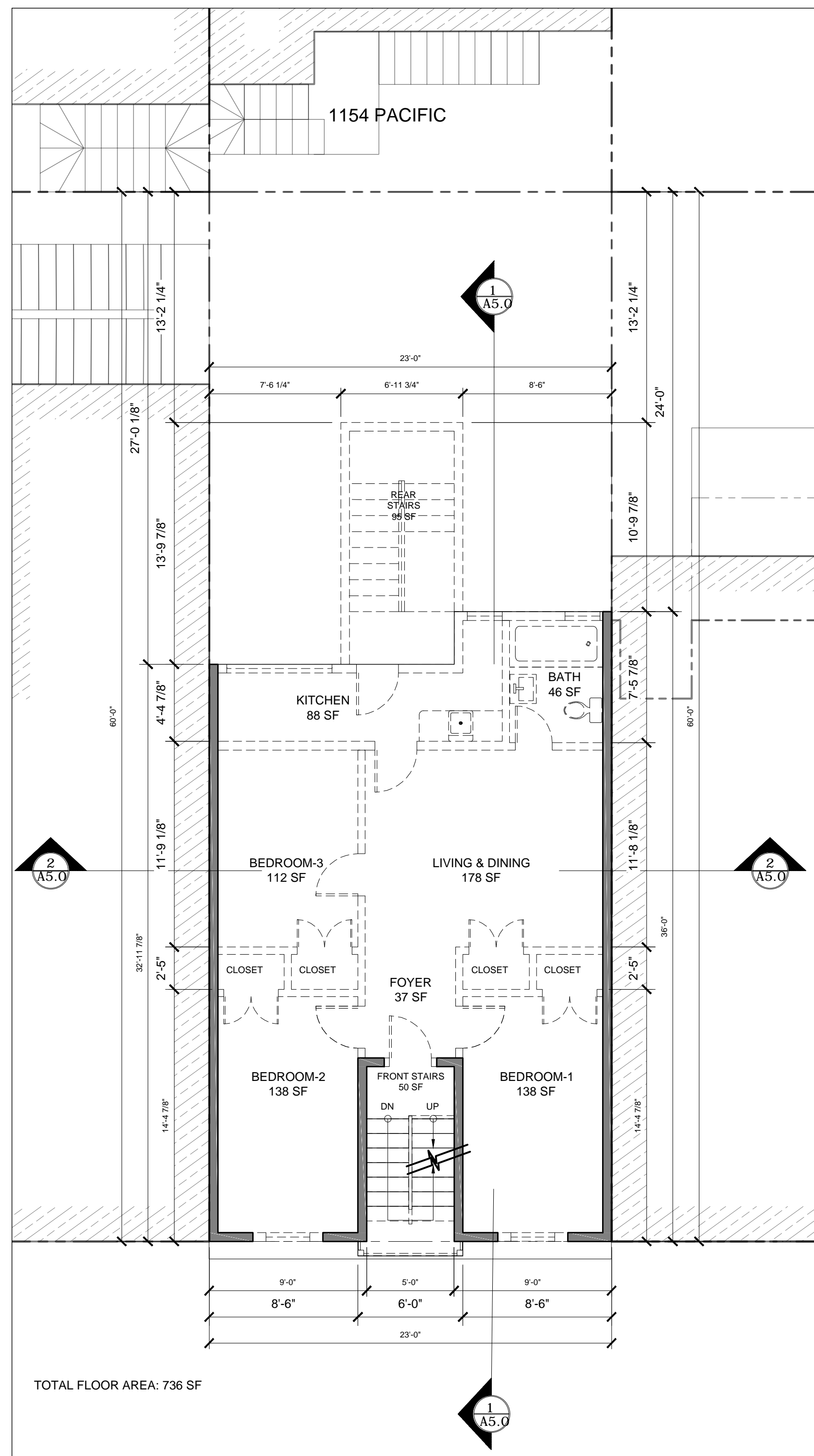
**EXISTING/ DEMO FLOOR
 PLANS - REFERENCE
 2 OF 2**

SHEET TITLE

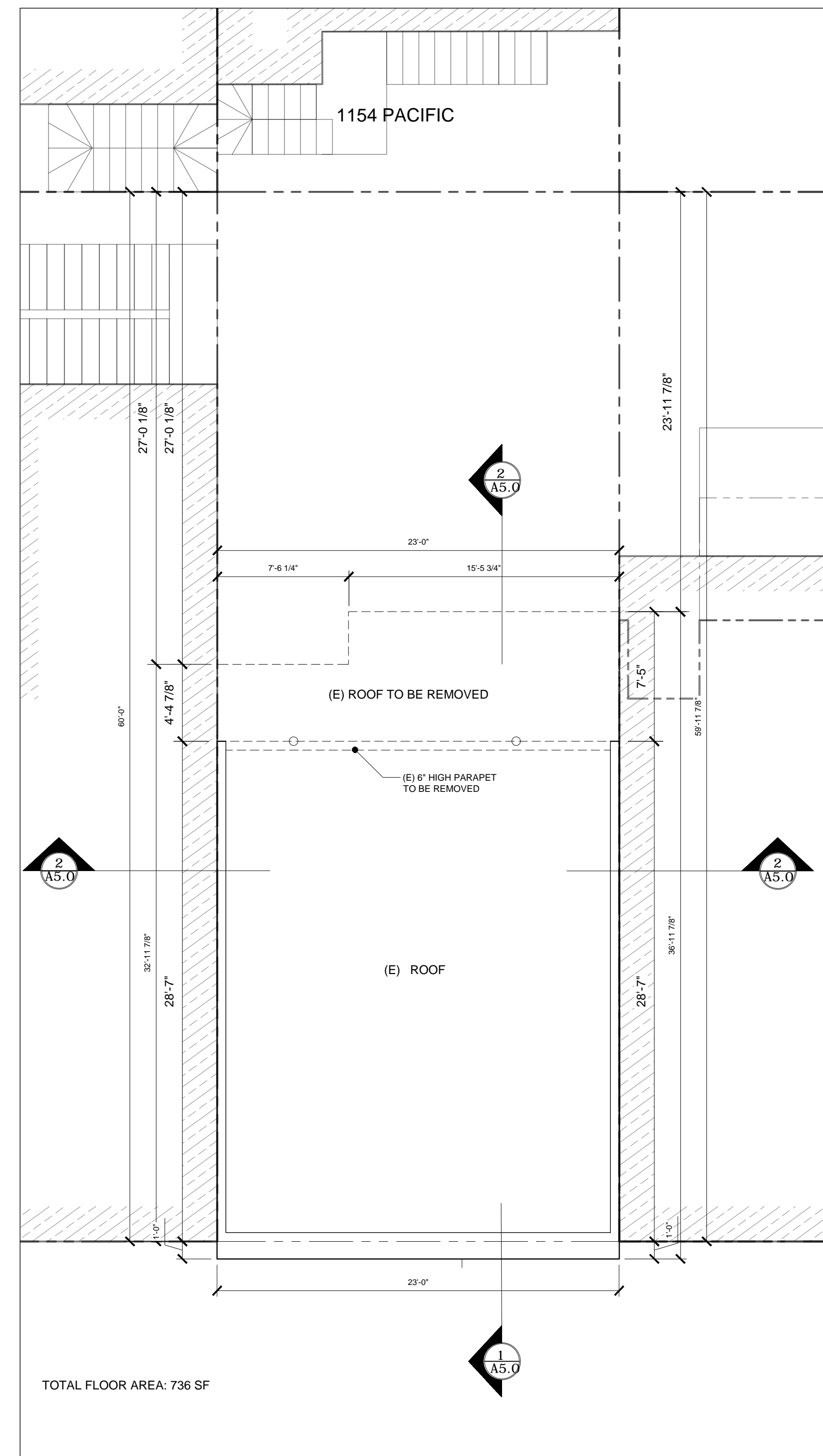
NEW SHEET FOR THIRD
 AND ROOF EXISTING
 AND DEMO PLANS

A2.1

SHEET NO.



1 EXISTING AND DEMO PLAN: THIRD FLOOR
 SCALE: 3/16" = 1'-0"



2 EXISTING AND DEMO PLAN: ROOF PLAN
 SCALE: 3/16" = 1'-0"

LEGEND

(E) WALL TO REMAIN

(E) WALL TO BE DEMO



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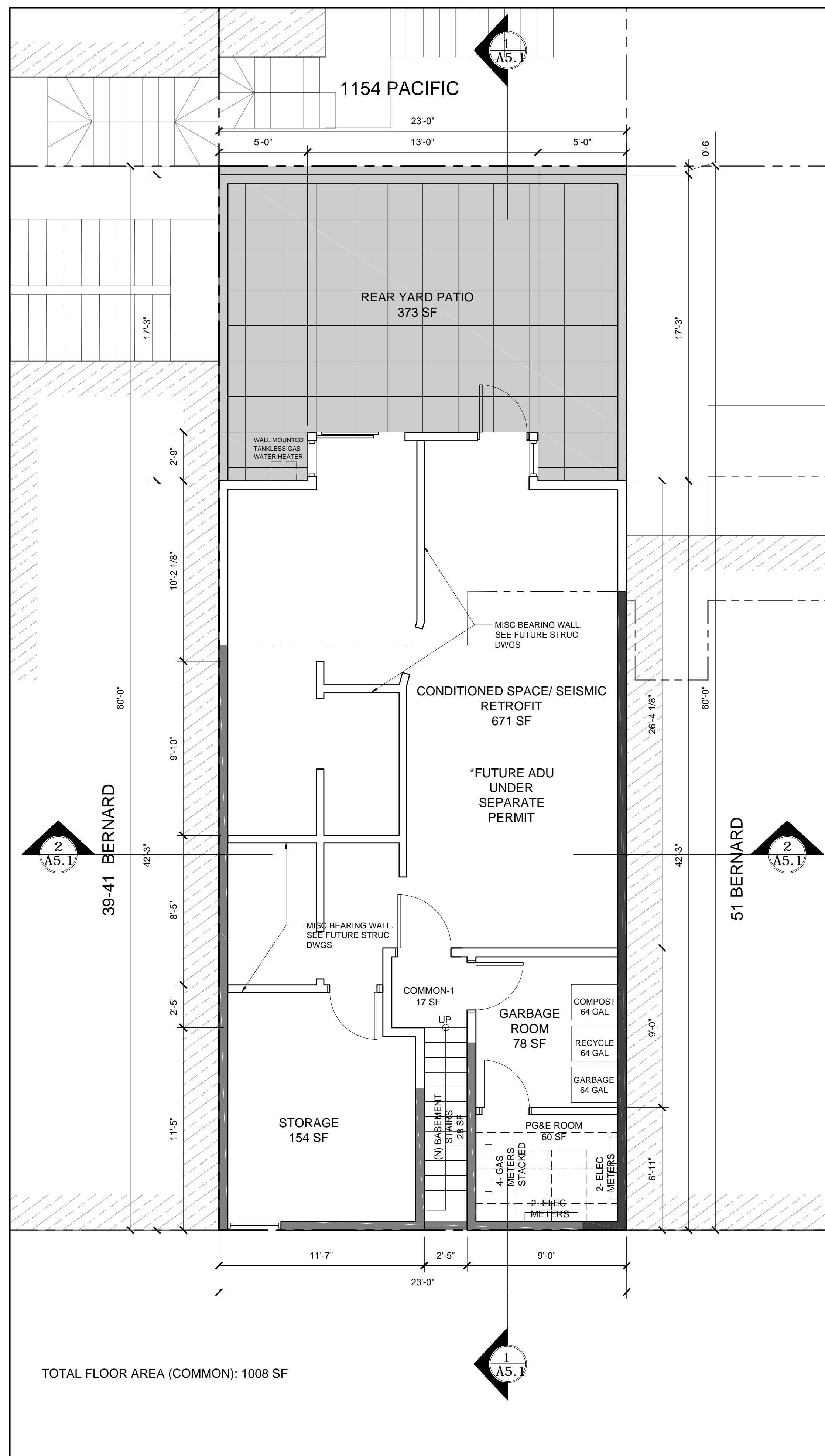
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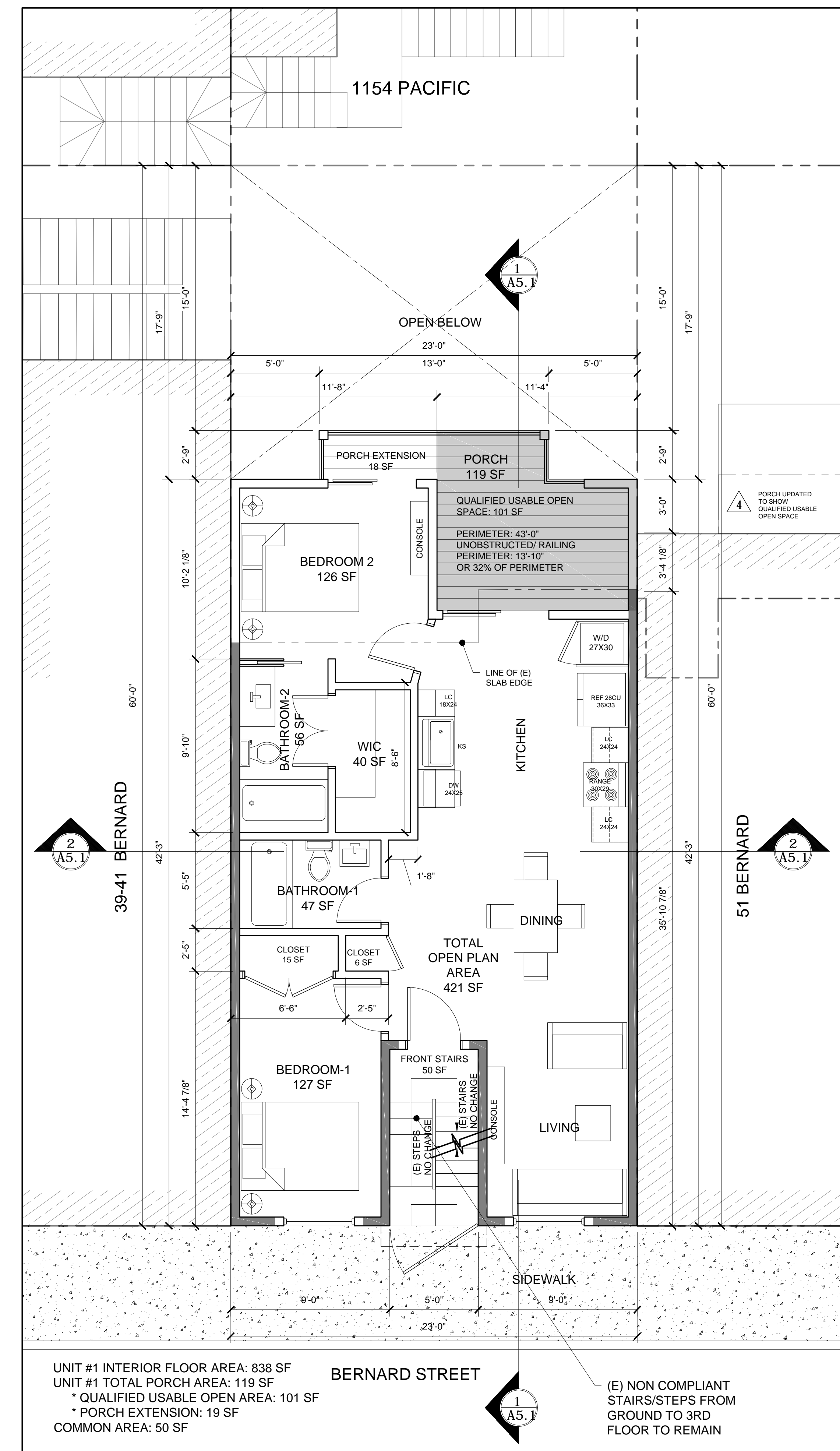
**BASEMENT SEISMIC
UPGRADE
GROUND FLOOR PLAN**

SHEET TITLE

SHEET NO.



1 BASEMENT FLOOR PLAN-SEISMIC UPGRADE
SCALE: 1/8" = 1'-0"



2 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGEND

(E) WALL/FLOOR/ROOF TO REMAIN

**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

STAMP

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REVISIONS

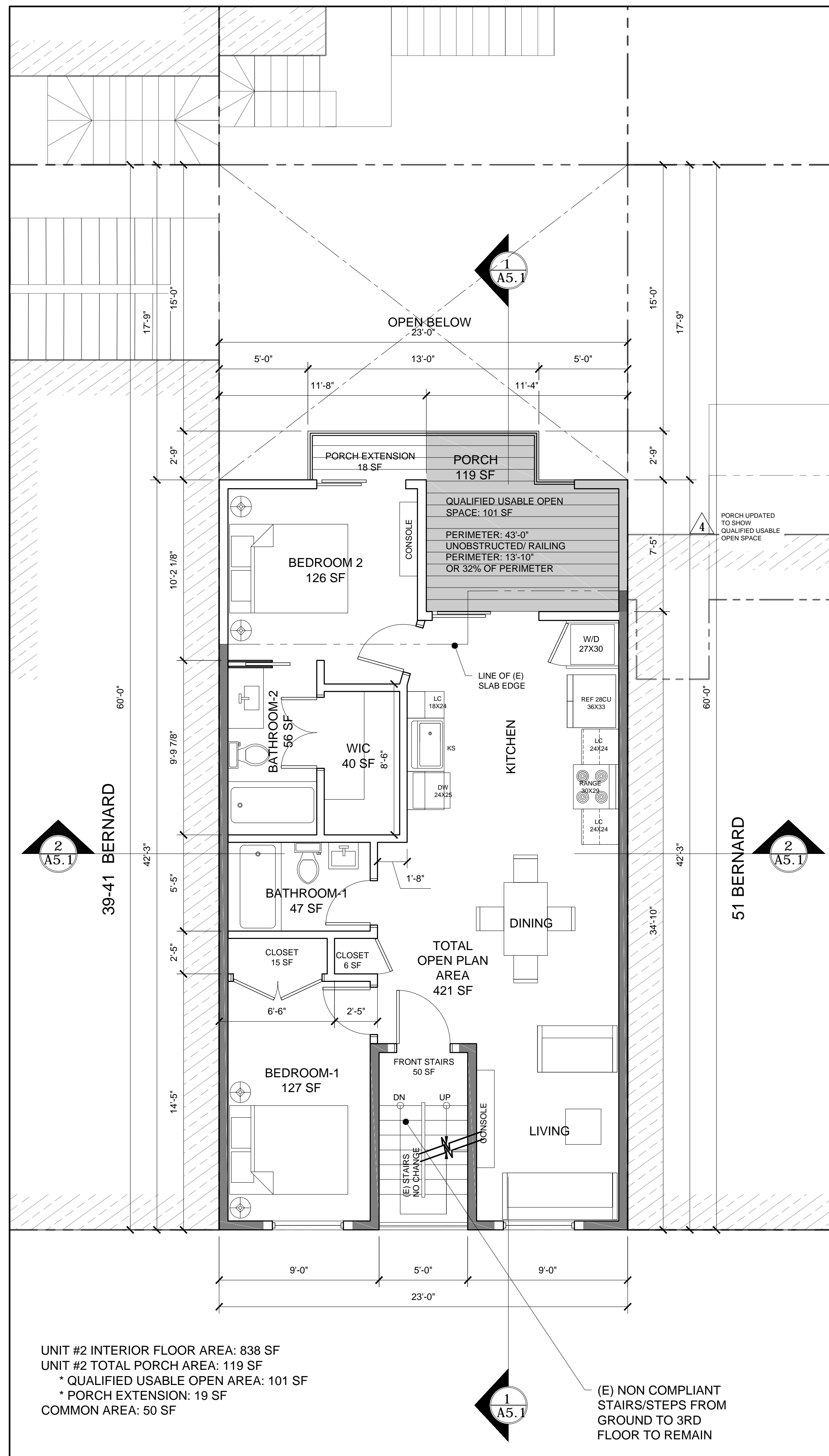
DATE	REVISION	DESCRIPTION
10.08.2021	2	PLAN REVIEW RESPONSE #1
06.28.2022	3	PLAN SET UPDATE
07.15.2022	4	PLAN SET UPDATE 2

DATE	05.26.2022
SCALE	AS NOTED
PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

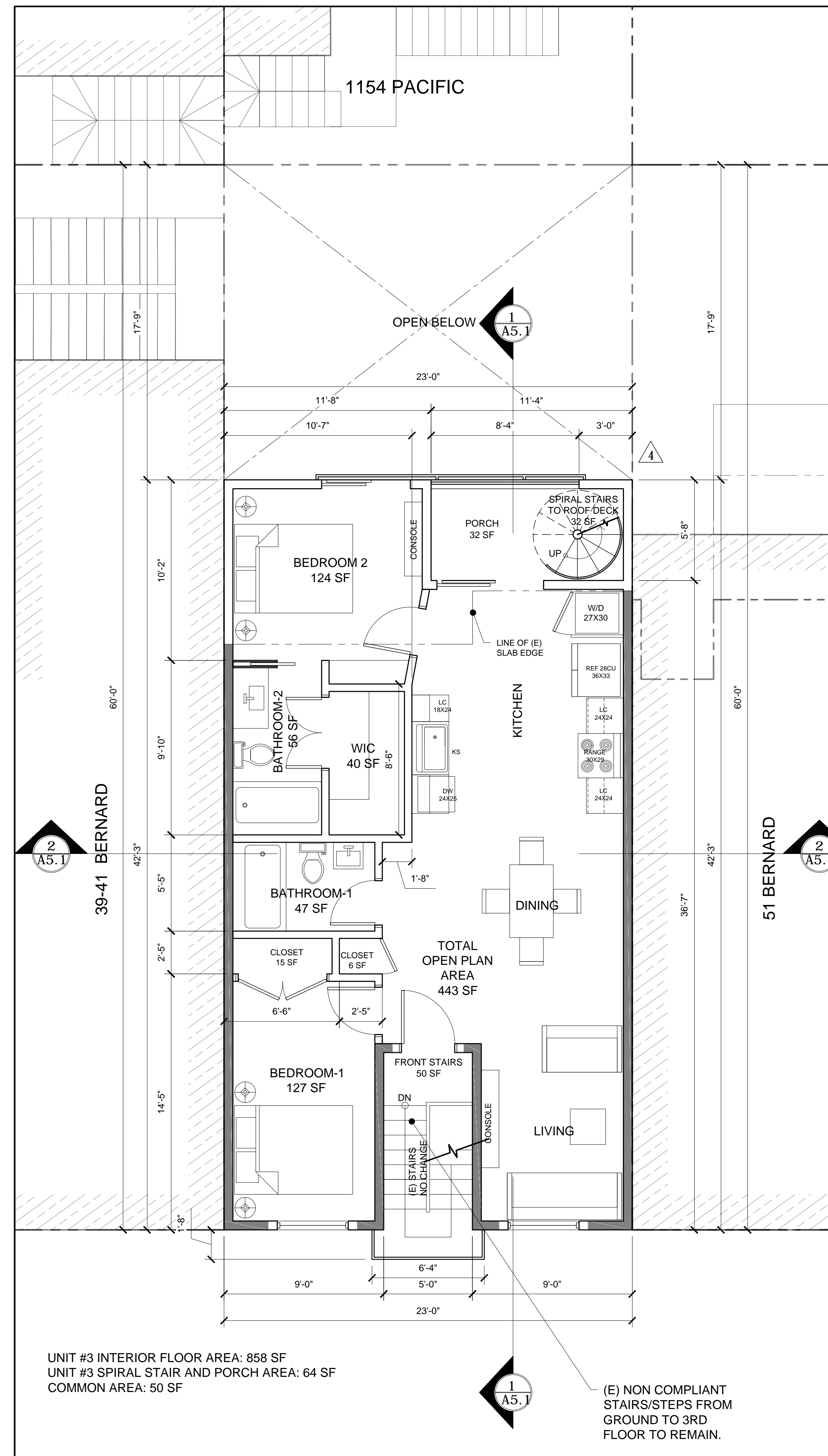
**SECOND FLOOR PLAN
THIRD FLOOR PLAN**

SHEET TITLE

SHEET NO.



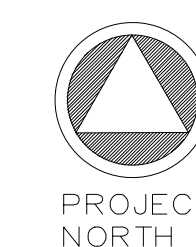
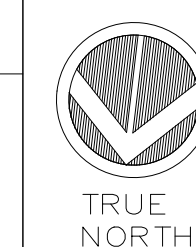
1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGEND

(E) WALL/FLOOR/ROOF TO REMAIN



112 SPALDING STREET, SUITE A
 SAN ANSELMO, CA 94960
 T: 415.587.6860 F: 925.556.4814



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

APN # 0157030

- PERMIT NUMBER:
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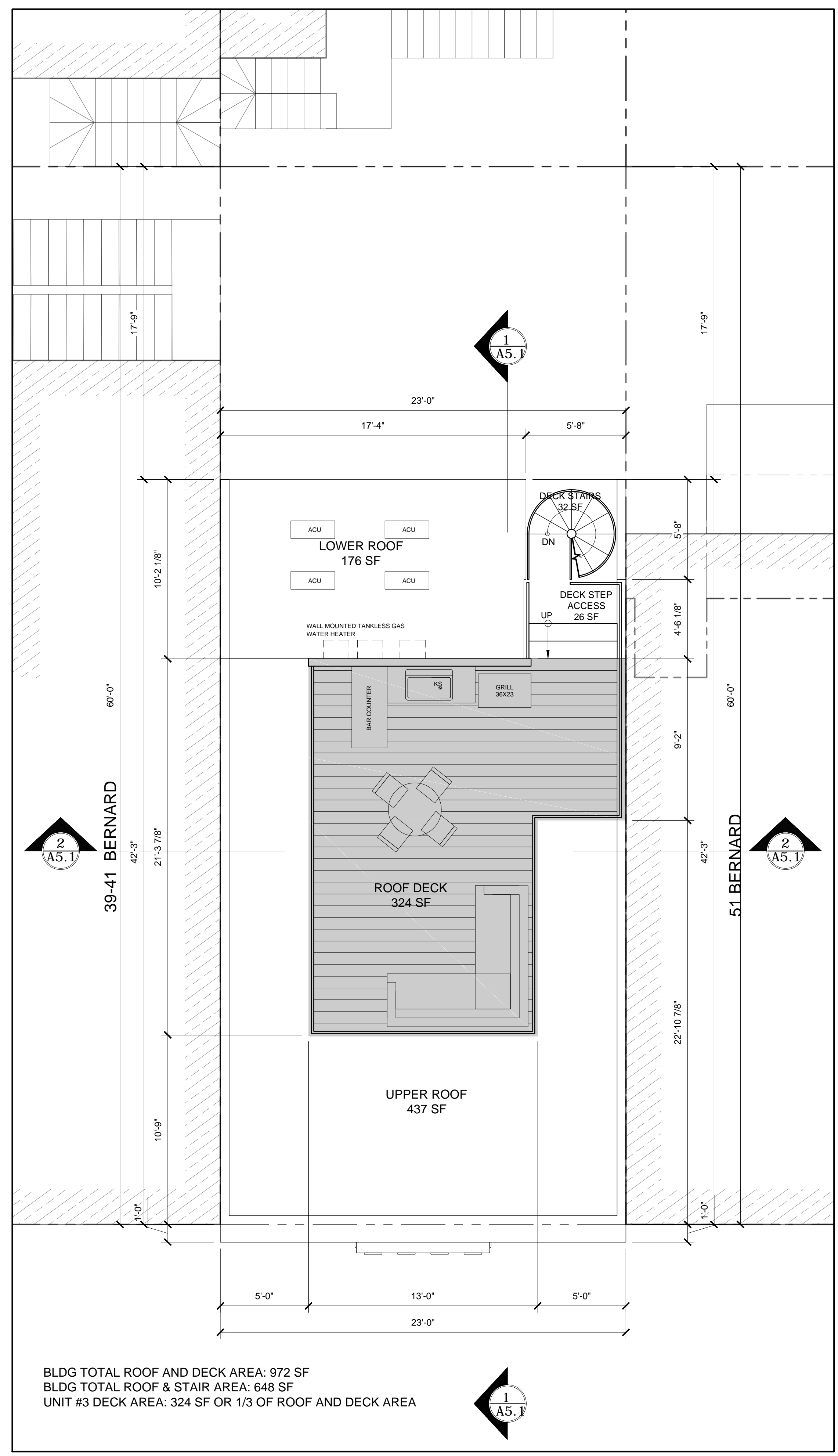
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CHECKED BY	JH

**ROOF DECK FLOOR PLAN
 ROOF PLAN**

SHEET TITLE

SHEET NO.





BLDG TOTAL ROOF AND DECK AREA: 972 SF
 BLDG TOTAL ROOF & STAIR AREA: 648 SF
 UNIT #3 DECK AREA: 324 SF OR 1/3 OF ROOF AND DECK AREA

1 ROOF DECK FLOOR PLAN
 SCALE: 1/8" = 1'-0"



A3.1

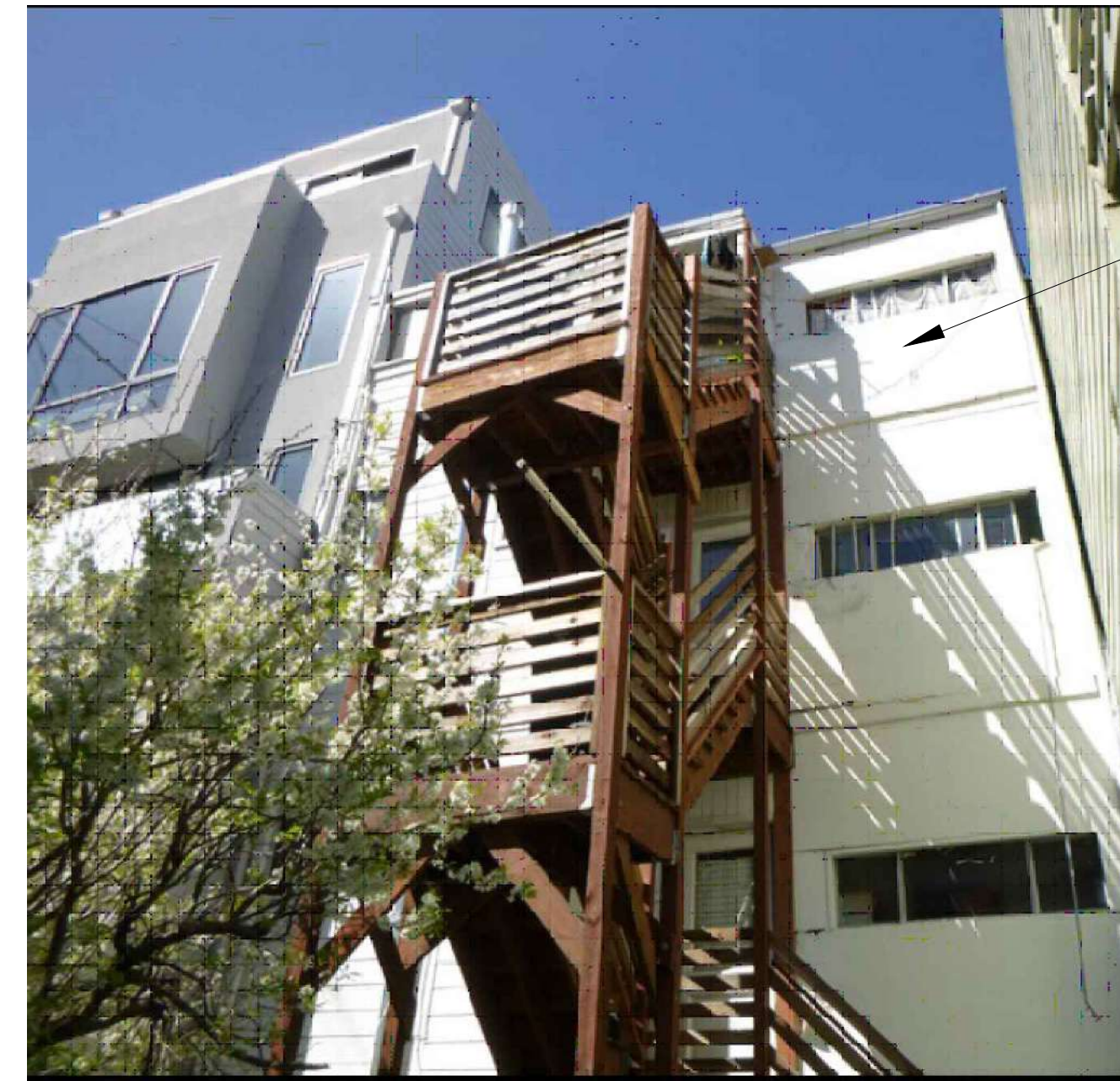
LEGEND

-  PROPOSED ADDITION
-  (E) ELEMENTS TO BE REMOVED



SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

1 (E) BERNARD STREET VIEW
SCALE: NTS



SUBJECT PROPERTY
45 BERNARD ST. SAN FRANCISCO, CA

2 (E) REAR/SOUTH VIEW
SCALE: NTS

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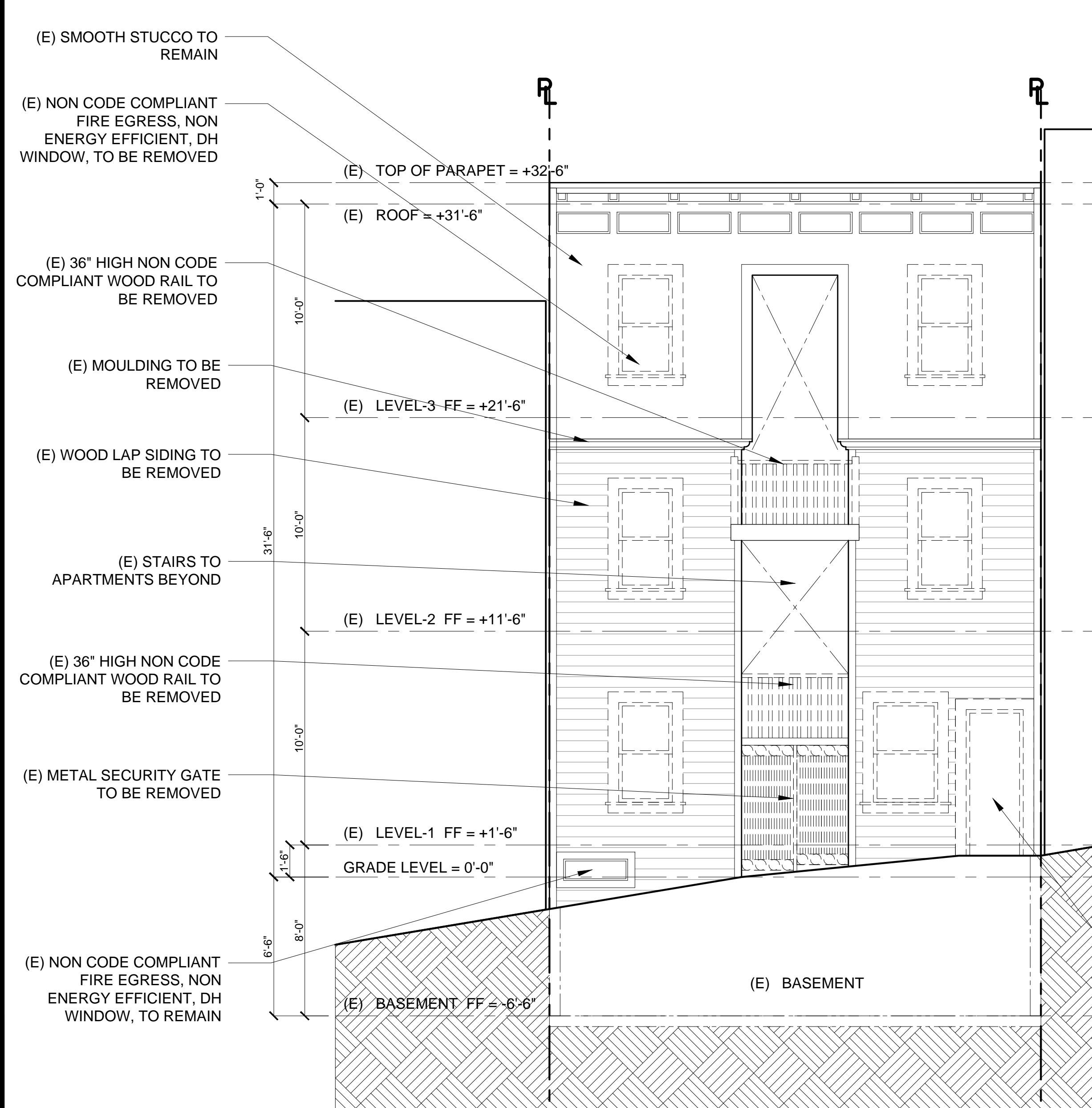
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APN # 0157030

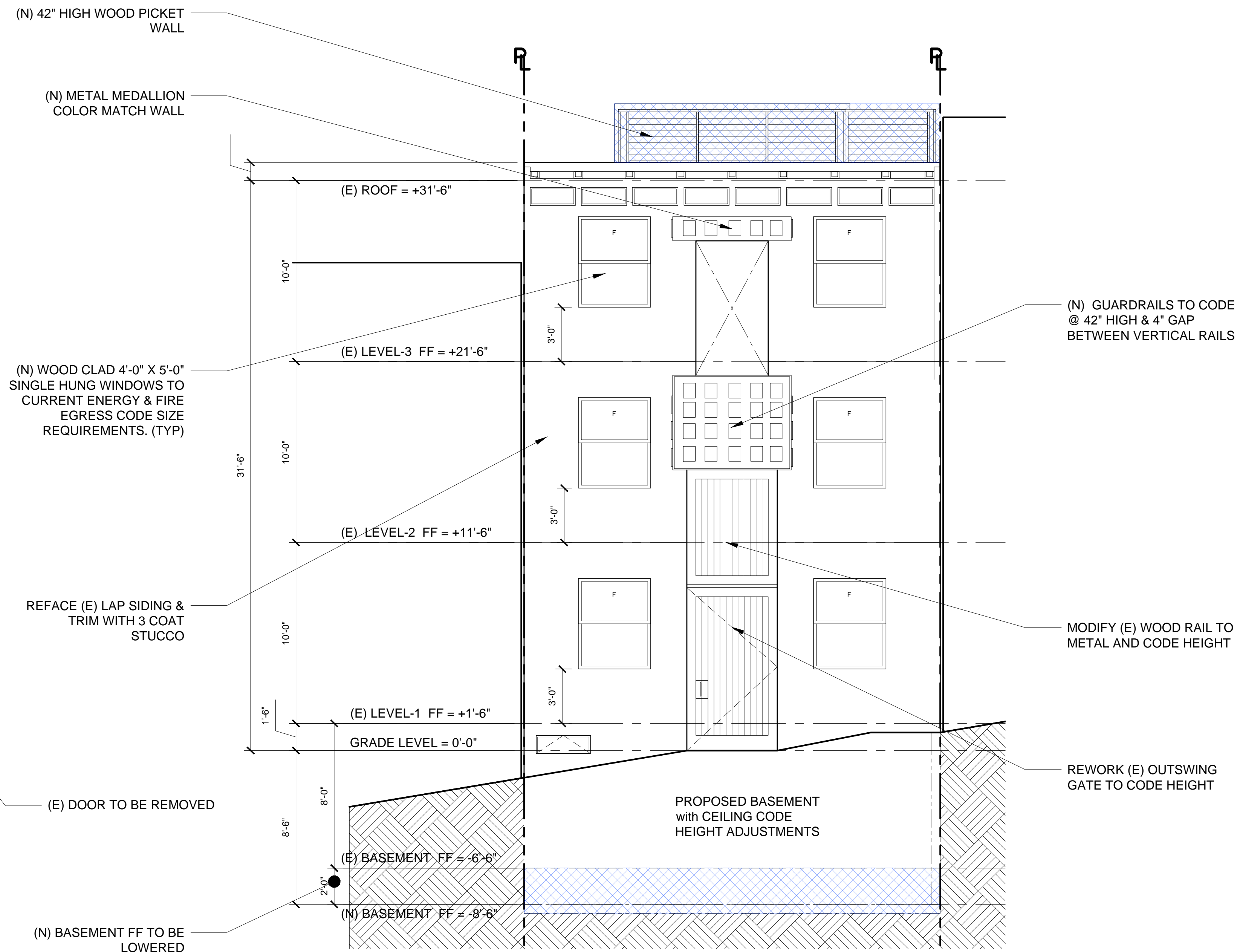
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3 (E) FRONT/NORTH ELEVATION
SCALE: 1/4" TO 1'-0"



4 PROPOSED FRONT/NORTH ELEVATION
SCALE: 1/4" TO 1'-0" ELEVATION UPDATED

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CHECKED BY	JH

FRONT ELEVATION

SHEET TITLE

SHEET NO.

A4.0

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**BERNARD ST. 3-UNITS APARTMENT
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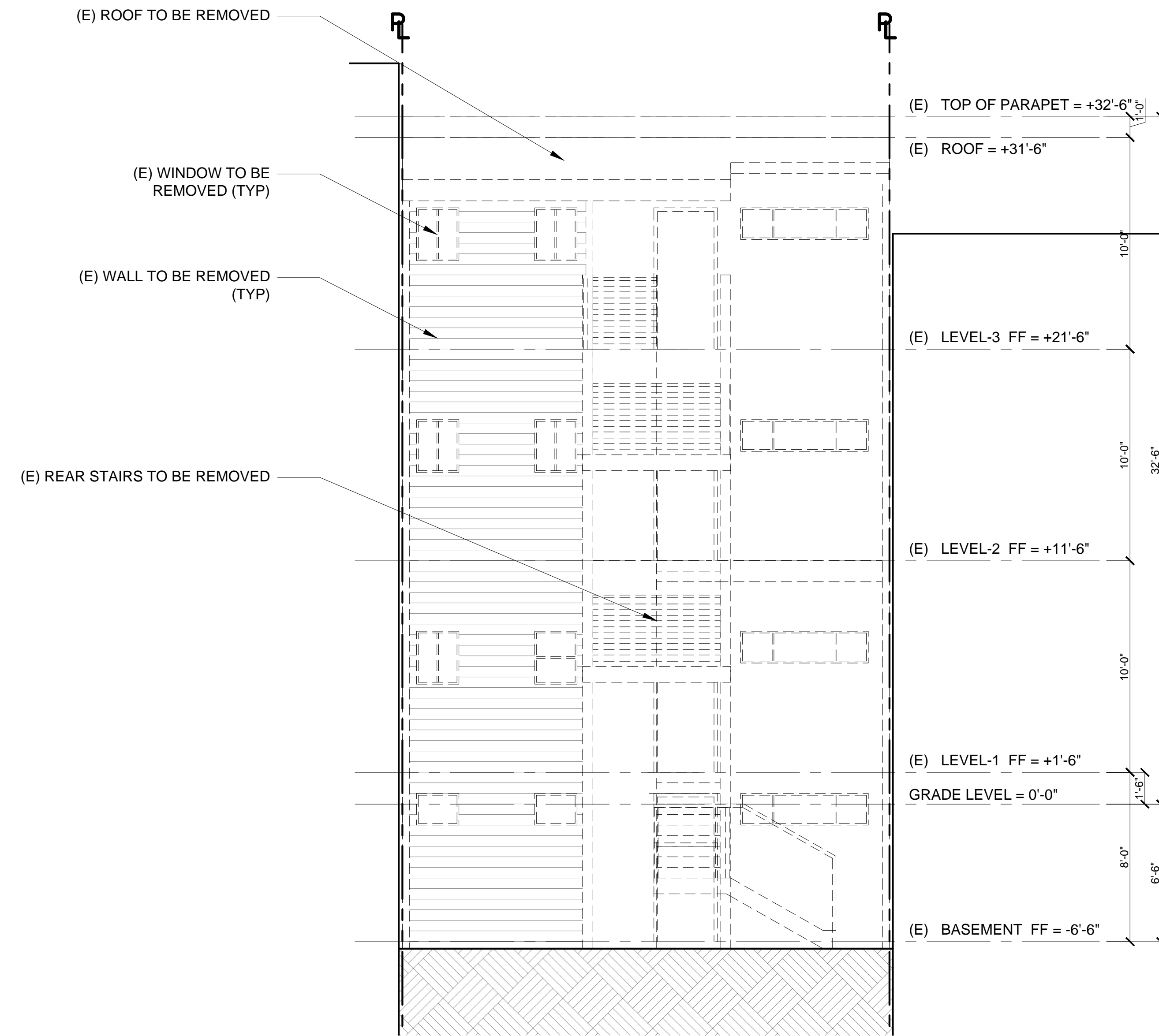
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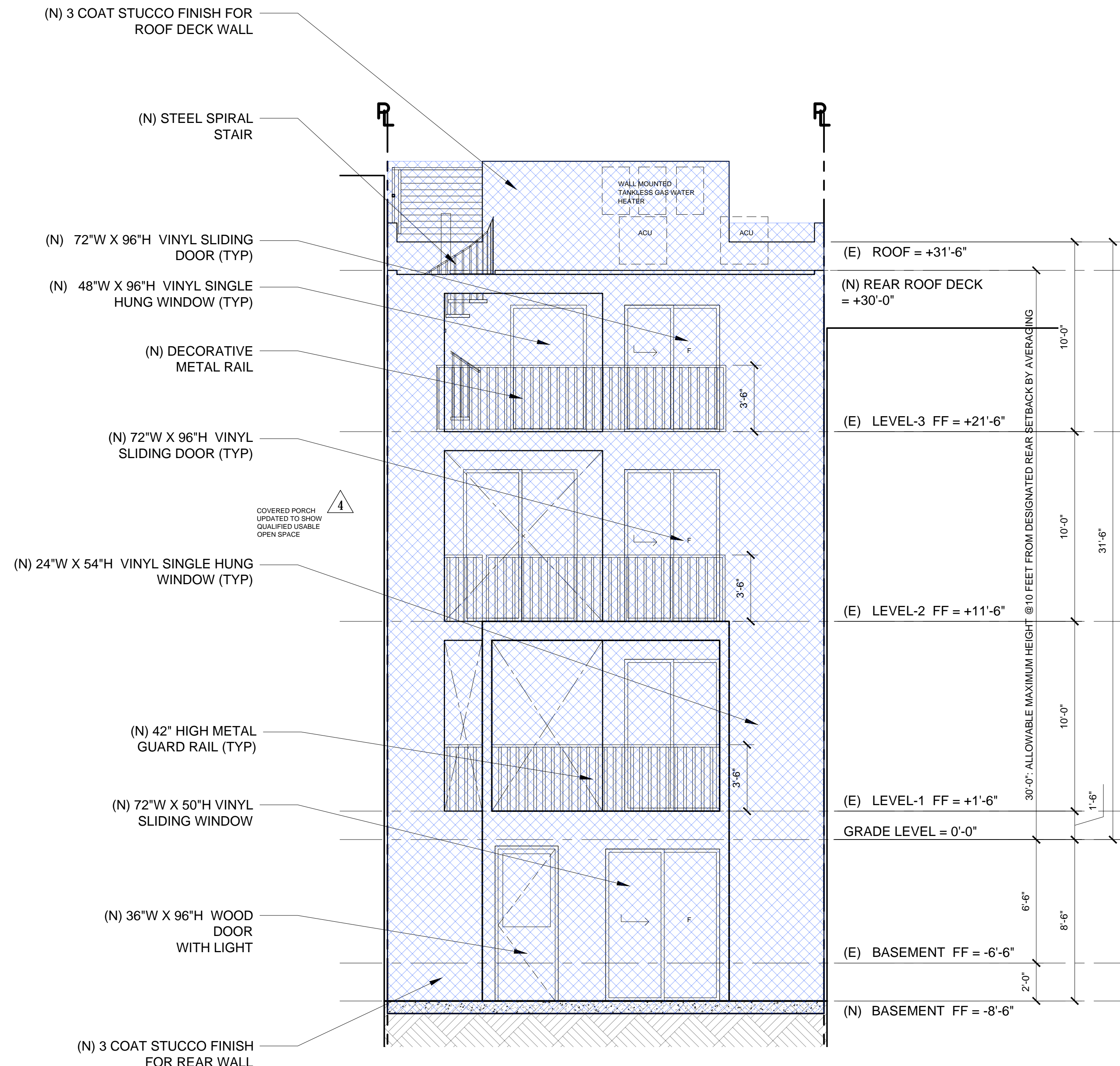
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1 (E) REAR/SOUTH ELEVATION
SCALE: 1/4" TO 1'-0"



2 PROPOSED REAR/SOUTH ELEVATION
SCALE: 1/4" TO 1'-0"

LEGEND

	EXTERIOR WITH CEMENT SIDING
	EXTERIOR FACADE ADDITION
	3 COAT STUCCO - COLOR 1

TANTAMOUNT TO DEMOLITION CALCULATION

ELEVATION SIDE	FRONT + REAR FACADE (LFT AT FOUNDATION)				COMPLIANCE
	(E) EXT WALL in LFT	(E) EXT WALL TO DEMOLISH in LFT	WALL TO ADD in LFT	(P) EXT TO REMAIN in LFT	
NORTH/FRONT ELEVATION	23 = 100%	0 = 0%	N.A.	23 < 50%	YES
SOUTH/REAR ELEVATION	23 = 100%	22 = 95.65%	N.A.	1 > 50%	
TOTAL	46	22	N.A.	24	

ELEVATION SIDE	VERTICAL ENVELOP ELEMENTS TO REMAIN				COMPLIANCE
	(E) ENVELOP AREA in SQFT	AREA TO DEMOLISH in SQFT	AREA TO ADD in SQFT	(P) ENVELOP AREA TO REMAIN in SQFT	
NORTH/FRONT ELEVATION	806 = 100%	43 = 5.33%	25.6 = 3.18%	788.6 < 50%	YES
SOUTH/REAR ELEVATION	962 = 100%	856 = 89%	N.A.	106 < 50%	
EAST ELEVATION	NO CHANGE	NO CHANGE	N.A.	100%	
WEST ELEVATION	NO CHANGE	NO CHANGE	N.A.	100%	
TOTAL	1768	899	25.600	894.6 > 50%	

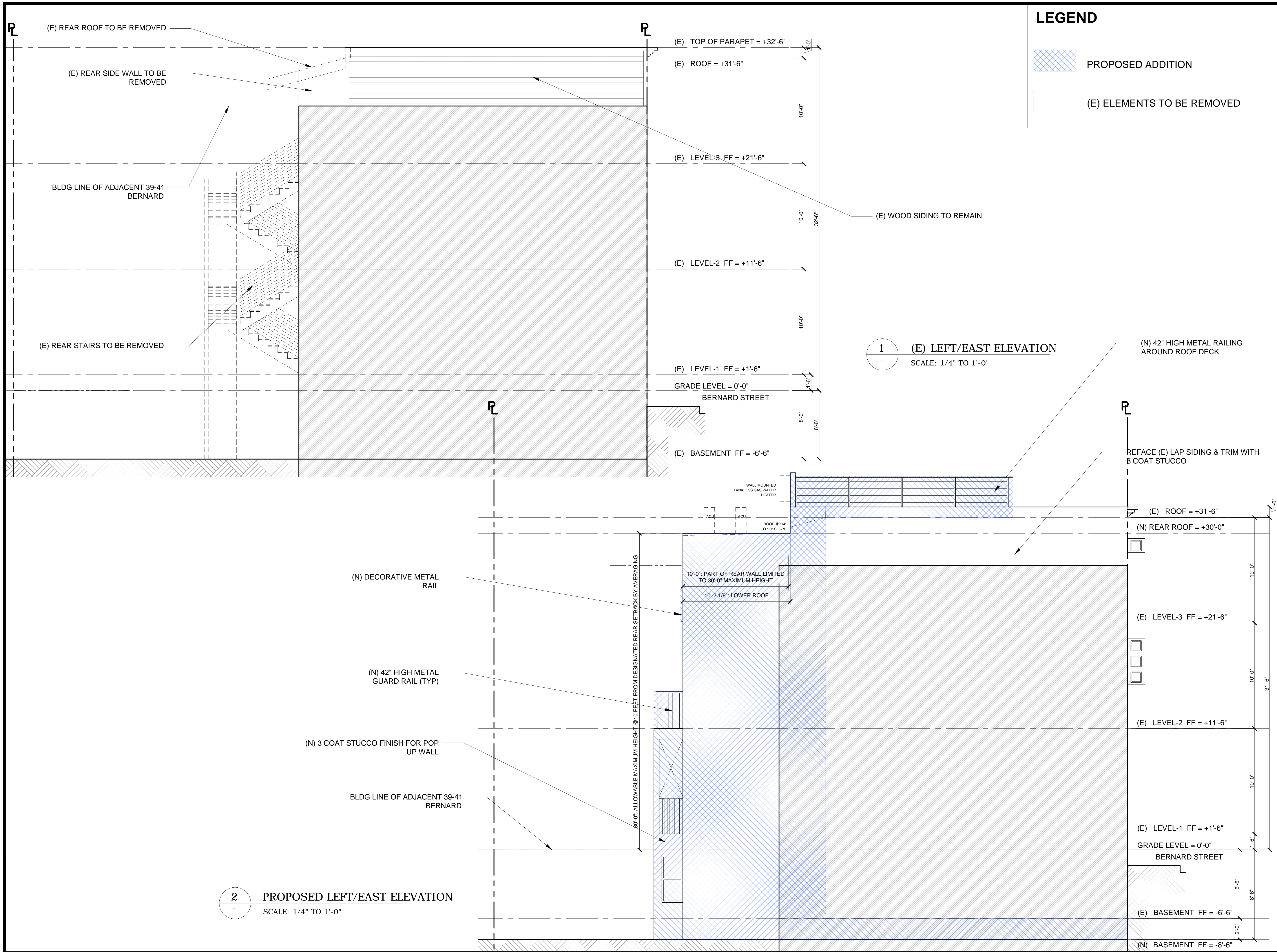
DATE	05.26.2022
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PROJECT ID	00000
DRAWN BY	MDC
CHECKED BY	JH

REAR ELEVATION

SHEET TITLE

A4.1

SHEET NO.



LEGEND

- PROPOSED ADDITION
- (E) ELEMENTS TO BE REMOVED

1 (E) LEFT/EAST ELEVATION
SCALE: 1/4" TO 1'-0"

2 PROPOSED LEFT/EAST ELEVATION
SCALE: 1/4" TO 1'-0"

112 SPALDING STREET, SUITE A
SAN ANSELMO, CA 94960
T: 415.597.8800 F: 925.558.4814



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

APN # 0157030

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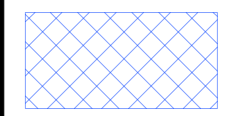

EAST ELEVATION

SHEET TITLE

SHEET NO.

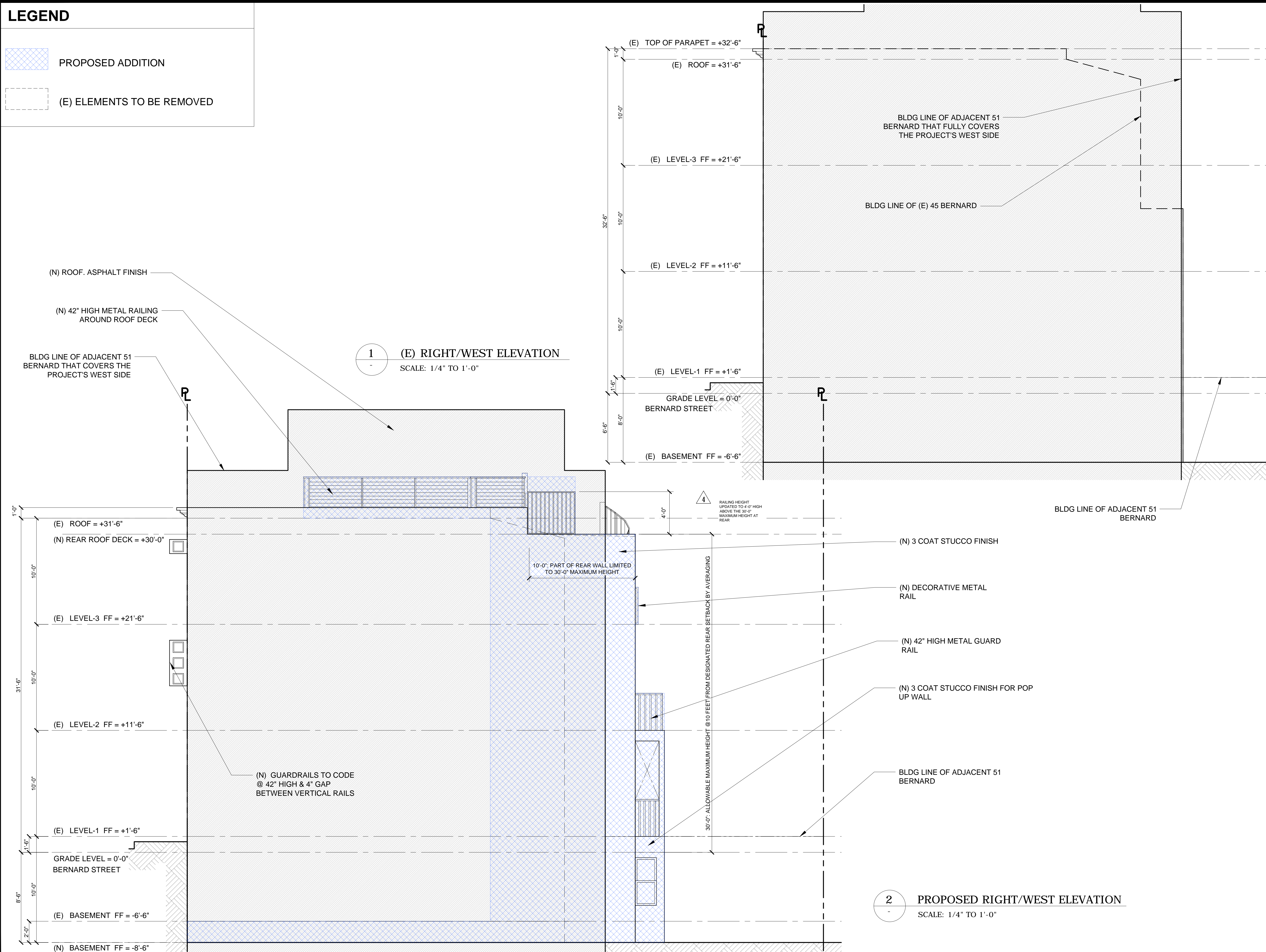
A4.2

LEGEND

-  PROPOSED ADDITION
-  (E) ELEMENTS TO BE REMOVED

(N) ROOF. ASPHALT FINISH
 (N) 42" HIGH METAL RAILING AROUND ROOF DECK
 BLDG LINE OF ADJACENT 51 BERNARD THAT COVERS THE PROJECT'S WEST SIDE

1 (E) RIGHT/WEST ELEVATION
 SCALE: 1/4" TO 1'-0"



2 PROPOSED RIGHT/WEST ELEVATION
 SCALE: 1/4" TO 1'-0"

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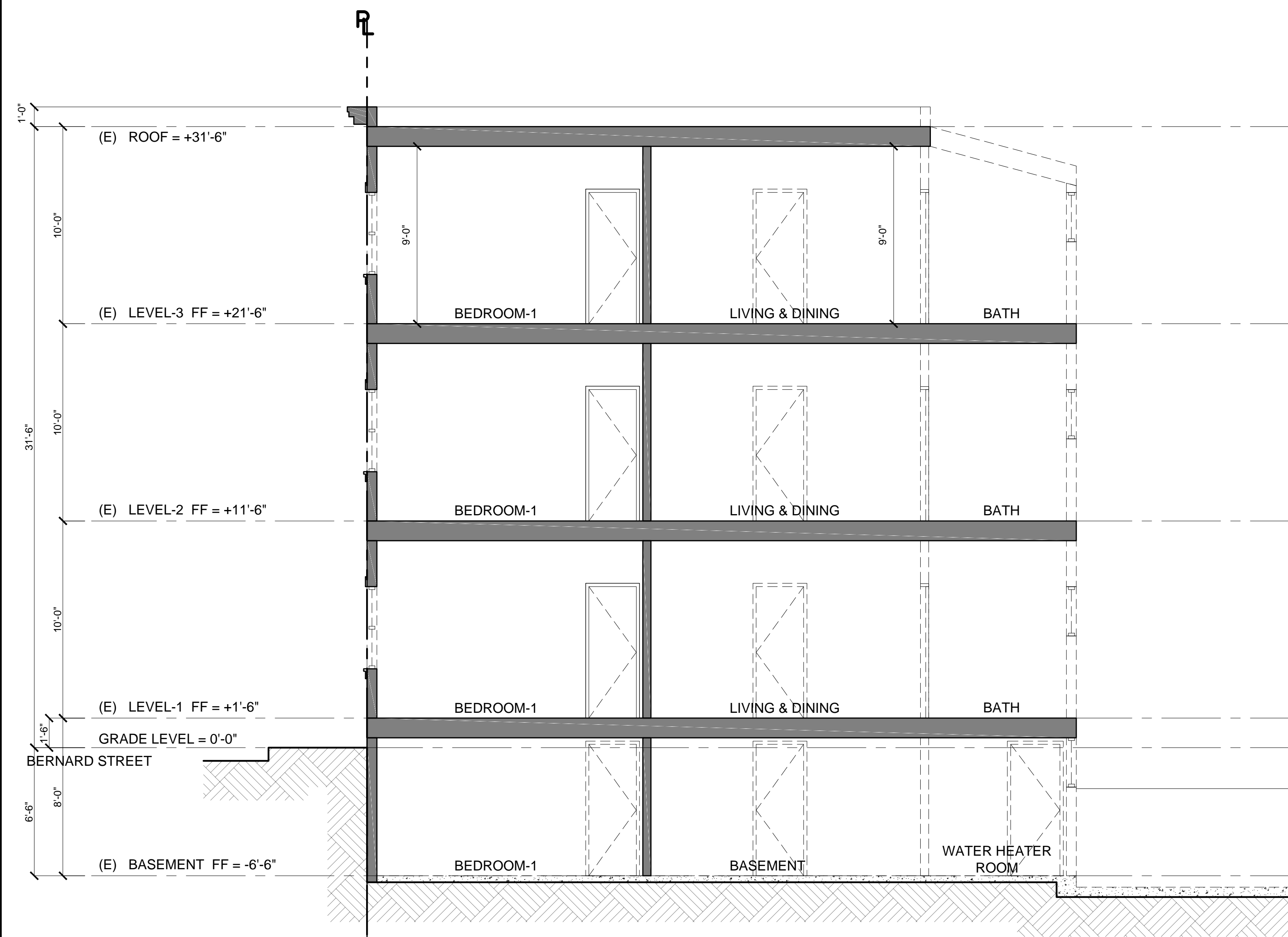
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WEST ELEVATION

SHEET TITLE

SHEET NO.

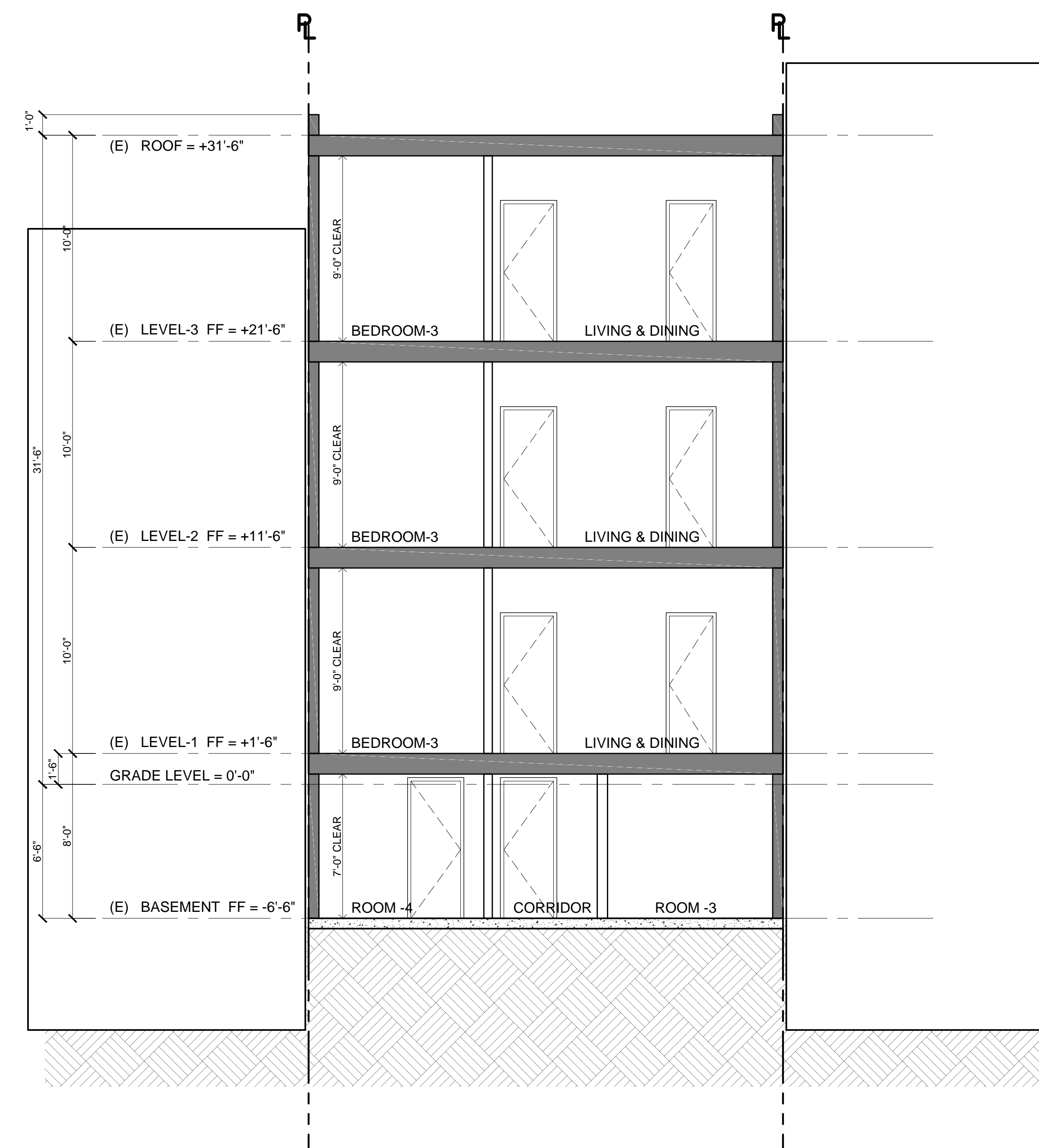
A4.3



1 (E) SECTION
SCALE: 1/4" TO 1'-0"

LEGEND

- PROPOSED ADDITION
- (E) WALL/FLOOR/ROOF TO REMAIN
- (E) WALL/FLOOR/ROOF TO BE REMOVED



2 (E) TRANSVERSE SECTION
SCALE: 1/4" TO 1'-0"

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**EXISTING BUILDING
SECTION**

SHEET TITLE

A5.0

SHEET NO.

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**PROPOSED
 SECTION**

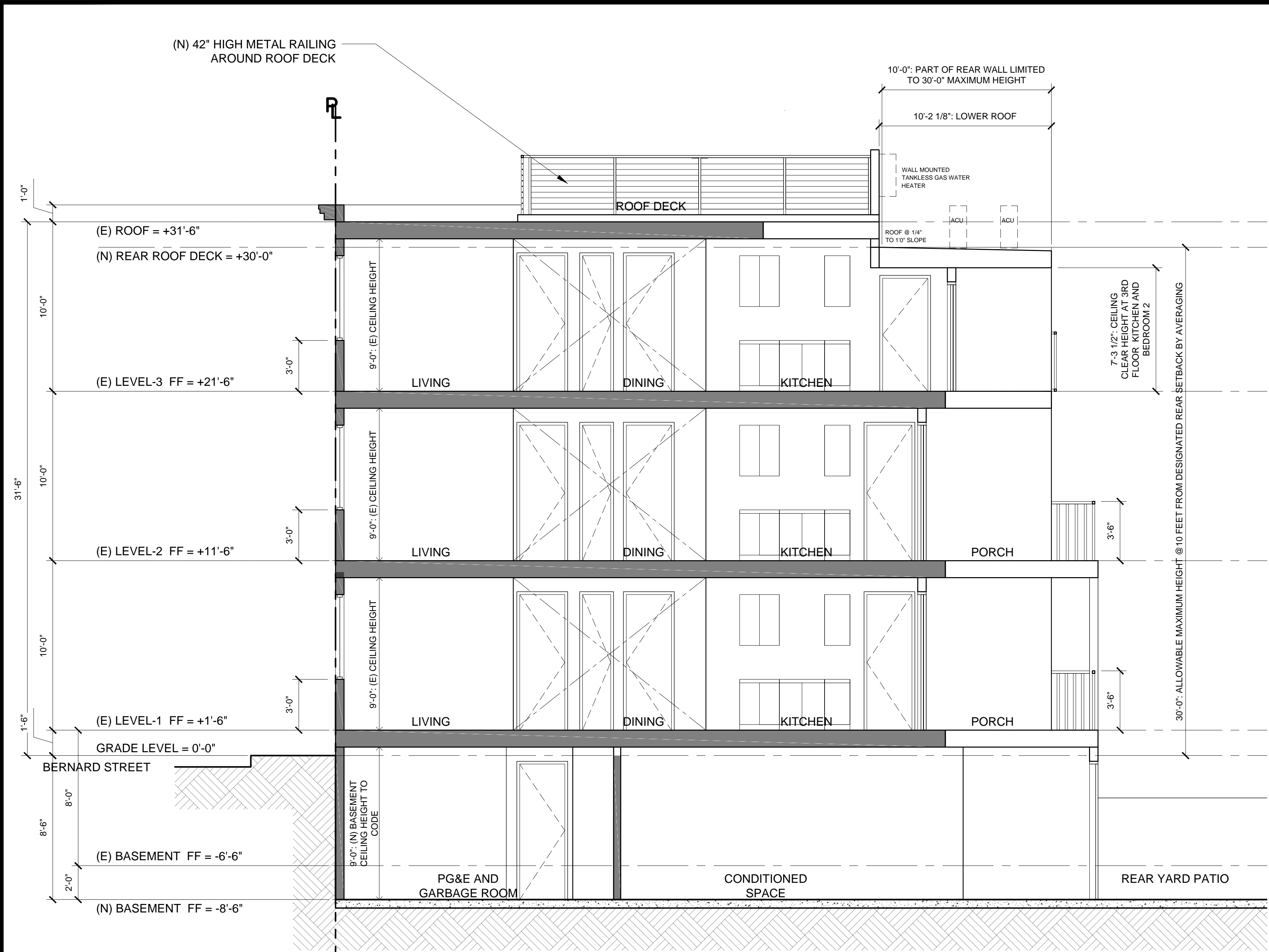
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A5.1

SHEET NO.

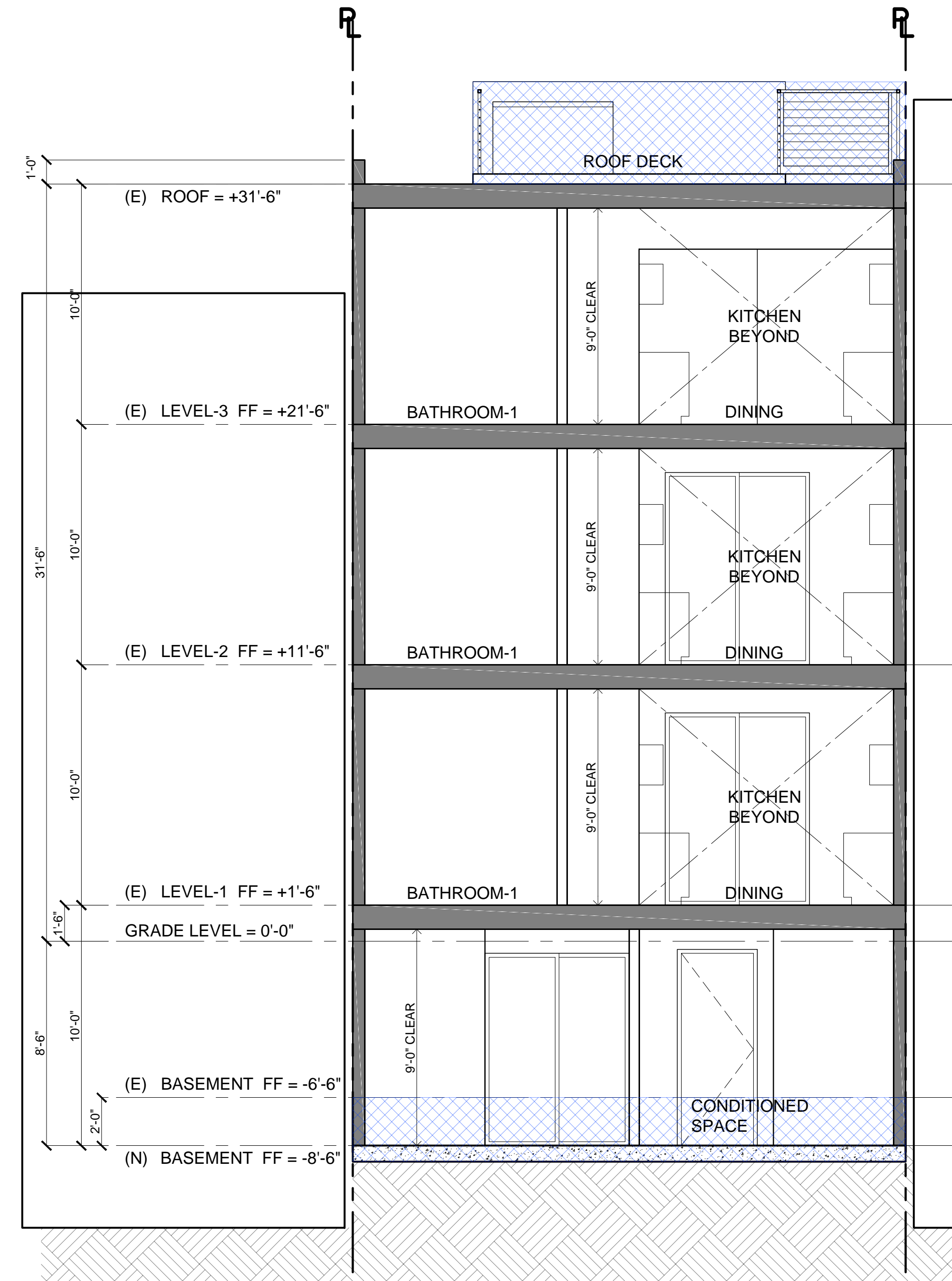
LEGEND

- PROPOSED ADDITION
- (E) WALL/FLOOR/ROOF TO REMAIN
- (E) WALL/FLOOR/ROOF TO BE REMOVED



1 PROPOSED SECTION
 SCALE: 1/4" TO 1'-0"

SECTION UPDATED AS PER FLOOR PLAN CHANGES

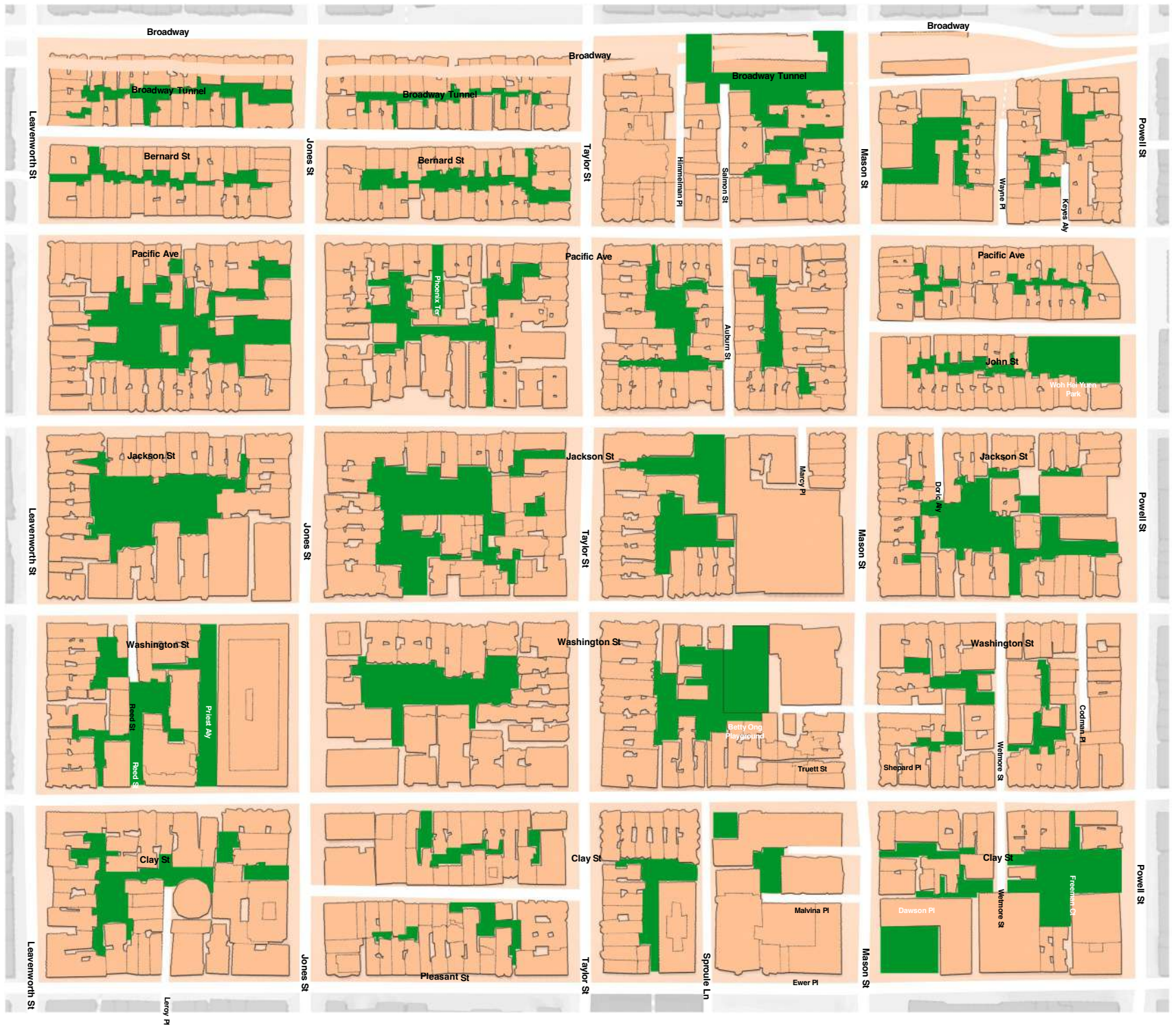
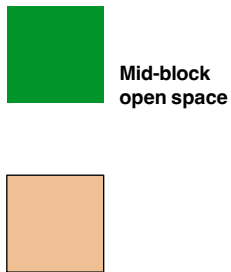


2 PROPOSED TRANSVERSE SECTION
 SCALE: 1/4" TO 1'-0"

EXHIBIT 4
UPPER CHINATOWN MIDBLOCK OPEN SPACE MAP



MAP OF UPPER CHINATOWN: HOUSING, MID-BLOCK OPEN SPACES AND ALLEYWAYS



Structures

Map source:
San Francisco Property Information Map

Sacramento St

Sacramento St

Sacramento St

EXHIBIT 5
COMMUNITY SUPPORT FOR PLAN MODIFICATIONS REQUESTED IN DR

Stop Profits from Evictions and Expansions & Preserve Mid-Block Open Spaces

Upper Chinatown Neighborhood Association Petition

President Rachel Turner and Commissioners
San Francisco Planning Commission
40 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Re: Support for the Preservation of Open Space in Upper Chinatown, San Francisco
45-49 Bernard Street (Case No. 2020-0051703RP)

Dear President Turner and Commissioners:

Eleven Chinese immigrants, eight of whom are elderly and/or disabled, were evicted from 45-49 Bernard Street. The families who were evicted were part of our community for many years. For these families to find another affordable place to live nearby services, markets, and employment is difficult. Now our physical heritage is also being erased. The owner of 45 Bernard Street plans to expand the building into the rear courtyard and destroy our mid-block light and air.

We want to preserve the traditional outdoor spatial refuge in our mid-block open space. The rear courtyard was designed to strengthen communal and familial connections in densely populated living quarters. The emergence of the courtyard strengthens our cultural fabric, provides stability and comfort, and advances livability in the face of hardship.

Our precious mid-block open space is being imperiled by this residential expansion project that does not create more housing. The encroachment into the courtyard will perpetuate and expand a tenement-like atmosphere. We merely ask that the project be set back 22 feet from the rear property line to preserve our sacred communal space.

The project sponsor's actions erode the culture of the neighborhood and should be rejected. We ask for you to grant the Upper Chinatown Neighborhood Association's emergency request.

Signature: *Stephan E. Yu*
Print Name: *Stephan E. Yu*
Address: *1701 Divisadero Street, San Francisco, CA 94133*
Date: *8 April 2022*

Tenderloin Chinese Rights Association Petition

Oppose the owners of 45-49 Bernard Street to propose an expansion project. Signature Movement

We have signature to support Upper Chinatown Neighborhood Association to oppose the owners of 45-49 Bernard Street to propose an expansion project that will significantly encroach into the rear courtyard and destroy the mid-block open space without creating more housing. The rear courtyard, designed to strengthen communal and familial connections in densely populated living quarters, is important to our traditional Chinese heritage. The courtyard strengthens our cultural fabric, provides stability and comfort, and advances livability in the face of hardship. This proposed project will greatly reduce the livability of the neighborhood and neighbors' outdoor spaces and perpetuate a tenement-like atmosphere. We support the Upper Chinatown Neighborhood Association for the concept of traditional Chinese heritage, and environmental protection. We support the Upper Chinatown Neighborhood Association to propose an expansion project. Upper Chinatown is a historic neighborhood. In the past ten years, 37 tenants have been evicted or displaced on this block. In the month of the pandemic, the owners are not helping people to have an affordable place to live. Making more homeless housing is a human rights issue. We defend our neighborhood. Tenderloin Chinese Rights Association.

反對將後院擴充 45-49 號東區舊城區後院擴充項目簽名運動

我們支持上區唐人街鄰區協會反對將 45-49 號東區舊城區後院擴充項目。該項目將嚴重侵佔後院並破壞中區舊城區的開放空間，而不會增加住房。後院旨在和舊人口稠密的居住區的社區和家園聯繫，對我們傳承中國的傳統很重要。這增加了我們的文化傳統，提供了穩定和舒適，並在困難時期提高了宜居住性。這個後院的消失將大大減少到這座房屋空間的光線和空氣，並在附近保持一種類似公寓的環境。對於傳承中國的傳統和關係的概念，請停止後院擴充 45-49 號東區舊城區。上區唐人街鄰區協會一場聯名運動。在過去十年中，該街區有 37 名租戶被驅逐或搬遷，11 名中國移民，其中 7 名是老年人和/或殘疾人。在大流行期間能繼續住出 45-49 號，真正沒有幫助人們擁有負擔得起的住房！真正是無家可歸受害者！住屋是人權！我們捍衛我們的權利！我們是舊城區華人權益協會。

	Signature 簽名	Signature 簽名	Signature 簽名
1.	<i>Bo Yan Yu</i>	<i>Lu Thang</i>	<i>YAN Situ</i>
2.	<i>Fan Lan Chen</i>	<i>Ling Xue</i>	<i>Mandy Fong Chao</i>
3.	<i>Sin Yan Wu</i>	<i>Wu Ngan Guan</i>	<i>Jian Ming Wang</i>
4.	<i>Lian Kwan</i>	<i>Ma Chang</i>	<i>Yuk Loui Thong</i>
5.	<i>Luang Hong</i>	<i>Xin Zhen Zhang</i>	<i>Sally Lu</i>

Combined total: 1001 signed copies

Rachael Tanner 主席和各位委員
三藩市規劃委員會
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

有關：支持保留華埠上區開放空間，三藩市 Bernard 街 45 至 49 號（個案編號
No. 2020-005176DRP）

親愛的 Tanner 主席和各位委員：

多達 11 名華裔移民，當中有 8 名是長者以及/或者是殘障人士，已經從 Bernard 街 45 至 49 號被遷遷。這些被遷遷的家庭許多年來都是我們社區的一分子。對於這些家庭而言，能夠找到一個可負擔並靠近服務、市場和工作的居所是一件極為困難的事情。但值此之際我們的傳統面貌更是將會被抹除。Bernard 街 45 號的業主計劃將大樓向後庭院方向擴建，從而摧毀了我們街區中段的燈光和空氣。

我們希望保留我們街區中段的開放空間作為傳統的戶外精神寄托地。這個後庭院的設計，是用於加強在人口稠密居住地內社區和家庭之間的關係。這個後庭院的出現強化了我們的文化紐帶，提供了一個穩定和舒適的場所，讓我們在面對困難的時候仍能安居樂業。

我們珍貴的中段開放空間將會被這個大樓擴展計劃所侵害，而且該計劃並沒有創造更多的房屋單位。對後庭院的侵蝕將延續和擴大公寓化的風潮。我們僅僅是要求該計劃從後方的地界線後退 22 英尺，從而可以保留我們神聖的社區共用空間。

該計劃負責人的行為傷害了社區的文化，更不應受到獎勵。我們要求你同意給予“Upper Chinatown Neighborhood Association”所提出的全權委托審查請求。

簽名：Xiao Ying Feng

姓名（正體）：XIAO YING FENG

地址：1122 Pacific Ave San Francisco CA 94133

日期：4/1/22

President Rachael Tanner and Commissioners
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Re: Support for the Preservation of Open Space in Upper Chinatown, San Francisco
45-49 Bernard Street (Case No. 2020-005176DRP)

Dear President Tanner and Commissioners:

Eleven Chinese immigrants, eight of whom are elders and/or disabled, were evicted from 45-49 Bernard Street. The families who were evicted were part of our community for many years. For these families to find another affordable place to live nearby services, markets, and employment is difficult. Now our physical heritage is also being erased. The owner of 45 Bernard Street plans to expand the building into the rear courtyard and destroy our mid-block light and air.

We want to preserve the traditional outdoor spiritual refuge in our mid-block open space. The rear courtyard was designed to strengthen communal and familial connections in densely populated living quarters. The emergence of the courtyard strengthens our cultural fabric, provides stability and comfort, and advances livability in the face of hardship.

Our precious mid-block open space is being imperiled by this residential expansion project that does not create more housing. The encroachment into the courtyard will perpetuate and expand a tenement-like atmosphere. We merely ask that the project be set back 22 feet from the rear property line to preserve our sacred communal space.

The project sponsor's actions erode the culture of the neighborhood and should not be rewarded. We ask for you to grant the Upper Chinatown Neighborhood Association's Discretionary Review Request.

Signature:



Print Name:

ERIC CHAN

Address:

18 BERNARD STREET
SAN FRANCISCO, CA 94133

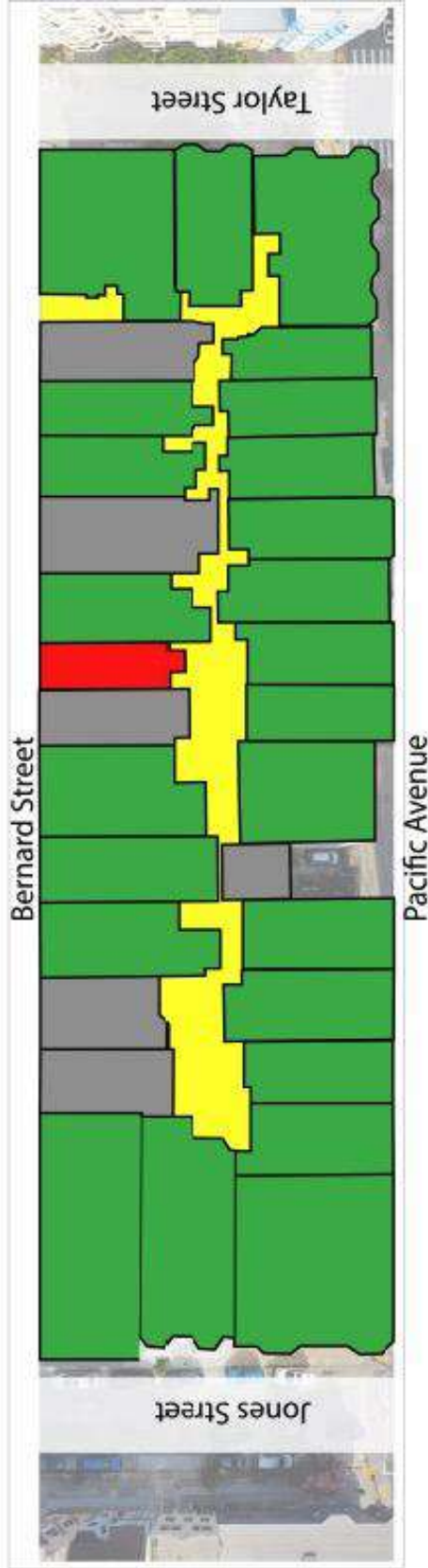
Date:

April 4, 2022

A copy of all signatures can be found here: <https://zacks.egnyte.com/fl/7R7axohAU2>

Signed Petitioners
Pacific Avenue - Taylor Street - Bernard Street - Jones Street

- Petitioner
- Open Space
- Sponsor





August 2, 2022

Rachael Tanner
President
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear President Tanner and Planning Commissioners,

It is our pleasure to be able to write this letter opposing the project of 45-49 Bernard Street. Our mission is to lead youth and young adults to serve the community, develop their leadership skills and guide them to explore their careers of interest. Community Improvement Service (CIS) was established at George Washington High School in 2009 and expanded to Balboa High School in 2015, and to Lowell High School in 2021. Community Improvement Service is now explained to a 501(c)(3) organization; we hope to make a positive impact on the community through our efforts of community service. We have a total of about 1500 volunteers (from the year of 2009 to 2022) who have been involved in helping community events. For the past years, we have served the community and underrepresented groups by volunteering in community events and hosting holiday celebration parties around San Francisco, mainly in Chinatown, SF. During the pandemic, we continue to provide support and influence on the community by hosting informational workshops virtually.

Through our projects, we have seen outdoor communal spaces being used for recreational activities like Tai Chi and exercising community building, and quality family time. The usage is especially profound in youth from underserved low-income immigrant families. A safe space to spend time with family where there is no language barrier, unlike school, is crucial to come together with family members who may spend most of their time working. This open space is crucial for the residents of 45-47 Bernard Street as it is a channel to connect with others of their culture and to build healthy social relationships with other neighbors of Chinese ancestry.

We acknowledge and feel with those who are negatively affected by the project of 45-49 Bernard Street; we ask the Planning Commission to accept the Discretionary Review Request at 45-49 Bernard Street.

Yours sincerely,

A handwritten signature in cursive script that reads "Tiffany Liao".

Tiffany Liao, Executive Assistant
Community Improvement Service (CIS)



July 21, 2022

Rachael Tanner
President
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear Planning Commissioners,

I am writing this letter on behalf of the Community Tenants Association (CTA) to support the Discretionary Review filed by the Upper Chinatown Neighborhood Association for the project at 45-49 Bernard St. The Community Tenants Association was formed in 1987 and has a membership of over 2,500 members, most of whom are low-income tenants living in Chinatown. Our mission is to defend the rights of low-income tenants throughout San Francisco. CTA focuses on tenants' rights, preservation of affordable housing, protection of existing tenants from displacement, and awareness on issues impacting the city's most vulnerable immigrant populations.

Throughout the pandemic, eleven Chinese immigrants were evicted at 45-49 Bernard St. Eight of the former residents are elderly and/or disabled. Nob Hill is home to a significant Chinese American population due to its proximity to Chinatown. However, with the influx of owner move in evictions and the condoization of formerly affordable multifamily homes, we are concerned that the last renter at 49 Bernard will face indirect displacement.

We strongly urge the Planning Commission move forward with the Discretionary Review Request for the project at 45-49 Bernard St.

Sincerely,

Wing Hoo Leung, President
Community Tenants Association



August 1, 2022

Rachael Tanner
President
San Francisco Planning Commission
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Planning Commissioners,

On behalf of the Community Youth Center of San Francisco (CYC), I am writing to the San Francisco Planning Commission to give my full support to the Discretionary Review filed by the Upper Chinatown Neighborhood Association for the project at 45-49 Bernard Street. CYC's mission is to encourage a diverse population of high-need young people to explore their full potential through academic, career, family, and community life. CYC has been serving the API community since 1970. We help immigrant youth and their families acculturate to a new life in the United States through programs in the areas of enrichment, health and wellness, workforce development, and leadership.

Our youth are residing in very densely populated living quarters and neighborhoods. They share their living space with multiple generations. Our young people are the caretakers of their younger siblings, grandparents, and parents. The pandemic has now put extra stresses on API immigrant youth and their families. We have heard countless stories about our youth and their families worrying about their financial stability as many of them rely on low-wage jobs that put them in danger of catching COVID. But they are afraid to go to work because they can't afford to catch COVID. To further their stresses, API youth and families are afraid to go outside due to anti-Asian hate and the fear of being attacked.

Where there are mid-block open spaces, the sunlight, fresh air, and spiritual refuges give our youth and their families respite. The proposed destruction of the outdoor refuge and evictions are additional stressors that families are dealing with. This is why it's very important for the Planning Commission to support the Discretionary Review application in order to protect low-income families from being adversely affected by sponsors who want to profit from evictions and expansion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Wan', is written over a light blue horizontal line.

Sarah Wan
Executive Director

MAIN OFFICE
1038 Post Street
San Francisco, CA 94109
TEL: 415.775.2636

BAYVIEW OFFICE
5009 Third Street
San Francisco, CA 94124
TEL: 415.550.1151

RICHMOND OFFICE
319 Sixth Avenue, Suite 201
San Francisco, CA 94118
TEL: 415.752.9675

CHINATOWN OFFICE
830 Sacramento Street
San Francisco, CA 94108
TEL: 415.988.1962

WEBSITE: www.cycsf.org
EMAIL: hello@cycsf.org



Lao Iu Mien Culture Association, Inc.
485-105th Avenue, Oakland, CA 94603

July 29, 2022

Rachael Tanner
President
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear Planning Commissioners,

I am writing this letter on behalf of the Lao Iu Mien Culture Association (LIMCA) to support the Discretionary Review filed by the Upper Chinatown Neighborhood Association for the project at 45-49 Bernard St.

The Lao Iu Mien Culture Association (LIMCA) was incorporated in March 1982 and serves over 8,000 people in Northern California. LIMCA's mission is to preserve the cultural heritage of the Iu Mien who came from tribal villages in the highlands of Laos. LIMCA develops social and cultural programs to facilitate the Iu Mien integration into the economic and cultural life of the United States. We are people who are spiritually connected to nature and to one another. This is our way of healing and strengthening our health and wellbeing. This is how we maintain our identity while adapting and growing.

The Iu Mien supported the US Secret War in Laos (1962-1975). After the fall of Vietnam (1975), we came as refugees to the United States. When we arrived in the America, our families were separated and placed in low-income housing in neighborhoods throughout the Bay Area. Thousands of us, young and old, had no command of the English language nor the American culture. The 1980s were fraught with fear and desperation. But we have always relied on family members and our clan in the village. So over time, we drew from what already worked for us to rebuild our community. It has taken our families, clans, and local leaders over 20 years to achieve some level of stability. But we are proud to say that we are settled in America and we have been able to raised sufficient funds from our own community to build a center and a spiritual temple.

So when we learned about eleven Chinese immigrants being evicted from 45-49 Bernard Street, San Francisco, we felt compelled to write this letter of support to the DR application. We know what it is like for the extended family to be broken up and to be disconnected from one another

485-105th Avenue, Oakland, Ca 94603
www.limccenter.org

and from local ethnic resources. We know how it feels to be evicted and to be displaced. We know how difficult it is for extended families to be isolated from nature; and from not having access to open spaces where we are spiritually connected to one another,

Therefore, we strongly urge the Planning Commission to move forward with the Discretionary Review Request for the project at 45-49 Bernard Street.

Sincerely,

Leo O Saephan
Chairman of the Board Of Directors
Lao Lu Mien Culture Association (LIMCA)
Leosaephan@limccenter.org
<http://www.limccenter.org>



Tenderloin Chinese Rights Association

田德隆華裔權益協會

210 Golden Gate Ave, San Francisco, CA 94102

COPY

Rachael Tanner, President,
San Francisco Planning Commission,
49 South Van Ness Avenue, Suite 1400,
San Francisco, CA 94103
(Case no. 2020-005176DRP)

8-1-2022

Dear President Tanner,

How are you doing? My name is Siu Cheung. I am a consultant of Tenderloin Chinese Rights Association, I write this letter to represent 300 members of Tenderloin Chinese Rights Association to support Upper Chinatown Neighborhood Association to oppose the owners of 45-49 Bernard Street to propose an expansion project that will significantly encroach into the rear courtyard and destroy the mid-block open space without creating more housing.

The rear courtyard, designed to strengthen communal and familial connections in densely populated living quarters, is important to our traditional Chinese heritage. The courtyard strengthens our cultural fabric, provides stability and comfort, and advances livability in the face of hardship. This proposed project will greatly reduce the light and air that reaches neighbors' outdoor spaces and perpetuate a tenement-like atmosphere in the neighborhood. For the concept of traditional Chinese heritage and environmental protection, please STOP the 45-49 Bernard Street to propose an expansion project.

Upper Chinatown is experiencing an eviction crisis. In the past ten years, 37 tenants have been evicted or displaced on this block. Eleven Chinese immigrants, eight of whom are elders and/or disabled, were evicted from 45-49 Bernard Street during the pandemic, the owners are not helping people to have an affordable Housing! The owners are making more homeless people! Housing is a human Rights! We defend our Rights! We are member of Tenderloin Chinese Rights Association, because we are people of grassroots! And we have grassroots support from Tenderloin community over 417 people who have signed the petition. Thank you!

PS: Signature petition letter are attached

Sincerely,

Siu Cheung, Consultant
Tenderloin Chinese Rights Association

EXHIBIT 6
51 BERNARD STREET PLANS

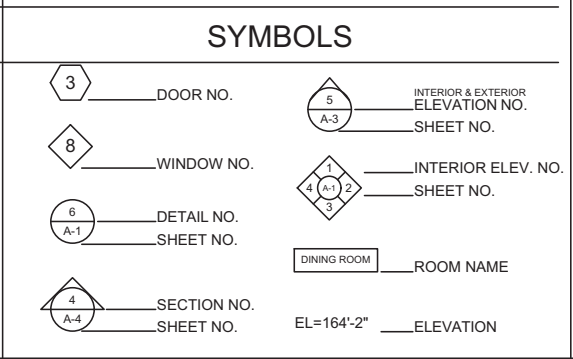
CITY INFORMATION	
51 BERNARD STREET	
LOT: 029	AS BUILT BUILDING:
BLOCK: 0157	BASEMENT:
ZONING: RH-3	NON-HABITABLE: 660 S.F.
HT. LIMIT: 40'-X	HABITABLE: 217 S.F.
OCCUPANCY: R-3	1 ST FLOOR:
CONSTRUCTION: V-B	NON-HABITABLE: 459 S.F.
SPRINKLERS: NO	HABITABLE: 309 S.F.
	2 ND FLOOR:
SQUARE FOOTAGE:	NON-HABITABLE: 435 S.F.
LOT SIZE: 1,376 S.F.	HABITABLE: 261 S.F.
	3 RD FLOOR:
	NON-HABITABLE: 428 S.F.
	HABITABLE: 288 S.F.
	4 TH FLOOR:
	NON-HABITABLE: 58 S.F.
	HABITABLE: 347 S.F.
	TOTAL: 2,733 S.F.
	NON-HABITABLE: 1,311 S.F.
	HABITABLE: 1,422 S.F.
(E) BUILDING:	BUILDING CODE:
BASEMENT:	2019 CALIFORNIA BUILDING CODE (CBC)
NON-HABITABLE: 465 S.F.	2019 SAN FRANCISCO BUILDING CODE & ADDENDUMS TO CBC
HABITABLE: 0 S.F.	2019 CALIFORNIA TITLE 24
2 ND FLOOR:	2019 SAN FRANCISCO MECH. & ELEC. CODES
NON-HABITABLE: 196 S.F.	2019 SAN FRANCISCO FIRE CODE
HABITABLE: 612 S.F.	2019 CALIFORNIA PLUMBING CODE
TOTAL: 1,311 S.F.	
NON-HABITABLE: 661 S.F.	
HABITABLE: 612 S.F.	
PERMITTED BUILDING:	
BASEMENT:	
NON-HABITABLE: 661 S.F.	
HABITABLE: 219 S.F.	
1 ST FLOOR:	
NON-HABITABLE: 414 S.F.	
HABITABLE: 297 S.F.	
2 ND FLOOR:	
NON-HABITABLE: 451 S.F.	
HABITABLE: 261 S.F.	
3 RD FLOOR:	
NON-HABITABLE: 367 S.F.	
HABITABLE: 317 S.F.	
4 TH FLOOR:	
NON-HABITABLE: 58 S.F.	
HABITABLE: 347 S.F.	
TOTAL: 3,392 S.F.	
NON-HABITABLE: 1,951 S.F.	
HABITABLE: 1,441 S.F.	

DRAWING SCHEDULE	
TOTAL SHEET COUNT: 12	
ARCHITECTURAL	
A1.0 SITE & CITY INFO	
A2.0 ORIGINAL, PERMITTED & PROPOSED BASEMENT PLANS	
A2.1 ORIGINAL, PERMITTED & PROPOSED 1ST FLOOR PLANS	
A2.2 ORIGINAL ROOF PLAN, PERMITTED & PROPOSED 2ND FLOOR PLANS	
A2.3 PERMITTED & PROPOSED 3RD FLOOR PLANS	
A2.4 PERMITTED & PROPOSED 4TH FLOOR PLANS	
A2.5 PERMITTED & PROPOSED ROOF FLOOR PLANS	
A3.0 ORIGINAL, PERMITTED & PROPOSED NORTH ELEVATIONS & AS BUILT NORTH SIDE PHOTOS	
A3.1 ORIGINAL, PERMITTED & PROPOSED EAST ELEVATIONS	
A3.2 ORIGINAL, PERMITTED & PROPOSED WEST ELEVATIONS	
A3.3 ORIGINAL, PERMITTED & PROPOSED SOUTH ELEVATIONS & AS BUILT SOUTH SIDE PHOTOS	
A4.0 ORIGINAL, PERMITTED & PROPOSED SOUTH SECTIONS	

GENERAL NOTES

- ALL DIMENSIONS SHOWN ARE TO FACE OF STUD, FACE OF CONCRETE, OR FACE OF BLOCK, U.O.N. VERTICAL DIMENSIONS ARE SHOWN TO TOP OF SLAB, FLOOR JOISTS OR FLOOR FRAMING.
- CONTRACTOR AND SUBCONTRACTORS SHALL FAMILIARIZE THEMSELVES WITH EXISTING CONDITIONS PRIOR TO COMMENCING WORK.
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE. CONTRACTOR TO NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND DIMENSIONS/CONDITIONS SHOWN IN THESE DRAWINGS.
- MECHANICAL, PLUMBING, ELECTRICAL AND SPRINKLER PERMITS SHALL BE THE RESPONSIBILITY OF THOSE SUBCONTRACTORS.
- AUTOMATIC FIRE SPRINKLER SYSTEM DESIGN AND CONSTRUCTION IS TO BE PERFORMED UNDER A SEPARATE PERMIT OBTAINED BY THE FIRE PROTECTION SUBCONTRACTOR. FIRE SPRINKLERS ARE DESIGNED TO BE ZONED BY FLOOR. FIRE ALARM ZONED BY FLOOR AND DEVICE.
- STREET AND SIDEWALK IMPROVEMENTS SHALL BE CONDUCTED UNDER SEPARATE PERMITS.
- CONTRACTOR SHALL REVIEW AND UTILIZE SPECIFICATIONS PROVIDED IN CONJUNCTION WITH THIS SET OF CONSTRUCTION DOCUMENTS. ARCHITECT SHOULD BE NOTIFIED OF ANY DISCREPANCY BETWEEN DRAWINGS AND SPECIFICATIONS.
- ELEVATOR TO COMPLY WITH CODES SET FORTH IN CHAPTER 30 OF THE UBC. INSTALLATION OF THE ELEVATOR ACCESS HATCH WILL BE IN COMPLIANCE WITH NFPA 72, 1996 EDITION, UNDER SEPARATE PERMIT.
- SHORING AND UNDERPINNING WORK TO BE UNDER SEPARATE PERMITS.
- ALL WORK PERFORMED WILL COMPLY WITH THE AMERICAN DISABILITIES ACT OUTLINED IN SECTIONS 108.11 IN THE CBC. SEE SHEET A1.2 FOR STANDARD ACCESSIBILITY DETAILS APPLICABLE THROUGHOUT PROJECT.
- SOUND TRANSMISSION CONTROL TO BE PROVIDED AS REQUIRED BY APPENDIX CHAPTER 35, 1992 SFGBC (STC AND IIC OF 50 BETWEEN UNITS).
- THE BUILDING SHALL COMPLY WITH VENTILATION REQUIREMENTS. SEE CODE SECTION 1202.2.7

ABBREVIATIONS					
&	AND	FDN	FOUNDATION	PT.	POINT
<	ANGLE	FIN.	FINISH	PTN.	PARTITION
@	AT	FL.	FLOOR	R.	RISER
C	CENTERLINE	FLOR.	FLUORESCENT	R.D.	ROOF DRAIN
#	DIAMETER OR ROUND	F.O.C.	FACE OF CONCRETE	REF.	REFRIGERATOR
P	POUND OR NUMBER	F.O.F.	FACE OF FINISH	REF.	REFINISHED
	PROPERTY LINE	F.O.C.	FACE OF STUDS	REQ.	REQUIRED
		FT.	FOOT OR FEET	RM.	ROOM
ABV	ABOVE	FTG.	FOOTING	R.O.	ROUGH OPENING
AC	AIR CONDITIONER	FURR.	FURRING	RWD.	REWORK
ADJ	ADJUSTABLE	FUT.	FUTURE	R.W.L.	RAIN WATER LEADER
A.F.F.	ABOVE FINISH FLOOR	GA.	GAUGE	S.C.	SOLID CORE
AL.	ALUMINUM	GALV.	GALVANIZED	SCH.	SCHEDULE
APPROX.	APPROXIMATE	GD.	GRADE	SECT.	SECTION
ARCH.	ARCHITECTURAL	GYP.	GYPSONUM	SHT.	DRAWING SHEET
BD.	BOARD	H.B.	HOSE BIB	SIM.	SIMILAR
BLDG.	BUILDING	H.C.	HANDICAPPED	SPEC.	SPECIFICATION
BLK.	BLOCK	H.C.	HOLLOW CORE	SQ.	SQUARE
BLKG.	BLOCKING	HOW.	HARDWARE	SST.	STAINLESS STEEL
BM.	BEAM	HDWD.	HARDWOOD	STD.	STANDARD
B.W.	BOTTOM OF WALL	H.M.	HOLLOW METAL	STL.	STEEL
CAB.	CABINET	HT.	HEIGHT	STOR.	STORAGE
CEM.	CEMENT	HWY.	HOT WATER HEATER	STR.	STRUCTURAL
CER.	CERAMIC	INSUL.	INSULATION	SUSP.	SUSPENDED
CL.	CEILING	INT.	INTERIOR	SYM.	SYMMETRICAL
CLG.	CLOSET	JAN.	JANITOR	S.S.D.	SEE STRUCTURAL DRAWINGS
CLR.	CLEAR	JT.	JOINT	T	TREAD
COL.	COLUMN	JT.	JOINT	T.B.D.	TO BE DETERMINED
CONC.	CONCRETE	LAM.	LAMINATE	T.B.S.	TO BE SELECTED
CONT.	CONTINUOUS	LAV.	LAVATORY	T.C.	TOP OF CURB
CTR.	CENTER	LT.	LIGHT	TEL.	TELEPHONE
DBL.	DOUBLE	MAX.	MAXIMUM	T&G	TONGUE & GROOVE
DEPT.	DEPARTMENT	MECH.	MECHANICAL	THK.	THICK
D.F.	DRINKING FOUNTAIN	MEMB.	MEMBRANE	T.P.	TOP OF PAVEMENT
DET.	DETAIL	MFR.	MANUFACTURER	T.W.	TOP OF WALL
DIA.	DIAMETER	MIN.	MINIMUM	TYP.	TYPICAL
DIM.	DIMENSION	MISC.	MISCELLANEOUS	U.O.N.	UNLESS OTHERWISE NOTED
DN.	DOWN	M.O.	MASONRY OPENING	V.I.F.	VERIFY IN FIELD
DTL.	DETAIL	MTD.	MOUNTED	VERT.	VERTICAL
DW.	DISHWASHER	(N)	NEW	W	WITH
DWG.	DRAWING	N.I.C.	NOT IN CONTRACT	W.C.	WATER CLOSET
(E)	EXISTING	NO. OR #	NUMBER	W/D	WASHER/DRYER
EA.	EACH	N.T.S.	NOT TO SCALE	WD.	WOOD
ELEC.	ELECTRICAL	O.C.	ON CENTER	WID.	WINDOW
ELEV.	ELEVATOR	O.D.	OUTSIDE DIAMETER	W/O	WITHOUT
EQ.	EQUAL	PL.	PLATE	WP.	WATERPROOF
EQPT.	EQUIPMENT	P.LAM.	PLASTIC LAMINATE	WT.	WEIGHT
EXP.	EXPANSION	PLYWD.	PLYWOOD		
EXT.	EXTERIOR	PR.	PAIR		
FAU	FORCED AIR UNIT	P.T.	PRESSURE TREATED		
F.D.	FLOOR DRAIN				



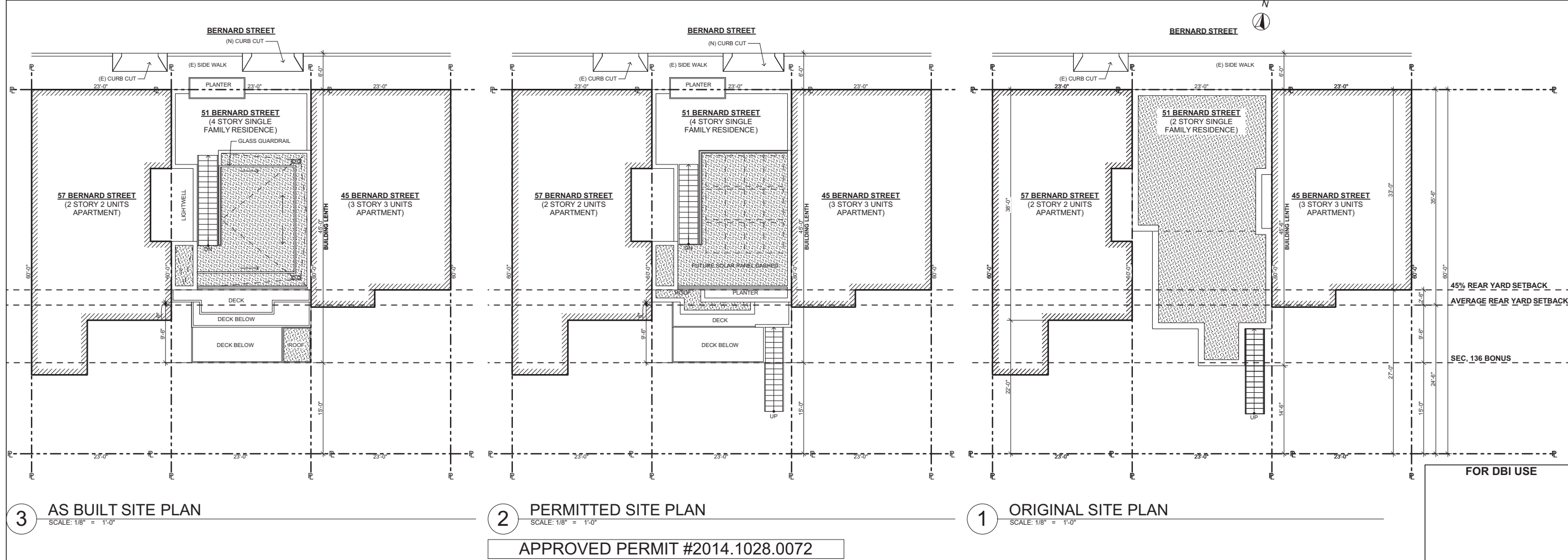
SCOPE OF WORK

Permit to Comply with Code Enforcement Case No. 2022-005109ENF. To seek legalization of rear ground floor (6 foot extension) remove preexisting rear stairs and enclose this area, change in building materials from siding to stucco as shown on proposed elevations, conversion of planter into deck on the 4th floor, and reconfiguration of each floor layout and other alterations to last approved plans, permit #2014.1028.0072. Changes include new interior elevator and rearranging of interior rooms/floors.

REAR YARD 45% 60'-0"x45%= 27'-0" REAR YARD SETBACK

REAR YARD EVERAGE CALCULATIONS

45 BERNARD STREET 27'-0"
 57 BERNARD STREET 22'-0"
 49'-0" ÷ 2 = 24'-6"



Kotas/Pantaleoni Architects

Anthony A. Pantaleoni
LEED AP

70 Zoe Street, Suite 200
San Francisco, California 94107
t. 415 495 4051
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Revisions	By

KEANE RESIDENCE REVISION TO PERMIT #2014.0128.0072

51 BERNARD STREET

SAN FRANCISCO, CA 94133

Sheet Title:
Project Info:
SITE & CITY INFO

Date: 1.25.23
 Drawn By: AZ
 Job Number: 1-820

A1.0

EXHIBIT 7
LETTER FROM JOHN LUM, AIA

March 13, 2024

Board of Appeals
49 South Van Ness
Suite 1475 (14th Floor)
San Francisco, CA 94103

Re: Appeals Nos. 24-010 and 24-011
Subject Property: 45, 47 and 49 Bernard Street
Site Permit No.: 2020-0822-2415
Letter of Support to Appeal Approved Site Permit



JOHN LUM ARCHITECTURE INC.
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110
TEL 415 558 9550 FAX 415 558 0554

Dear President Swig and Members of the Board,

We have reviewed the plans for 49 Bernard that were recently approved for site permit.

We have found numerous inconsistencies and violation of codes ranging from improper drawings standards, to Planning code violations, to egregious violations that would affect life-safety of the building occupants and adjacent structures. We are concerned that this project continues to have code violations that will affect the welfare of the occupants and the public, and thus should not have been approved in its flawed state.

Our review of the approved Site Permit is organized in the order of the drawing set. We apologize in advance if the sheet numbers are not correct and lacking titles, as the Appellant refused to share the documents, forcing our review at DBI's Records room without the benefit of a hard copy. As such, we were not able to accurately assess the GFA calculations without being provided a copy of the Approved Site Permit drawings.

Sheet A0.00

- 1) Cover sheet does not meet DBI required standards for an 8.5" x 11" clear box for stamps. The title block also lacks the required clear space for stamps.
- 2) Cover sheet reference drawings by other professionals that are not included in the approved Site Permit set.

Existing conditions, Sheet A2.00

- 1) Incorrectly shows the west door on façade at the sidewalk to be swinging over the public right of way. This is a door that open into the floor unit and is a door that swings inward. Code violation: SFBC 2019 §3202.2 - DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. See additional information under Sheet A3.00 focusing on the proposed gate in the proposed floor plan.

Sheet A2.04

- 1) Existing 1'-0" x 3'-0" window denoted as an escape window for basement ADU (the plan of which is not included in the Approved Site Permit). The proposed drawings show an enlarged EERO (Emergency Escape and Rescue Opening) with a light well providing access from the sidewalk through an opening that is covered by a 2'-0" x 3'-0" grill. This security grill is noted as being operable only from the interior. Code violation SFBC 2019 §1030.1.1. In addition to its dubious size and arrangement, this EERO would not allow a firefighter to rescue someone from the basement due to the proposed non-compliant locking mechanisms.

Sheet A3.00

- 1) New ADU plans are not included in the approved drawing set, nor are any references to a separate permit number for the ADU. As a condition of approval, the removal of the existing non-compliant dwelling unit in the basement requires the construction of a replacement ADU. When the Site Permit is approved without the ADU information, there is nothing to hold or allow the City to enforce the return of this removed dwelling unit. The Project would be in violation of Planning Code §317 if ADU is not included.
- 2) A new gate is shown swinging out over the public right of way in the location of the existing in-swinging door on the west of the front façade. Code violation: SFBC 2019 §3202.2. DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. As shown, the extent of the door's encroachment into the public right of way violates the allowed limitation of 25% of the sidewalk width. The 7' sidewalk allows 1'-9" of encroachment, but the door is a minimum 36" as an Exit. The *SF Better Streets Plan* requires a minimum width of 4'-0" for the Pedestrian Through Way at narrow sidewalks, reduced from a typical standard of 6'-0". Additionally, the proposed gate is shown as swinging 180 degrees, placing it in front of the garage door of the adjacent west neighbor. Sheet A0.03's Preapplication Approval does not allow new gates to swing over the property line.
- 3) A new 4'-9" gate is shown swinging out over the public right of way in the location of the two smaller existing gates, approximately 2'-3", which do swing out over the public right of way. Sheet A0.03's Preapplication Agreement states that the replacement gate should match the existing conditions (two separate gates). The proposed gate more than doubles the non-compliance of the existing gates in regards to Code violation: SFBC 2019 §3202.2. DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. As shown, the extent of the door's encroachment into the public right of way violates the allowed limitation of 25% of the sidewalk width. The 7' sidewalk allows 1'-9" encroachment. The slope of the sidewalk as shown on the front elevation conflicts with the floor plan's depiction of the gate opening 180°. The sidewalk slope would appear to only allow the gate to open 90°. Thus, the sidewalk would be reduced from 7'-0" wide to 2'-3", much less than the required 4'-0" minimum width of the Pedestrian Through Way required by the *SF Better Streets Plan*.

- 4) Replacing existing stair at the rear, which provides the second means of egress to the upper units, with a fire escape appears to be a reduction in the safety of this non-compliant structure. The reasoning for allowing the provision of a fire escape is for an exception due to a hardship, versus a simply equivalent option to providing a code-compliant stair. In this case the hardship is caused by the Project Sponsor, who is electing to remove the existing stair and exit-access corridor through the basement due to increasing the square footage of the units, hence increasing the occupancy load. Increasing non-conformity, while asking for an exception is problematic. No AB-019 documentation for the proposed fire escape is included in the approved Site Permit. The required description of “the practical difficulties presented in meeting the specific conditions of the code” is not provided. Additionally, a detailed description of the fire-escape’s conditions of approval in the formal Request for Approval of Local Equivalency is required for issuance of the Site Permit. Code violation: SFBC §106A.3.4.2 (3)(d)
- 5) The Fire Department allows for existing non-compliant egress conditions to remain, such that changes to a building result in a condition that is no less safe or further non-compliant than the existing conditions. This typically allows for interior remodels of units without needing to address non-conforming common exiting conditions. In the case of the proposed project, the Fire Department appears to be allowing the extremely non-compliant front stairs to remain in their very narrow condition (approximately 1’-9” at the topflight and approximately 2’-4” at the lower flights – 3’-0” is the SFBC’s clear width requirement) while simultaneously allowing the increase of occupancy in the building – as the units are enlarged towards the rear. Since occupancy is a measurement of floor area, the horizontal addition in the approved Site Permit increases the occupant load on these non-compliant stairs. This is further exacerbated by the replacement of the rear exit stair with a less-functional, less-accessible fire escape. It is unclear why the Fire Department does not appear to have required any mitigations or local equivalency documentation for these changes to the egress conditions. A commonly applied requirement to mitigate the reduction of safety as shown in the approved Site Permit would be the inclusion of new fire-suppression sprinklers throughout the building – or at least to cover the units that add occupancy without addressing the non-compliant stairs.
- 6) The proposed gas meter location is quite problematic. It does not comply with the requirements of the PG&E Greenbook, which would require the meters be placed at the front façade and to ventilate outside of the building. Furthermore, the gas meters are located within the exit-access corridor that provides the sole means of egress to the theoretical ADU, and second means of egress for the upper units. Code violation: SFBC 2019 Definition of Means of Egress as “a continuous and unobstructed path of vertical and horizontal egress travel”. Fuel-burning appliances obstruct the safe path through the Means of Egress.
- 7) Natural light and ventilation calculations for the first-floor unit are shown including the front door’s operable sidelites for ventilation. The door, at approximately 10’-4”, is too deeply recessed to comply with the 9’-0” limitation for overhangs and simply cannot be used for ventilation due to fire rating requirements for openings into the exit-access stair: Code violation SFBC 2019 §420.2 and §1204.2.2.

- 8) A tankless gas water heater is shown adjacent to the rear yard entrance to the exit-access corridor connecting the fire escape to the public right of way. This gas-fueled equipment is a hazard, which violates the safety of the second means of egress for the upper units. Code violation: SFBC 2019 Definition of Means of Egress as “a continuous and unobstructed path of vertical and horizontal egress travel”. Fuel-burning appliances obstruct the safe path through the Means of Egress.

Sheet 3.04: Reflected Ceiling Plans

- 1) The proposed reflected ceiling plans for the upper two units show the gas fireplace vents exhausting into the front exit-access staircase, including under the interstitial landing leading to the top unit! Violation of Code SFBC 2019 §420.2, and SFMC 2019 §802.8.2

Sheet 4.00. Existing and Proposed Front North Elevation

- 1) The Emergency Escape & Rescue Openings (EERO's) for the first-floor unit and theoretical ADU are covered with security grills that are noted to open from the inside only. This prevents firefighters from rescuing the occupants of the front sleeping rooms, negating the function of the EERO's. Code violation: SFBC2019 §10301.1.

Sheet 4.01. Rear Facade

- 1) Removal of the stair at rear, replacing it with a fire escape, removes access to common usable open space as required by Planning Code §135. Where occupants could previously conveniently access their rear yard via the rear stairs, now they are forced to exit the property, traverse the public right of way, re-enter the building at the side gate and access the rear yard through the exit-access corridor. As approved the Project, therefore, removes the common usable open space as *there is no convenient way* to get to the rear yard from within the property. The proposed private usable open space is insufficient to meet each unit's required minimum area. The proposed private decks were further reduced in size since the Planning Commission set, to provide only 39 square feet of private usable open space per unit, substantially less than the required 100 square foot minimum. The tabulation on sheet A0.02 erroneously states that each unit has 134 square feet of usable open space. Additionally, usable open space at grade must have a minimum horizontal dimension of 10' to count, and thus the backyard open space has been calculated incorrectly where it appears to include the narrow spaces to the side of the rear pop-out, were it even accessible.

Sheet 4.02 East Façade

- 1) No AB-009 documentation is included in the approved Site Permit. Neither Attachment A, which outlines the conditions of approval, nor Attachment B – Declaration of Use Limitation are included. There is no indication that the Declaration of Use Limitation is Recorded to the property deed, as required for Building’s approval of the Site Permit. Code violation: SFBC §106A.3.4.2(3)(c)

Sheet GS-5

- 1) GS-5 is included in the approved Site Permit. This is the wrong sheet. GS-1 is the correct sheet to include in a Site Permit. GS-5 would be the correct sheet to include in a future Addendum application.

The life safety of the building with gas appliances carelessly placed in exit components, a fire escape being allowed for a second means of egress versus a previously existing staircase, the violation of usable open space requirements, and lapses in documentation violates the standards of Site Permit application reviews. The series of blatant code and process violations in the approved Site Permit raise series concerns about the rigor in which this permit application was reviewed. Errors have been found in the reviews of each department including Planning, Building, Fire and Public Works. These errors are germane to the Site Permit review and should not simply be addressed in later addenda applications. If the same level of rigor is applied to the reviews of the addenda, this project would pose a life-safety concern to future occupants and adjacent neighbors. There is no mechanism to appeal flawed addenda approvals. We therefore urge the Board of Appeals to rescind the approval of this flawed Site Permit and require the necessary corrections be made before each department approves the proposed work.

I will be attending the hearing and available for questions or discussion.



Sincerely,
John Lum, AIA
Founding Principal
John Lum Architecture, Inc.

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

SAN FRANCISCO BOARD OF APPEALS

RESPONSE TO Hanmin Liu and Jennifer Mei Appeal of Building Permit

Appeal 24-011

45 – 49 Bernard Street, San Francisco

Hearing Date: April 3, 2024

Appeal No. 24-010 (Owner Appeal)

- Brief is due by 4:30 p.m. on 3/14/24.
- Department's brief due 3/28/24 4:30pm.

Appeal No. 24-011 (Neighbor Appeal)

- Appellant brief is due 3/14/24.
- Owner Response due 3/28/24 4:30pm



Project Summary & Overview of Appellants

45-49 Bernard is a 3-unit residential property over basement situated in Nob Hill on the Russian Hill border w/ a lot size 23' wide x 60' deep (Appendix 3). The property is bound by the street in front and two adjacent neighbors. It is a zero lot line on the East and West (See Appendix 1). The building was originally permitted in 1906 for a 47' depth (13' setback) (Appendix 2), a depth which is common throughout this midblock. Over 90% of the midblock space has denser, more limited rear yards than 45-49 Bernard (current or proposed). The block is made up of a mix of SFR & MFR that primarily range from 30' - 40' in height. The actual construction and/or current building is less deep than 13', though there are no associated records found and it is unclear when or why the property depth was reduced. 45-49 Bernard currently has the shortest rear yard set back of any building on the block.

Unfortunately, 45-49 Bernard was not appropriately maintained by the prior landlord. It is 120+ years old and in severely dilapidated condition. The building's kitchen and bathroom are appended to the back of the building, and slope due to settlement. Kitchens are tiny, and not functional. Rooms that were previously used as bedrooms do not have EERO standard windows. In almost all ways, our building is not up to current code. Under this permit, we seek to make critically necessary improvements, including electrical, plumbing, foundational, and structural improvements –for the benefit of our family and our tenant (who supports the project), as well as perform a minor extension of the rear of the property – one which SQUARELY fits into the character of the midblock space. The proposed extension will result in a building that is still shorter than the two appellate neighbor's properties, even after completion. My partner and I are getting married in May and are seeking to start a family. We both live and work in the City and intend to continue to do so, unless we cannot get our home updated to meet the needs of our family (and our tenant), which has been on hold due to years of appeals by our neighbors. Furthermore, outside of the critically necessary enhancements being made from this permit/project, we may at some future point like to create a legal unit in the basement for my mother or in-laws to live in so they can support us with our children. Nevertheless, that future work is not relevant to this permit.

The Appellant in this appeal owns the property directly to the South, though in previous appeals also included the neighbors to the East at 39-41 Bernard, who are involved but not declared under this appeal. They sometimes call themselves the Upper Chinatown Neighborhood Association or “UCNA.” Per existing permits, 1144-1146 Pacific is supposed to be a Residence with *separate* Commercial space. The rear face of the Appellant building is ~9’3” from the rear property line with stairs within 3’ of the property line; it is 4 stories high; and it has a large roof deck. Notably, the bulk of Appellant’s 4-story mega-single family residence (SFR) extends significantly into the rear yard, which is characteristic, common, and historic for the block. However, it is also the result of further HORIZONTAL/VERTICAL expansions undertaken by the Appellants in the late 90s/early 2000s (Appendix 4). Furthermore, after maximizing the gross square footage of their SFR as much as possible, they also maintain a large, 4-story high tree, 11’ + wide in their tiny rear yard that hangs over adjacent property lines (See Appendix 1). Since the Appellant is south of the subject property, the building and tree casts shade on the properties to the north (on Bernard) adjacent neighbors, and the midblock year-round, as is common throughout the block.

Plan Submission to Now: Timeline of Nuisance Appellants Campaign Against Our Home Renovation

For the last 3 years, our family has been subject to a strategic and malicious campaign by these two neighbors (39-41 Bernard and 1144/6 Pacific Avenue) to block, delay or make difficult our home renovation. Our politically-connected neighbors have never sought to follow due process. They have refused to meet, discuss, or compromise, despite our 14+ attempts to do so (Appendix 5). Instead, they communicate to everyone except us, hiring lawyers, planning consultants, and architects, to litigate our permit to death. Prior to this hearing, we offered to provide plans in exchange for the opportunity to meet, discuss and try to find compromise and resolution. While we attempted, the meeting was less than 5 minutes, and they stated they had nothing to discuss if we were not willing to adjust our permit to adhere to their requested rear yard setbacks. We provided plans nonetheless.

It is very disappointing. Our neighbors were strategizing how to delay, block or modify our project from almost the inception of our project; in 2021, after my mom stopped by and asked them politely if they could trim back their rear tree, neighbor escalated the situation and responded, that he “knew people” and if we ever wanted to develop the property he could “make getting permits difficult for us” which unfortunately has materialized. Accordingly, over the years, they have made zero efforts to work with us. They decided they were going to DR our project before our plans were ever approved by the Planning Department (based on emails written by them to the Planning Department & Planning Commission). They skipped 2 pre-planning meetings, both of which they were aware of. They also ignored 12+ other informal requests by us to meet and discuss their concerns. Once plans were approved by Planning, on the last day, in the last hour of the appeal period (seeking to maximize delays) they filed their DR. In response to their DR & prior to the DR Hearing, we modified the building to compromise on every single concern they had—including reducing the rear yard set back from its legally allowable depth by 2 feet (15’ 9" to 17’ 9"), inseting half the buildings windows to create more privacy, etc. Nevertheless, these compromises were not enough, and they insisted we have the DR Hearing. It is our belief that they felt they did not need to participate in City processes because they decided to circumvent due process to get what they wanted, rather than following protocols defined by the City. Specifically, prior to our DR hearing, they circumvented due process prior to our quasi-judicial hearing (see & approve our Appeal).

Ultimately, we attended the DR hearing, and the project was inappropriately modified further (again, see our Appeal). And still, these modifications were not enough. After our DR hearing, they filed a CEQA appeal, on the last day in the last hour of the appeal period (maximizing delays). This CEQA appeal argued that our private rear yard, visible to nobody from the public but them, was actually historically, “culturally significant” backyard, and the City should spend its finite resources researching whether or not this singular, private backyard was a historic resource. It is important to reiterate - these neighbors themselves have done vertical extensions, horizontal expansions, and added roof decks. The City spent hours

responding and preparing for the CEQA Appeal, providing data and research on how there is no support for their historicity argument (Appendix 6), only for it to be dropped by our neighbors the day of the hearing. We believe they withdrew because they didn't believe they had sufficient political support given the absurdity of the argument: **the space where these neighbors themselves had previously expanded their building, maximizing the GSF of their SFR was now suddenly “sacred and historic” when a neighbor attempts to do a lesser version of the same thing.** As they withdrew their CEQA appeal on the day of the hearing, we had to attend the Board of Supervisors hearing, and the Board of Supervisors had to formally approve the withdrawal. And while we thought—this HAS to be it—their campaign against our extension continued on. In March 2023, they tried to force our other neighbor, at 51 Bernard, into signing a “confidential agreement” in which the owner of 51 Bernard would be required to issue a letter opposing our extension (among other things); otherwise they would “oppose his variance request”. This behavior by our neighbors was undertaken before our permits were even approved post-CEQA/DR hearing, **proving that they intended to appeal this permit to the Board of Appeals all along—no matter what our permit looked like— and were just trying to force the 3rd neighbor’s support to strengthen their less-than-strong argument.** Our neighbor at 51 Bernard, thankfully, refused to sign the agreement, saying it was written “in the spirit of something he could ever be comfortable being a part of”.

That brings us to today. Here we are again, responding to this new appeal, fighting with neighbors to fix up our home and complete a minor extension that fits squarely in with the character of the existing mid-block. Unfortunately, there are many stories that are like ours where the planning process, DRs, and appeals have extended projects/housing timelines. A recent SF Chronicle noted a typical home-building project approval in San Francisco takes close to 500 days, more than any other City in the State. Our permit, which is a SMALL PROJECT, stands at ***1,322 days and counting.***

Request the Following of the Board of Appeals (BOA)

Overall Request: Respectfully, Deny the Appellants Appeal and APPROVE our Appeal

In total, there is one thing this neighbor cares about: they do not want our building closer to their building. At its core, these neighbors are asking you to overrule code, guidelines, basic human logic, and approvals and further validations by the City that fully support our proposed depth. They ask you to apply an arbitrary setback, based on the setback of a neighboring SFR, to a MFR building. It is totally unreasonable given the context of neighboring properties. Respectfully, we ask you to please deny their appeal, and approve our appeal. We respectfully ask you to consider that these are continued, nuisance Appeals. We respectfully ask that you direct the city to issue this permit so we can make necessary improvements to our home that enable our family and our tenant to live in a better, more habitable place. Furthermore, given the neighbors, through circumvention of due process, have tainted and eliminated our ability to have an impartial Planning Commission hearing, we respectfully ask, whatever decision you make, please do not send us back to the Planning Commission. It risks restarting this appeals process all over - this has been incredibly stressful and has already held up our life for many years. Specifically, in relation to this appeal, we ask you:

Deny Appellant Request #1: “Require the project sponsors to modify the plans to reduce the horizontal expansion into the rear yard so that no elements of the building, including decks, extend further than the adjacent building to the west at 51 Bernard Street.”

Owner Request: Reject their request and do not reduce our building further from the already compromised set back of 17’9”. Refer to supporting analysis in midblock space below.

Deny Appellant Request #2: “Require the subject permit to remain on hold until the review of the ADU permit has been reviewed so that the Planning Department and DBI can verify that both plan sets are accurate, code-compliant, and consistent.”

Owner Request: Allow the permit to proceed (though grant our Appeal with DR Action memo modifications sticken) given:

1. There is no basis for this request. Based on feedback provided by our initial Planner, owners had until very recently believed that due to the physical aspects of the bathroom/sink and “independent access” (debatable), the basement was automatically considered a UDU. However, despite the bathroom/sink in the basement, the basement does not meet the second requirement for a UDU outlined in the UDU screening form: that the space “has been used, without the benefit of a building permit, as a separate and distinct living or sleeping space.” Owners purchased the property in 2019. No one occupied the basement at that time, nor has anyone occupied the basement since that time. Owners have submitted UDU screening form attesting to the fact that they have NO personal knowledge, or verifiable legal documentation, as defined in the UDU screening form or otherwise, evidencing that the basement space was ever occupied as a separate sleeping/living space (See Appendix 7). As such, it does not qualify as a UDU, as initially thought. Statements supporting this analysis:
 - 1.1. In 2019, 45-49 Bernard building was sold and legally disclosed to us by prior owners as a 3-bedroom over basement home. See Appendix 8 for attached legal disclosures related to sale and independent inspection report.
 - 1.2. Prior owners, who owned the property for several decades (since at least the 70s we believe), did not disclose in disclosure agreements, as would be legally required, any historical occupancy in the basement
 - 1.3. Prior owners did not provide any rental agreements for the basement in legal estoppels; and we have not been able to find any rental agreements specific to the basement space
 - 1.4. Tax records and historical building permits reference the building as a 3-unit building
 - 1.5. There are no individual electrical or gas utility statements related to the basement. There is no gas at all and no individual electric service.
 - 1.6. Rent board documentation do not evidence anyone ever occupying the basement
 - 1.7. Census records from 1920-1960 (all that are available) do reference anyone at this address other than occupants at 45-47-49 Bernard

1.8. Conversations with current tenant/tenant's daughter (40+ year occupant of the building) did not confirm the basement was occupied as a separate living/sleeping area

Thus, their argument is irrelevant. Regarding other statements, made by the neighbor's architect that our plans are not accurate/not code compliant are:

1.9. subjective and misleading; go against supported City decisions; and/or incorrect

1.10. Irrelevant and/or not applicable, as they refer to the basement. Once this permit/project is completed, we will begin again working on the legally separate State ADU permit. Again, there is nothing nefarious here - despite repeated attempts to insinuate that.

1.11. Minor, and would be handled as a normal part of the addendum process, if required, by the City's more detailed addendum review. The architect has already begun addressing addendum feedback but has been forced to pause due to this appeal.

See detailed analysis by our architect in Appendix 10, in response to their architect, to address every single point of concern in detail, if required.

Deny Appellant Request #3 "Require the Planning Commission and Planning Department to revise the Discretionary Review Action Memo so that the language is specific and enforceable."

Owner Request: Instead, approve our appeal and remove the DR action language altogether based on the fact there is no exceptional and extraordinary circumstances that warranted changes to the project (see our Appeal & response below to their "impact to open space" argument). Rather, given private, ex-parte communications that influenced the Commission prior to our hearing, DR action memo modifications are unable to be validated as being made impartially. To promote and reinforce expectations that quasi-judicial commission bodies throughout San Francisco maintain due impartiality and unbiased behaviors prior to hearing and arbitrating a matter before them, the board of appeals should remove these modifications.

Also, we ask that you do not send our permit back to the Planning Commission. We believe the request to send us back to the Planning Commission is a further strategy by the Appellants to continue appealing and delaying our project. It is our belief they would like to reopen the DR Action Memo because that will result in an additional hearing, and could then in theory reopen CEQA (as CEQA is tied to DR) which potentially means even further delays. Furthermore, Appellants have tainted and eliminated the ability of the Planning Commission to provide us a fair, unbiased hearing given their private, ex parte communication with Commissioners, so sending us back would force us in front of the same Commission.

Detailed Response to the Appellant's 5 Arguments

As a basis for their request, the Appellant makes 5 Arguments in their Appeal, which are opposed below.

Item 1: Impact on midblock open space relative to Residential Design Guidelines.

Application of City Documents. The BOA should see that the heart of the issue here is that the Appellant does not like the Planning Code and the allowable rear yard setback. They are attempting to use a single design consideration in the Residential Design Guidelines (RDG) to alter the Planning Code in their favor. Zoning Ordinances are a set of rules that regulate land use. Planning Codes implement Zoning ordinances by providing more specificity. Building Codes provide requirements that focus on safety, structural integrity, and habitability. San Francisco also has Residential Design Guidelines (RDG). Per the RDG itself, these Architectural guidelines state *“it is important that the design of new buildings and renovations to existing buildings be compatible with nearby buildings.”* These guidelines are to preserve neighborhood uniformity and the use of these guidelines should be within that context. On this basis, we argue, in opposition to the Appellants, our proposed rear yard setback is fully supported by code and RDG, and is in fact uniform with the midblock open space, as the building will fit squarely into the context of the midblock open space. At the time of our permit submission, the Planning Code required a 45% setback, but allowed the use of the ‘averaging’ to set the depth of the property, not less than 15’. The ability to average is specifically for cases like ours, where the existing block has limited rear yards.

Specific to the directly adjacent neighboring properties, the Appellants make unfounded statements that this will cast shadows on appellant neighbors and bedrooms. We assert the opposite - there is no unreasonable impact in terms of light, shade or privacy to our adjacent neighbors or their 'bedrooms' given a) existing height and depth condition of adjacent neighboring properties b) the path of sun travel precludes any shadows. See Appendix 11 for sun study making this plainly evident. The property to the East at 39-41 Bernard has a blind wall (less an unpermitted lot line window near the base of the building) that goes ~ 11' to the property line. No bedrooms or living spaces exist along that blind wall for us to cast shadows. As noted earlier and as evident in the above photo, the Appellant to the South has a large tree that blocks all 4 stories of their open windows on the rear wall. Even if that tree, functioning as privacy and light barrier didn't exist, the spaces at the rear of the Southern property include a bathroom (4th floor), an "office" (3rd floor) and a 2nd floor Commercial space, which is not a residential living space. Accordingly, there is no bedroom to cast shadows into, as they state.

Specific to the broader midblock, as noted earlier, the original 1906 Permit for 45-49 Bernard was approved as 13' setback. It is unclear from records why the actual condition is less, but that setback is the common, historic precedent of the Block - deep, generally tall properties, with limited rear yards. Currently, 45-49 Bernard has the greatest setback of any property on the block. Specifically, over 90% of the greater mid-block has a building that goes deeper into the rear yard than ours. Furthermore, even after our proposed extension, the setbacks in neighboring properties & the greater midblock will still be DEEPER into the rear yard than our building, with buildings almost all of equal height (typically 30' - 40'). Importantly, given the movement towards promoting more dense, multi-family housing across San Francisco, effective shortly, Planning Code Section 134 has further reduced the Rear Setback from 45% to 30% in RH Districts like ours. Thus, under the more current generous guidelines, the default setback (without averaging) would be $30\% \times 60 = 18'$.

Item 2: Clarity and Enforceability Issues with DR Action Memo

The Appellant in Appeal 24-011 highlights a few areas they are concerned with clarity and enforcement. We agree that these DR Action modifications were made on a faulty basis and were not well supported. However, we argue these modifications should simply be removed. This is what we request in our appeal. Under our appeal, we are challenging modifications made by the Planning Commission at the DR in its entirety. The Planning Commission's decision to take the DR and signal "exceptional" circumstances at all was flawed given the current configuration of the entire block. What is exceptional and/or extraordinary when the neighbors are at 9'-3", 11', and some nearly zero? Plus, there was no consideration, as discussed above, about the application of RDG vs. Planning Code and neighborhood uniformity. The Planning Commission removed the roof deck and the corresponding spiral stairs and required us to apply, instead, a porch design on the 3rd floor, when the DR Requester did not even ask for any of this. Every neighbor on all sides of us have a roof deck, so there is nothing exceptional about that feature, and no basis for the modification. Furthermore, the roof deck has no impact on midblock space anyways - it was located on the roof, and was set back 5' on every side. To include specific language removing the roof deck was based on the desire to be punitive, not because it was exceptional or extraordinary.

Provisions regarding tenant-related language, provisions dictating "keeping our rear yard green" and other modifications made are so evidently outside the scope, stature, and authority of the Planning Commission, that it clearly reinforces our argument that they were made not on exceptional or extraordinary circumstances, but rather based on the undue influence of our neighbors, personal biases against OMI, and disparate application of planning code and guidelines based on our "culture." *Note: it was brought to our attention that a response via public comment contradicts statements re: potential conflicts. We respectfully disagree. We want to make clear we purposefully chose to omit names in our written brief to reduce any focus on specific people or organizations, but rather focus on the circumstances themselves. We are not intimately familiar w/ any of these organizations or people; we are not politically active, aware or connected people. However, these are just the basic facts: letter of support was provided stating support for*

DR at project address; letter was included in DR package provided to Commissioners as it was a public comment, so it is assumed to be read per protocol; support letter was sent from employer's email address, NOT a personal email address; letter was signed including employer's signature and contact information, giving the appearance to external parties, like us (or anyone who didn't know), that they were a representative of that organization. We appreciate the attestation years later that this is 'not a conflict.' With respect, the point is the letter & connection was not discussed/disclosed at or prior to our hearing to eliminate the appearance of a conflict to those, like us, who don't know the organization or its potential influence. We found out about the connection post-hearing; a concerning connection given hearing modifications were made that were tenant-focused, which was the basis of the support letter.

Item 3: Permitted 2024 plan set inconsistent with plans apv'd Planning Commission

Statement is misleading and impractical. Plans were reviewed by the Planning Department post-DR hearing, prior to being released for review by DBI/Fire. Post-DR Hearing updates were made to address: 1) Planning Commission modifications (even if flawed), 2) Planning Department Feedback, 3) Fire Department Feedback, 4) DBI and other City review comments. It is a permit going through review by different City departments, adjustment and changes to address feedback are bound to occur. The architect and team began to address addendum comments as well, though have not been able to continue because of this appeal. Again, this statement made by the Appellants architect is irrelevant. To assume that a set of plans will remain static, despite comments and updates from Planning Commission/Planning/DBI/Fire in the regular course of the permitting process does not make sense. We will continue to follow the direction of the City of San Francisco in whatever way required.

Comments Made Regarding Square Footage. Appellants, attempting to suggest something nefarious is going on, suggest the GSF may not be "accurate." This is not true. This is a very simple building. The building did not grow within a smaller footprint. The reason for the variance is the initial plans did not include the GSF of the external stairs in the overall GSF, whereas Issued Permit plans do. This change

influences the calculation of the proposed column as well. In addition, changes in the proposed column are further influenced by changes related to pre-DR compromises made for the benefit of these neighbors (reduction in set back, etc.), DR modifications, and further changes required by DBI/Fire. Again, there is nothing nefarious about this.

Item 4: Substantial life safety and open space code compliance deficiencies.

This is not a fact, it is the subjective opinion of someone being paid to make subjectively opposing statements. Their architect's language misleads the significance of his comments. There are no "substantial" deficiencies. Please see Appendix 10 for our architect's response to each point, if necessary.

Item 5: Inconsistencies with the ADU Plans currently under review by Planning v Project Plans

Not relevant. The State ADU is a legally separate permit that is on hold until we can make critically necessary updates under this permit. As such, we have not updated those plans - as evident on the date of the planning documents. We will address any feedback, comments, and requirements from the City, and seek approval for said plans when and if we are able to continue our State ADU project, which, again, is under a separate permit and not relevant.

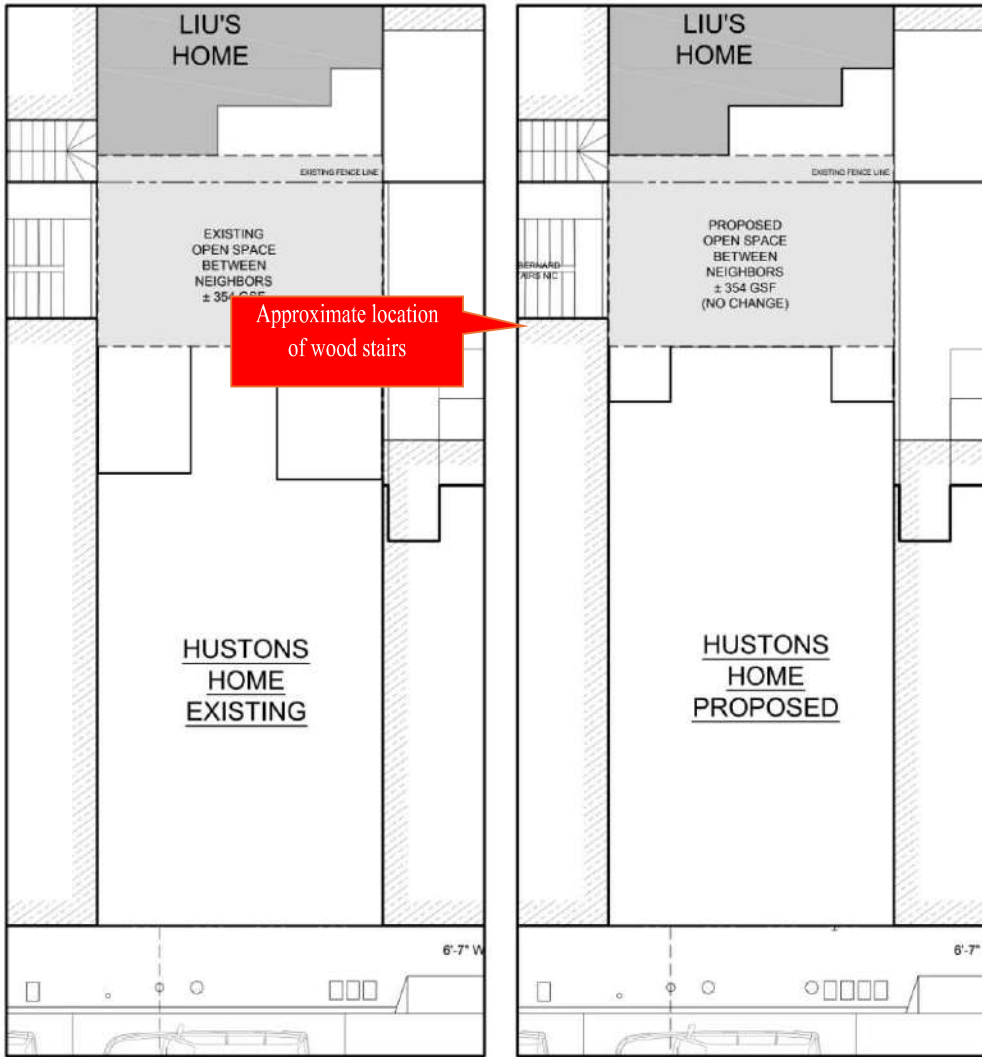
In summary, we apologize in advance for the countless hours spent by the City and this commission, to consider this small project. We are certainly ready ourselves for this to be over. We appreciate the consideration of the BOA, and are willing to answer any questions you may have. Thank you.

Respectfully,

Lindsey Huston & Tina Huston

Appendices

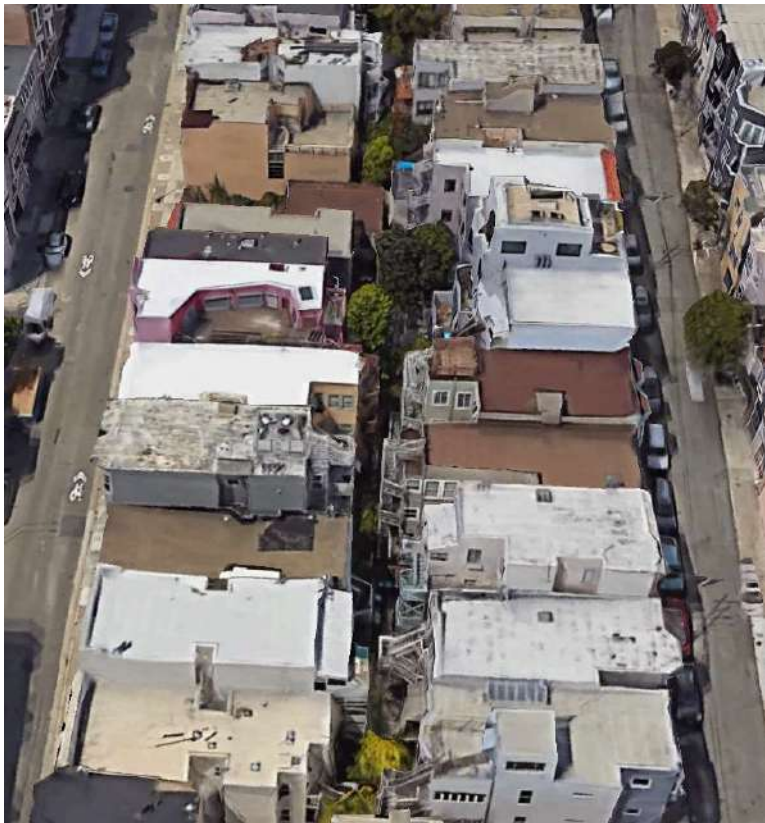
Appendix 1: Neighboring & Midblock Property Pictures



Example of Impact to Midblock space

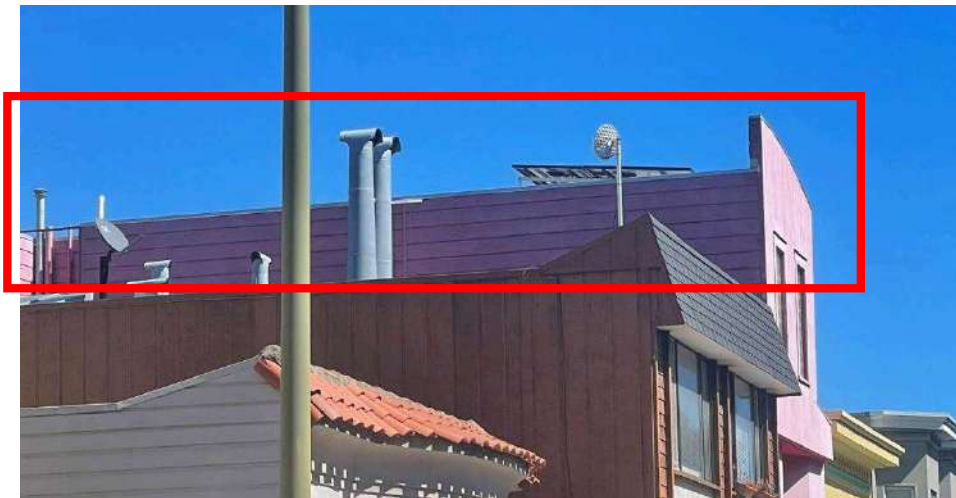


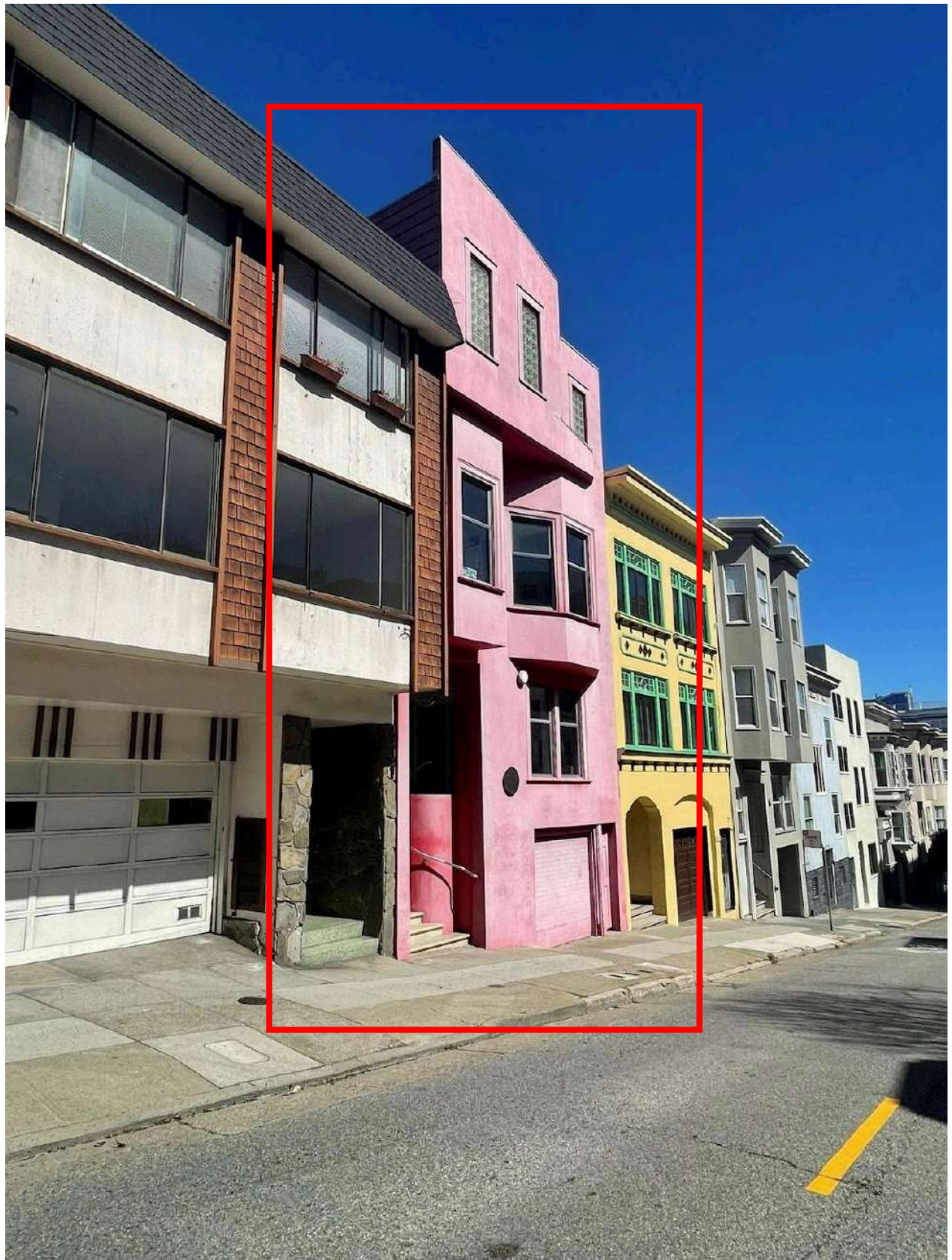
Midblock space



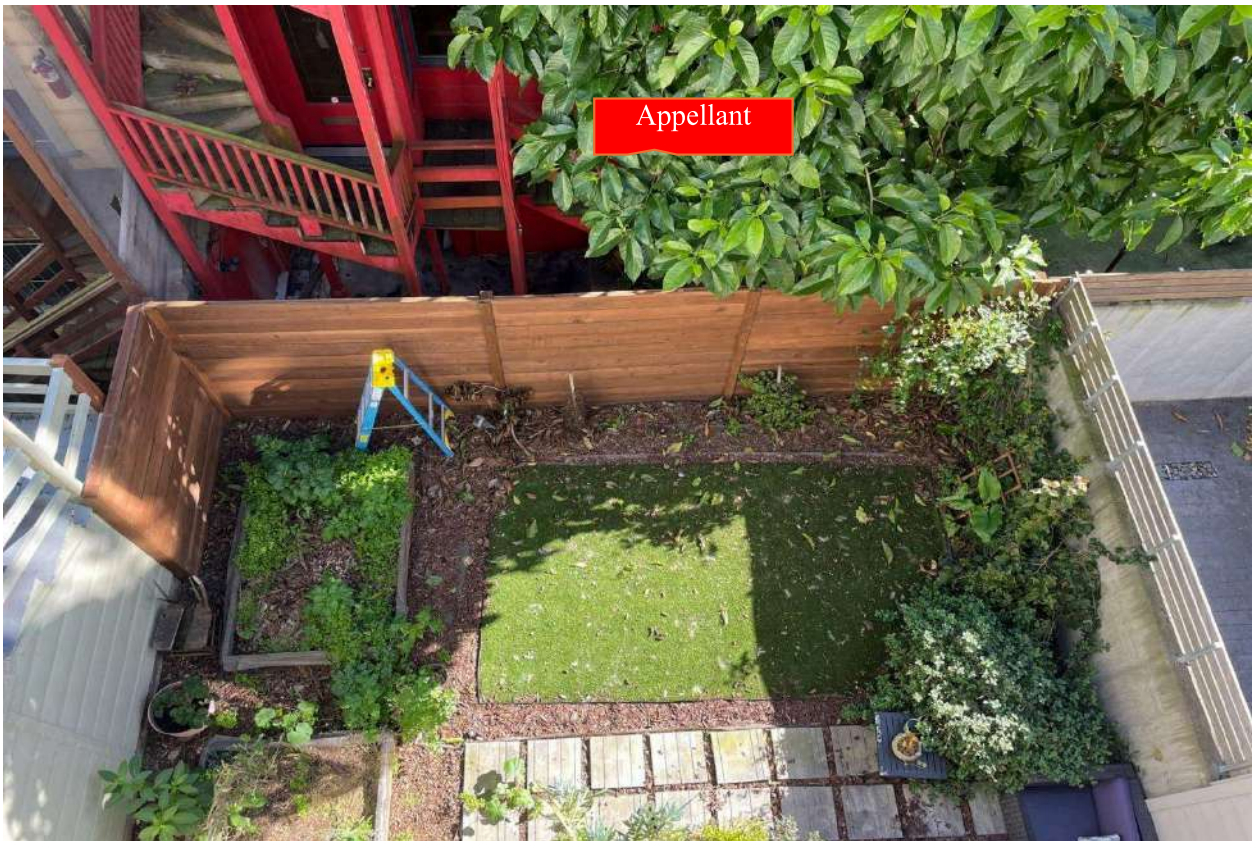


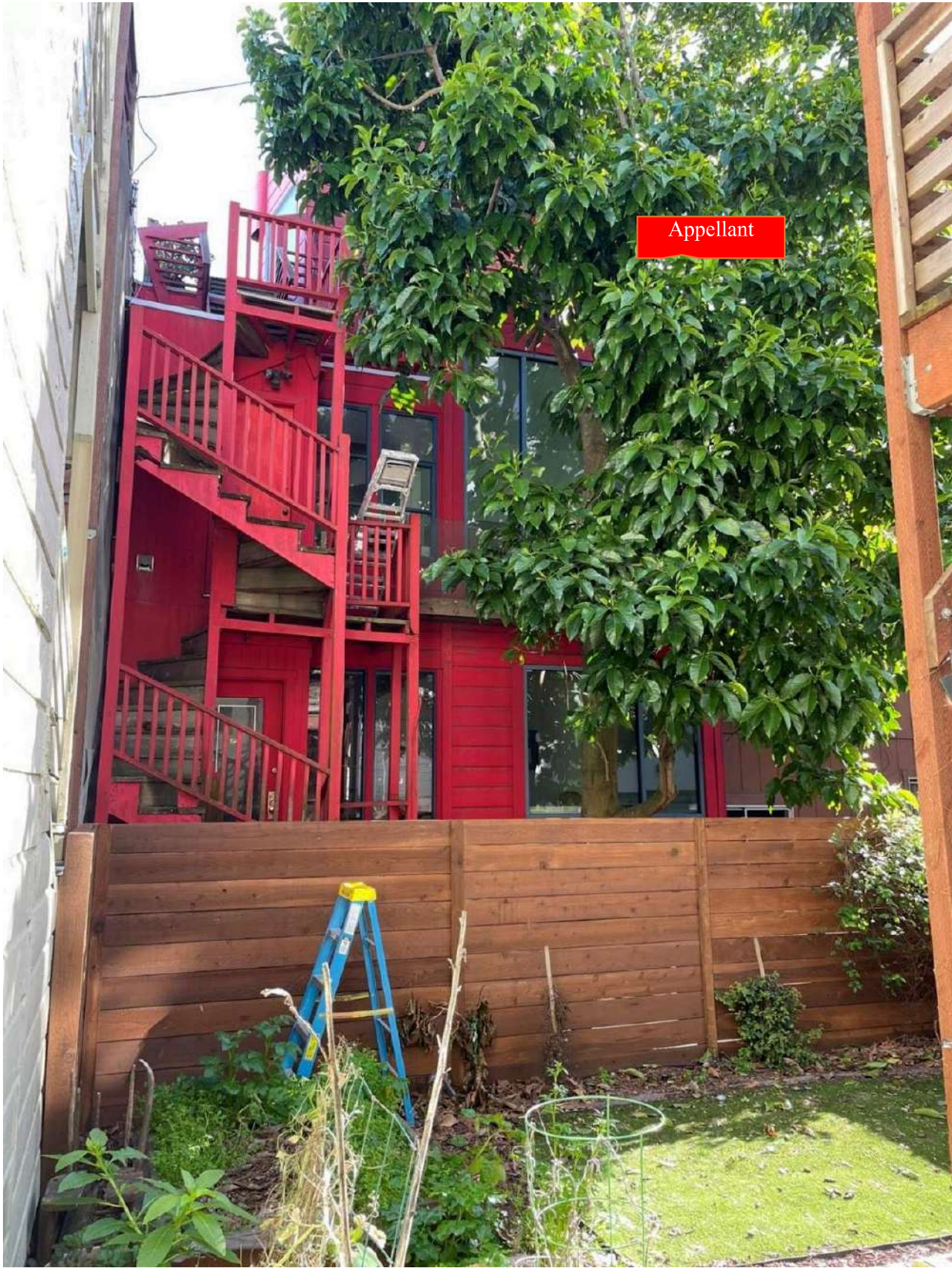
Front





Rear Yard of Appellant Property





Appellant



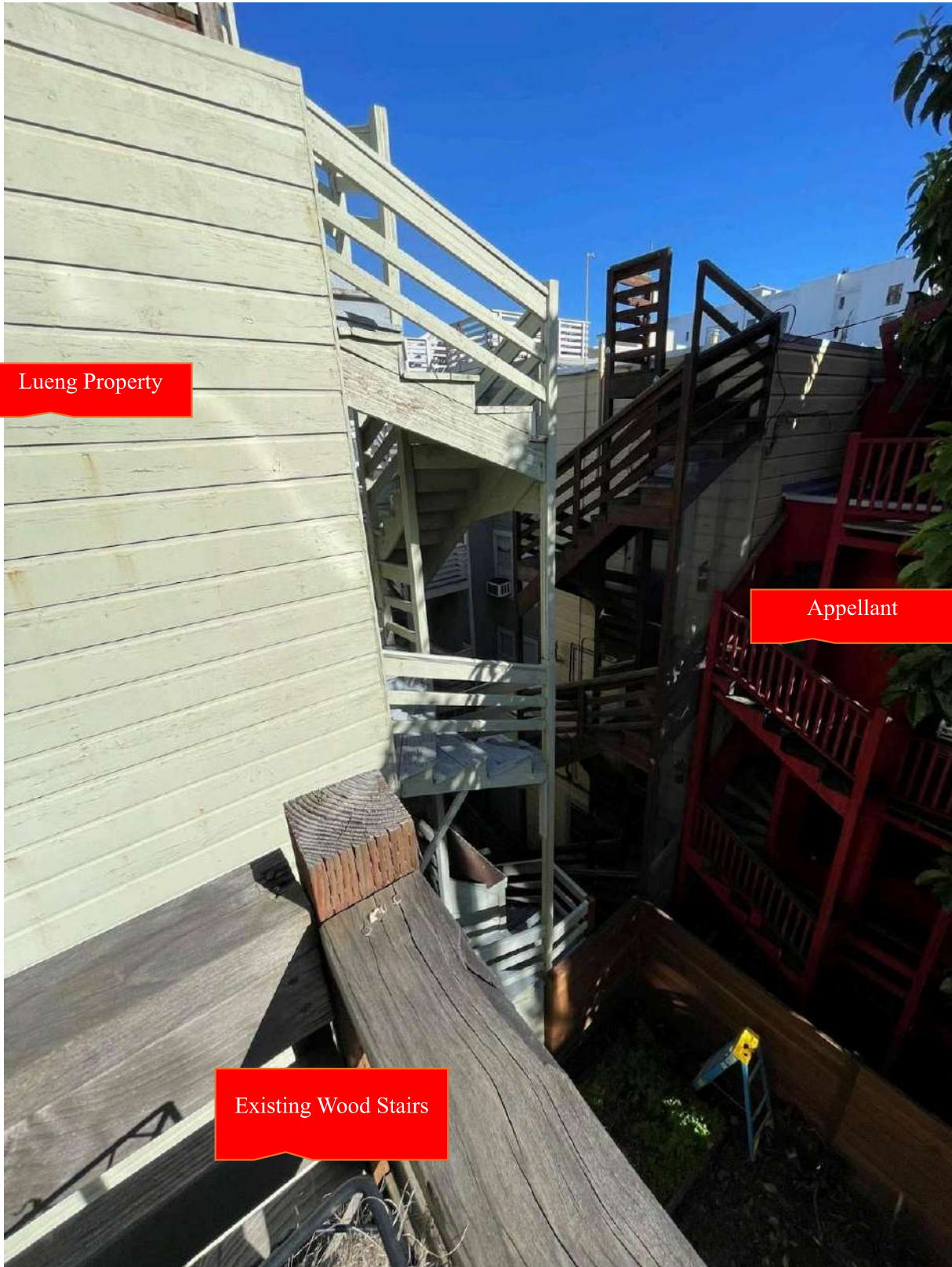
Appellant's Stairs, if built to code, would be in our yard.



Commercial Space likely joined to residential.



Appellant installed floor to ceiling windows but does not want us to do the same.

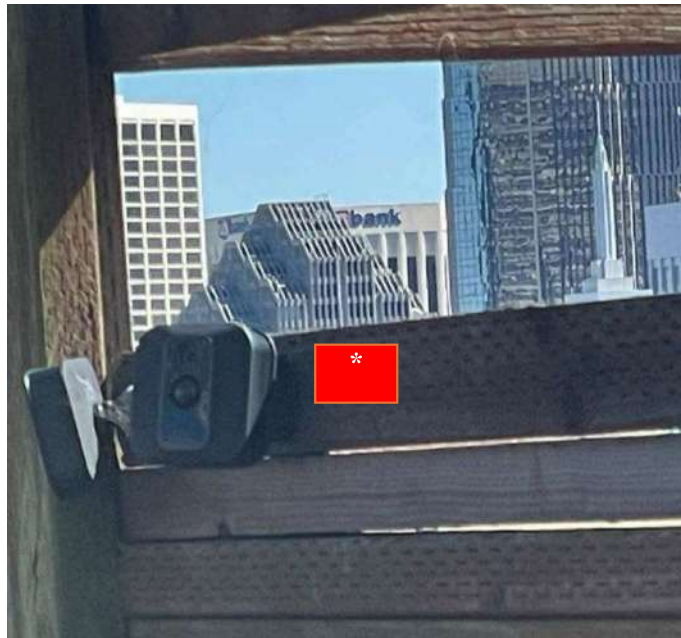




** Deck installed to edge of roof overlooking our property*



** Looking thru our 3rd floor back window can see camera pointed at window / side of building*



** Cameras Installed only after we moved in compromising our privacy*



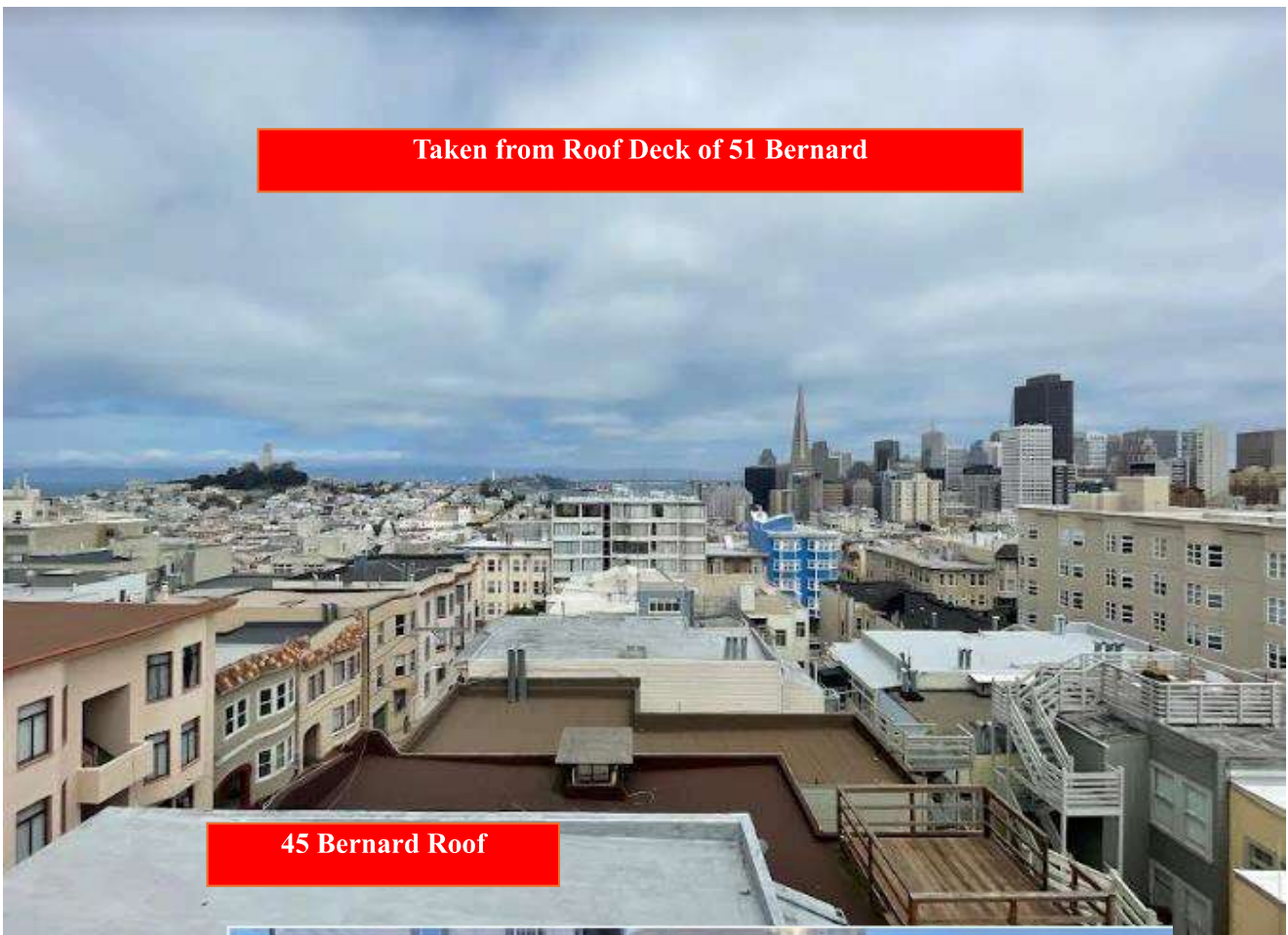
45-49 Bernard Rear of Building



Shows impact of Appellant's
4 story structure and tree on
45-49 Bernard yard



Taken from Roof Deck of 51 Bernard



45 Bernard Roof



Taken from Appellant Property

Appendix 2: Original 1906 Building Permit

OFFICIAL COPY

SAN FRANCISCO
 Bd. of Pub. Works.
 DEPARTMENT OF
 BUILDING INSPECTION

Applicant must indicate in ink correctly and distinctly on the back of this sheet, a diagram of the lot with street, alleys, location of existing buildings on the lot, if any, and location and dimensions of proposed buildings. Plans and Specifications must be fastened together.

APPLICATION FOR BUILDING PERMIT.

FRAME BUILDING

Application is hereby made to the Board of Public Works of the City and County of San Francisco for permission to build flats on the lot situated 45 ft west of Taylor on Barand St in accordance with the plans and specifications submitted herewith.

All provisions of the building laws shall be complied with in the erection of said building, whether specified herein or not. Estimated cost of building \$ 48,000. Building to be occupied as dwelling by (No.) 3 families.

Size of Lot. 23'-6" feet front. 23'-8" feet rear. 47' feet deep.

Size of proposed building. 23'-6" ft. by 47' ft. Extreme height of building 3.

Height in clear of cellar. Height in clear of first story 8'-9".

Height in clear of second story 9'-3". Height in clear of third story 8'-9".

Height in clear of fourth story. Height in clear of fifth story.

Foundation to be of (material) concrete (thickness) 8 inches.

Size footings 16 inches. Greatest height 2'.

Size of studs in basement. by inches inches on centers.

Size of studs in first story 2 by 4 inches 16 inches on centers.

Size of studs in second story 2 by 4 inches 16 inches on centers.

Size of studs in third story 2 by 4 inches 16 inches on centers.

Size of studs in fourth story. by inches inches on centers.

Size of studs in fifth story. by inches inches on centers.

Wall covering to be of Rustic.

First floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 12 ft.

Second floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 12 ft.

Third floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 12 ft.

Fourth floor joists. by inches inches on centers. Longest span between supports. ft.

Fifth floor joists. by inches inches on centers. Longest span between supports. ft.

Rafters 2 by 4 inches 24 inches on centers. Longest span between supports. ft.

Roof covered with tin. Steep or Flat? flat.

Studs in bearing partitions 2 by 4 inches 16 inches on centers. } Bearing partitions must be same as outside ones.

Chimneys of brick lined with fire clay plastered yes.

Any gas grates? yes. Any patent flues? no. Is the building to be heated, and how? no.

Any opening to basement in sidewalk? no. Any elevator (freight-passage or dumb)? no.

There are to be 2 stairways 3'-6" ft. wide, located front & back.

I hereby agree to save, indemnify and keep harmless the City and County of San Francisco against all liabilities, judgments, costs and expenses which may in anywise accrue against said city and county in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk place by virtue thereof, and will in all things strictly comply with the conditions of this Permit.

Name of Architect. H. Ratcliff

Address. 228 30th St Oakland

Name of Builder. Gayman & Smith

Address. 228 30th St Oakland

By C. Kavan Owner

Address 2424 Fulton St. San Francisco

By H. Ratcliff


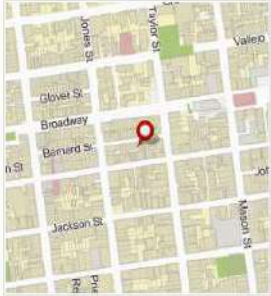
(Note—The owner's name must be signed by himself or by his Architect or authorized Agent)

Note: 47' Depth

3 unit ceiling heights

Appendix 3: Tax Assessor / Collector Records

45 Bernard Street, San Francisco, CA 94133
 Courtesy of PropertyShark, 03/22/2024

Property Details

Property address	45 Bernard St, San Francisco, CA 94133	Acres	0.032
County	San Francisco	Property class	Flats & Duplex (FI)
Parcel ID	0157-030	Zoning	RESIDENTIAL- HOUSE, THREE FAMILY (RH-3)
School district	San Francisco Unified School District	Square footage	2,325
Neighborhood	North Hill	Stories	3
		Units	3
		Rooms	
		Bedrooms	
		Bathrooms	

Ownership Information

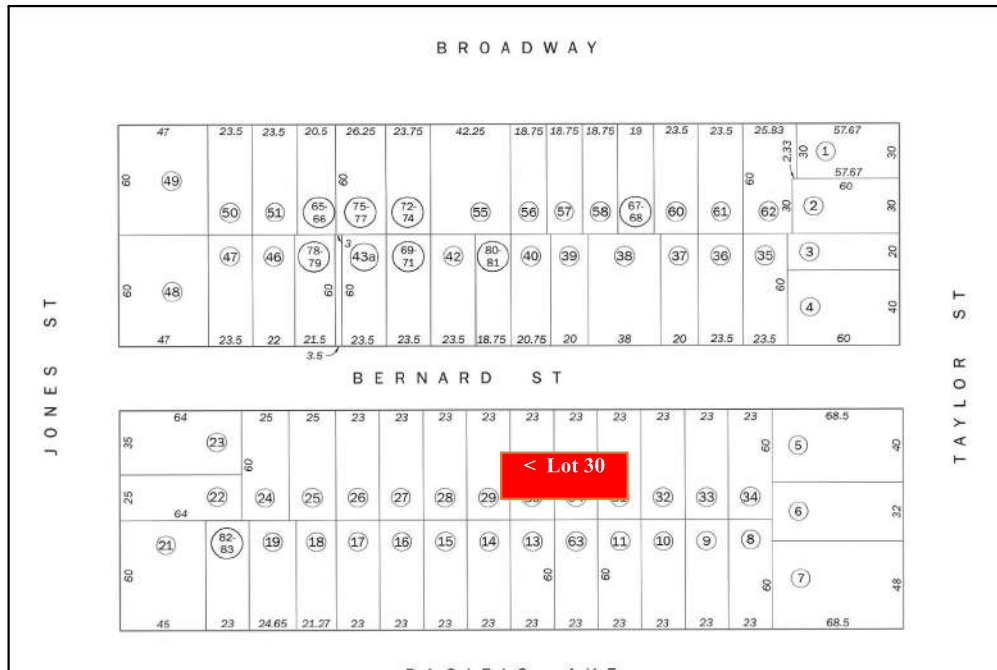
Owner name:	Tina M Huston Revoc Tr	Purchase date:	10/08/2019
Owner address:	334 Santana Row #211	Purchase price:	\$1,400,000
Location:	San Jose, CA 95128	Arm's length:	Yes

Property Taxes

Access detailed property tax data for . Tax information included: property tax, market value and assessed value, exemptions, abatements, and assessment history.

Tax year:	2023-2024	Building value:	\$441,493
Property tax:	\$17,332	Market value:	\$1,471,645
Land value:	\$1,030,152		

3 Units



Appendix 4: Documents Evidencing Appellant's Vertical And Horizontal Extensions

1144-1146 Pacific Plan List Only			Block: 157		Lot: 013
APPLKEY	DocID	Roll	Approval I	Scope	Job No
7811178	608471		12/8/1978	Not Clear - 4th Floor did not exist	Unknown
7905006	610101		6/27/1979	Health Center in Basement	Unknown
8917428	741345		10/5/1989	Not Clear	Unknown
9202474S	515579		6/23/1992	Remodel, includes Roof Deck Proposed	090491
9220604	486833		6/1/1993	Remodel / Front Windows Changes	090491
9312411R1	489529		9/24/1993	Remodel / Fire Spr	090491
9317171	490212		10/14/1993	Remodel	090491
9321650	492748		1/21/1994	Roof Deck	090491
9613294R1	435802		7/30/1997	Roof Deck	070196
200712311588	38050		8/27/2008	2008 Remodel (Rev Permit -Ground Floor Foundation, Addn -First Floor - Reconfig -Second Floor - Reconfig -Third Floor - Reconfig	
200904025368	143860		4/2/2009	Window Enlargements	
200909026077	154580		9/30/2009	Electrical / Alarm	
				Where is Permit for Solar?	

City and County of San Francisco

Department of Public Works
Bureau of Building Inspection



NOTIFICATIONS OF STRUCTURAL ADDITION

MAILED: 10/14/93

PAGE: 1

APPLICATION NUMBER: 9312173
BUILDING LOCATED AT: 1146 -
PERMIT HOLDER: LIU & HANMIN

PERMIT NUMBER: 731984
PACIFIC AV

PERMIT ISSUED: 10/14/93
BLOCK/LOT: 0157 /073
ADDRESS: 1146 PACIFIC AV
SAN FRANCISCO CA 94133

USE CODE:
ESC1 HORIZONTAL ADDITION,

ADDRESSEE

MAILING ADDRESS

ADJACENT PARCEL LOCATION

COLTON ROBERT F & DIANE E

2175 14TH AV
SAN FRANCISCO CA

94118

1156 - 1158 PACIFIC AV
BLOCK/LOT: 0157 /074

LEE JACK KWAN

1485 18TH AV
SAN FRANCISCO CA

94122

33 BERNARD ST
BLOCK/LOT: 0157 /029

CHAK WAI O

147 BERNARD ST
SAN FRANCISCO CA

94109

43 - 49 BERNARD ST
BLOCK/LOT: 0157 /030

SAM SHUI YAU LEE

1142 PACIFIC AV
SAN FRANCISCO CA

94133

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

TANG KENNETH S PUI HING

1826 20TH AV
SAN FRANCISCO CA

94122

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

Appendix 5: Table from DR Describing All Attempts to Connect with Appellant

Date	Communication
05/31/2021	petitioner emails sponsor and writes she (Jennifer) is in touch with the SF Planning department regarding concerns with the plans.
06/01/2021	Sponsor responds offering to meet and discuss concerns. Petitioner does not respond.
06/06/2021	Sponsor emails petitioner again, offering to meet to discuss concerns and indicates she will be in the rear yard at 45 Bernard each day that week at 10 AM in hopes to discuss. Petitioner does not respond.
06/07/2021	Sponsor waits in the rear yard at 45 Bernard at 10 AM for 30 minutes. Petitioner does not come.
06/08/2021	Sponsor waits in the rear yard at 45 Bernard at 10 AM for 30 minutes. Petitioner does not come.
06/09/2021	Sponsor waits in the rear yard at 45 Bernard at 10 AM for 30 minutes. Petitioner does not come.
06/10/2021	Sponsor waits in the rear yard at 45 Bernard at 10 AM for 30 minutes. Petitioner does not come.
06/16/2021	Sponsor responds with other dates and times to meet. Petitioner does not respond.
08/19/2021	Meeting with Planner to review initial plan check comments.
10/12/2021	Sponsor resubmits second iterations of plans that include a reduction in depth and a change of stairs to address concerns relayed to planner by petitioner
11/30/2021	Petitioner sends initial UCNA memo to SF Planning, citing concerns regarding greenhouse gasses, parking, and other concerns
11/17/2021	Sponsor meets with SF Planning on second iteration of plans. SF Planning confirms plans aligned with RPG
11/17/2021	Given ongoing emails from petitioners, SF Planning directs sponsors to hold a formal pre-planning meeting before beginning the 311 processes.
11/30/2021	Distributed pre-planning notices to neighbors within 150 feet, with an in-person meeting location (at local coffee shop)
12/10/2021	Petitioners complain to SF Planning that the sponsor has not provided plans in pre-planning notice and complain there is no call-in code.
12/10/2021	Petitioner inquires with SF Planning about how to file a discretionary review
12/10/2021	Sponsor provides call-in code directly to petitioner, and indicates to petitioners she is open to meeting outside 12/14 should those dates and times not work
12/14/2021	Held a pre-planning meeting. Petitioner do not attend, nor respond to Sponsor's offer to meet.
12/14/2021	Planner Guy indicates sponsor should hold a second pre-planning meeting given concerns from petitioner about first notice
12/17/2021	Sponsor sends out a second set of notices, and includes plan and call in code for a second pre-planning meeting. Also offers to make herself available outside of the formal date and time.
12/31/2021	Second pre-planning meeting held. Petitioner do not attend, and do not respond to sponsors.
01/07/2022	Petitioner sends second UCNA memo to SF Planning, SF Planning Commission, and SF politicians
01/12/2022	Sponsor offers to meet and discuss concerns with the petitioners. Petitioner does not respond.
01/24/2022	311 Period Begins
02/22/2022	DR Request submitted by Petitioners
02/23/2022	311 Period Ends
03/03/2022	Sponsor reaches out again to petitioners to meet and discuss plans. Petitioner do not respond.

Date	Communication
3/28/2022	First / only communication from petitioners to directly speak regarding the project. They asked for copies of checks from the relocation payment, which have nothing to do with the Project plans
4/6/2022	Sponsor email follow-up regarding scheduling meetings with petitioners/Planning. Petitioner/Planning do not respond.
4/9/2022	Sponsor email follow-up with potential times to meet.
4/12/2022	Petitioner responded to email stating they were unclear if meeting as neighbors. Petitioner responds to 4/9 (2-) email.
4/12/2022	Sponsor responds that they are “ willing to meet as neighbors ” and provided 2 dates during week. Planning is optional. Petitioner/Planning do not respond.
4/17/2022	Instead of Meeting: Petitioner is observed handing out and soliciting signatures from people walking in the neighborhood (see below). Letter is inflammatory, refers to the neighborhood being eroded by our presence and stating that Sponsors evicted 11 elderly and disabled people. The letter contained facts or misstatements. See Appendix D.
4/17/2022	Sponsor obtains a copy of the letter. Sponsor notifies Planning, but given nature of the letter, requests planning involvement. Planning does not respond.
4/20/2022	UNCA responds to Sponsor’s 4/17/2022 email stating that they Sponsors were “willing to meet as neighbors” and hence did not respond.
4/22/2022	<p>Received confirmation from Kevin Guy that the plans were reviewed by the SF Zoning Administrator and that setbacks are code-compliant.</p> <p>“We determined that your rear yard calculation as currently shown on your plans is correct, and the dimension does not need to be increased. To get into the weeds a little bit on the seeming discrepancy... the Code allows the rear yard to be averaged with adjacent properties, but specifically states that “permitted obstructions” (such as the rear-most stairs at the 39-41 Bernard property) cannot be used for the benefit of averaging. In looking at the plans for 51 Bernard Street, it appeared that the both the first and second floor decks fell into the category of a permitted obstruction.. a feature that is allowed to extend into the required rear yard. However, upon closer inspection and consultation with the ZA, we determined that the second floor deck is located inside of the required rear yard, and can therefore be utilized as the wall plane for averaging your required rear yard.”</p> <p>.... “bottom line again is that your current rear yard calculation is correct and Code-complying.”</p> <p>3/28/24 NOTE: This determination changed later – causing a 2’ change in the building.</p>

Appendix 6: CEQA Excerpts Regarding Validity of “Cultural” Argument Previously Used

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

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.

Appendix 7: UDU Attestation



San Francisco
Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
www.sfplanning.org

UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

An Unauthorized Unit, or UDU, is defined in Planning Code Section 317(b)(13) as one or more rooms within a building that have been used, without the benefit of a permit, as a separate and distinct living or sleeping space independent from other Residential Units on the property.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

CRITERIA FOR AN UNAUTHORIZED UNIT (UDU)

A UDU must meet two criteria:

1. An UDU must be independent from other Residential Units on the property, which means that the space has independent access, and there is no open, visual connection to a Residential Unit on the property.
2. Use as Independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.

Please note that the definition of a UDU does not rely on the existence of any cooking facilities, so a space may still be considered a UDU even if it doesn't have a kitchen; however a full bathroom is required to be considered a UDU.

Planning Staff may request a UDU screening for permits for interior work to determine if a project removes certain features that allow the space to operate as a separate unit. Scopes of work that may require UDU screening include but are not limited to:

- Removal of direct or indirect access doors
- Removal of a full bathroom
- Removal of a kitchen
- Removal of a wet bar
- Addition of a staircase to create an interior connection between floors

SUBMITTAL INSTRUCTIONS

Please complete the form below and submit it to CPC.UDU@sfgov.org with the following materials:

1. A completed Unauthorized Unit Affidavit (attached);
2. A digital set of existing and proposed plans (.pdf or .jpeg); and
3. Photographs of the space that may be a UDU.

Planning Staff will contact you with a determination if the space in question is considered a UDU.

Please note that if the Planning Department determines that a UDU is present at the site, the property owner will be required to legalize the unit, which can usually be completed administratively, or seek a Conditional Use Authorization from the Planning Commission to remove the unit. If a UDU is not present at the site, Planning Staff will review the plans for any unpermitted work on the premises. Staff may provide comments to bring the work into compliance with the Planning Code, which may include removal of the unpermitted work. If Planning Code violations persist, Staff may refer the property to the Code Enforcement Division.

Supporting Documentation. Plans under #202008222415

Attestation: UDU Requirement Assessment

Requirement	Source	Pass	Comment
<p>Criteria 1: An UDU must be independent from other Residential Units on the property, which means that the space has independent access, and there is no open, visual connection to a Residential Unit on the property.</p>	<p>“Unauthorized Dwelling Unit” (UDU) provisions of the Planning Code [Planning Code Section 317(b)(13)]</p>	<p>Partial</p>	<p>Though there is a separate entrance from 45-47-49 Bernard, the residents of those units must access the shared space for Trash and Access to Electric Panels and Gas Meters.</p>
<p>Criteria 2: Use as independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.</p>	<p>Same as Above</p>	<p>No</p>	<p>Not to our knowledge and could not find any records thereof</p>
<p>Planning Staff may request a UDU screening for permits for interior work to determine if a project removes certain features that allow the space to operate as a separate unit. Scopes of work that may require UDU screening include but are not limited to:</p> <ul style="list-style-type: none"> • Removal of direct or indirect access doors • Removal of a full bathroom • Removal of a kitchen • Removal of a wet bar • Addition of a staircase to create an interior connection between floors 	<p>UDU form</p>		<p><u>Cannot remove indirect access as it services the rest of the building.</u></p> <p>Bathroom not functional. No Kitchen. No wet bar. No connection between units.</p>

ADU Attestation: Rent Board Records

The Only Rent Board records for this property are those listed below. With the exception of the April 2018 Estoppels, are ALL records that the Huston family. This indicates there were no PRIOR rental records for 45-49 Bernard, including the Basement.

Estoppels Documents

- M190824 - 45 Bernard 4/18/2019
- M190829 - 47 Bernard 4/18/2019
- M190830 - 49 Bernard 4/18/2019

Buyout Agreements

- B192009 8/13/2019 45 Bernard – Buy Out Disclosure
- B192010 8/13/2019 47 Bernard – Buy Out Disclosure
- B192011 8/13/2029 49 Bernard– Buy Out Disclosure

Landlord Partitions

- L201111 11/9/2020 45-49 Bernard
- L201112 11/9/2020 45-49 Bernard
- L201113 11/9/2020 45-49 Bernard

OMI Notice

- M201229 8/19/2020 – 47 Bernard
- M200042 1/6/2020 – 47 Bernard
- M201289 8/31/2020 – 49 Bernard
- M201400 10/1/2020 – 49 Bernard
- M200043 1/6/2020 – 49 Bernard

Attestation: Habitability Requirements / Condition

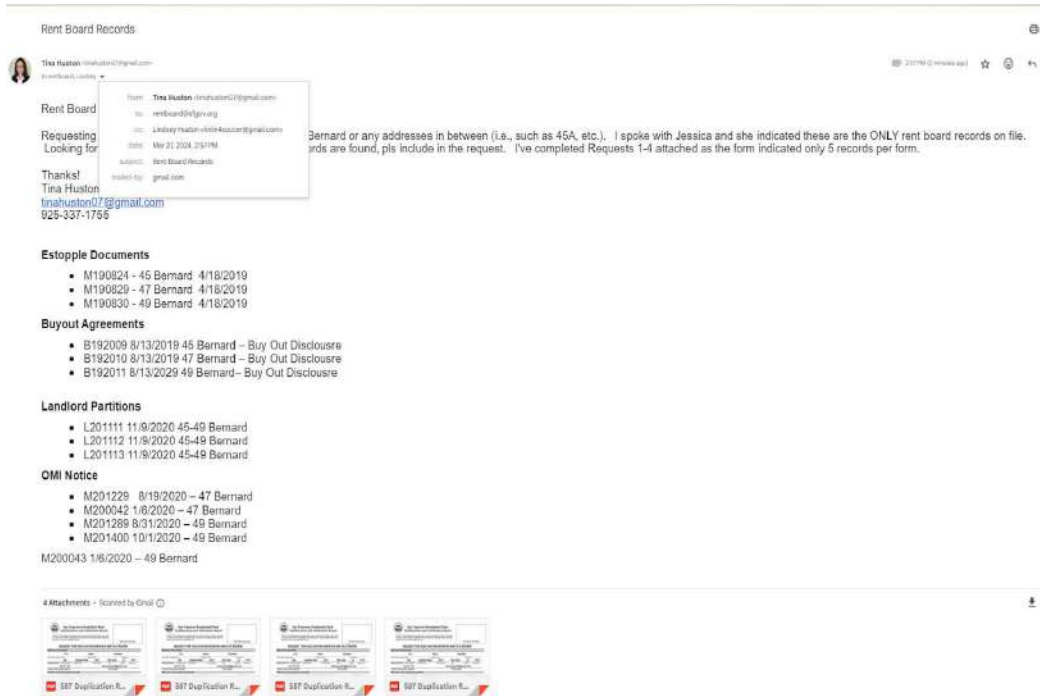
Requirement	Source	Pass?	Comment
Adequate and safe heat	Law/Tenants Union Website	No	No heat or AC. Poor Ventilation in General.
Effective waterproofing, including doors, windows, and roofs	Law/Tenants Union Website	No	Basement floods in winter; doors not properly fitting due to settlement, windows leak; no water sealing on walls, ceiling
Housing, in areas under control of the landlord, free of garbage, cockroaches, rats, and vermin.	Law/Tenants Union Website	No	Only place to store trash bins

Requirement	Source	Pass?	Comment
Plumbing and gas facilities in good order.	Law/Tenants Union Website	No	Inoperable
Hot and cold running water.	Law/Tenants Union Website	No	Inoperable – only by hose from back yard – cold water only. No piping for hot water or hot water heater.
Electrical equipment in good order	Law/Tenants Union Website	No	Electric not working in some rooms
Stairs and common areas maintained in good order.	Law/Tenants Union Website	Partial	Narrow but serviceable
Additionally, San Francisco Police Code Article 52 requires landlords allow tenants in buildings with at least four units the freedom to choose the communication service provider (internet, cable, satellite, etc.) of their choice.	Law/Tenants Union Website	No	No networking in basement at all
Ceiling Height	Building Code	No	Ranges to as low as 6’-2” Ceiling is not level.
Air and Ventilation	Building Code and Emergency Escape	No	Almost no light and no ventilation. Only 3 windows. 1 – 10”x30” opening, window is smaller near ceiling in one room 1 – in Bathroom – near ceiling (short wide) 1 – Storage Room 4 – approx. 2’x30”
Separate Individual Entry	UDU Requirement	Partial	Yes, it has a separate entry from 45,47,49 Bernard. However – the Basement must be accessed by residents of 45,47,49 Bernard as it services trash

Requirement	Source	Pass?	Comment
			and utilities and serves as egress path.
Gas Meters	Building Code	No	No Gas available for Basement Unit. Gas Meters for other 3 units are hanging from the Ceiling in Storage Room #1.
Electrical Panel	Building Code	No	Electrical Panels for Building are in Storage Room #2. There is no separate Electric Meter for the Basement. Basement Electricity appears to be on the Circuit for the First Floor (45 Bernard).
Separate Address	Planning Code	No	

Rent Board Records

Rent Board records requested. Jessica at rent board indicated the below are ALL the records on file for the building. All of these are 2019 or later and associated with most recent sale and occupancy. Property was purchased in Oct 2019.



Construction Cost

Construction (remodeling) costs range between \$450-\$600 per sq foot in metropolitan areas of California.

Conservatively taking $\$500 \times 989 \text{ sf} = \$494,500$. This is not unreasonable given the foundation work that has to be done to excavate down to garner a code-compliant ceiling height. It is expected that the exterior, foundation, hall way, utilities and all of that work would be done under the main permit. But it is not unreasonable to estimate \$100 per SF for remodeling the interior walls, appliances, plumbing/electrical.

References:

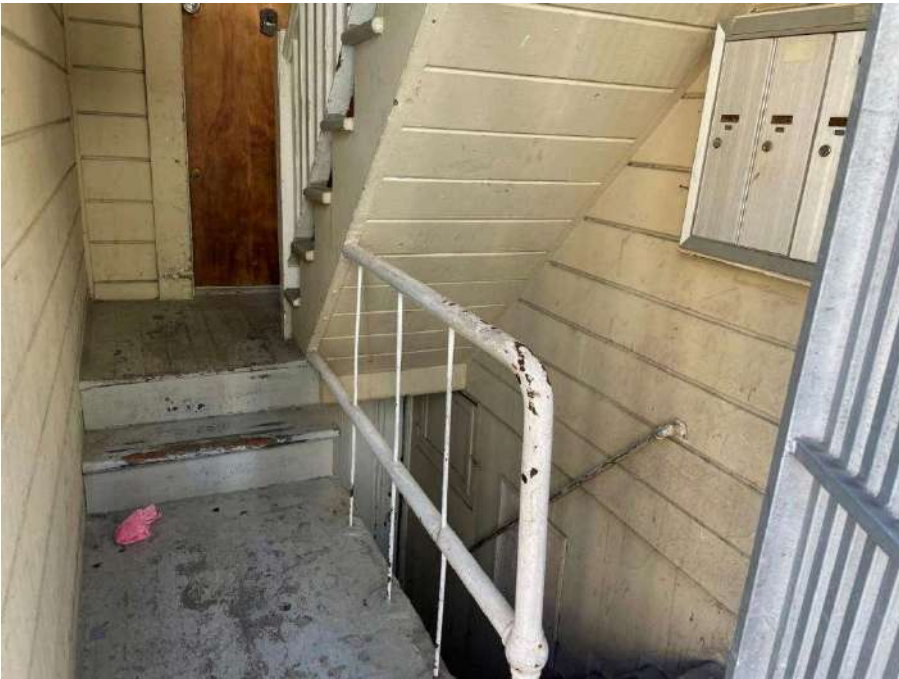
<https://www.home-cost.com/building-a-house-in-california/>.

<https://www.homequalityremodeling.com/resources/per-square-foot-cost-to-remodel-a-house-in-the-bay-area#:~:text=With%20the%20%24450%20per%20square,of%20all%20the%20finish%20materials.>

Photos – Exterior and Interior

Entrance





Entrance – No evidence of fourth address. Left door wider than right door. Right door goes to basement. Opens over right of way.

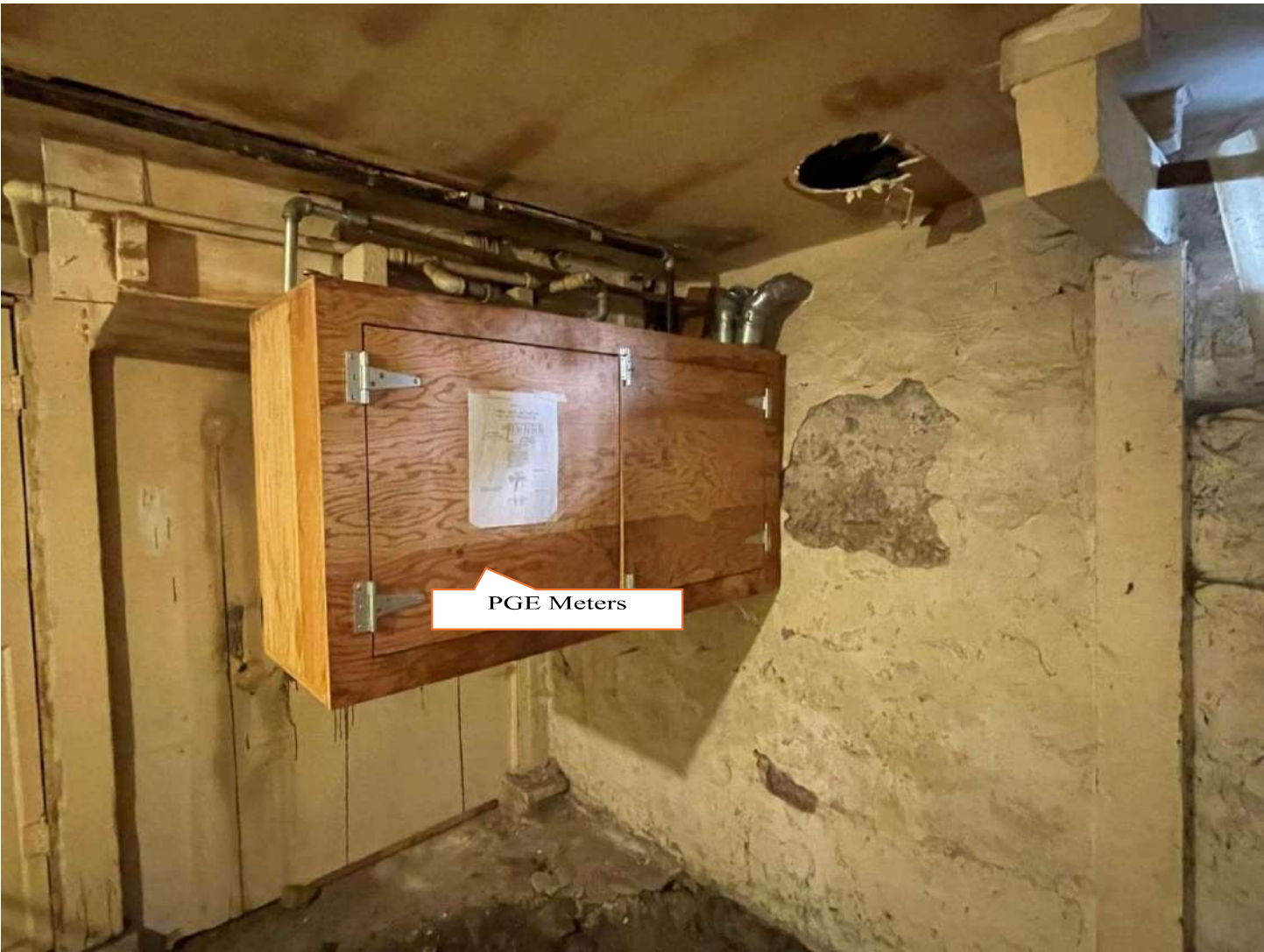


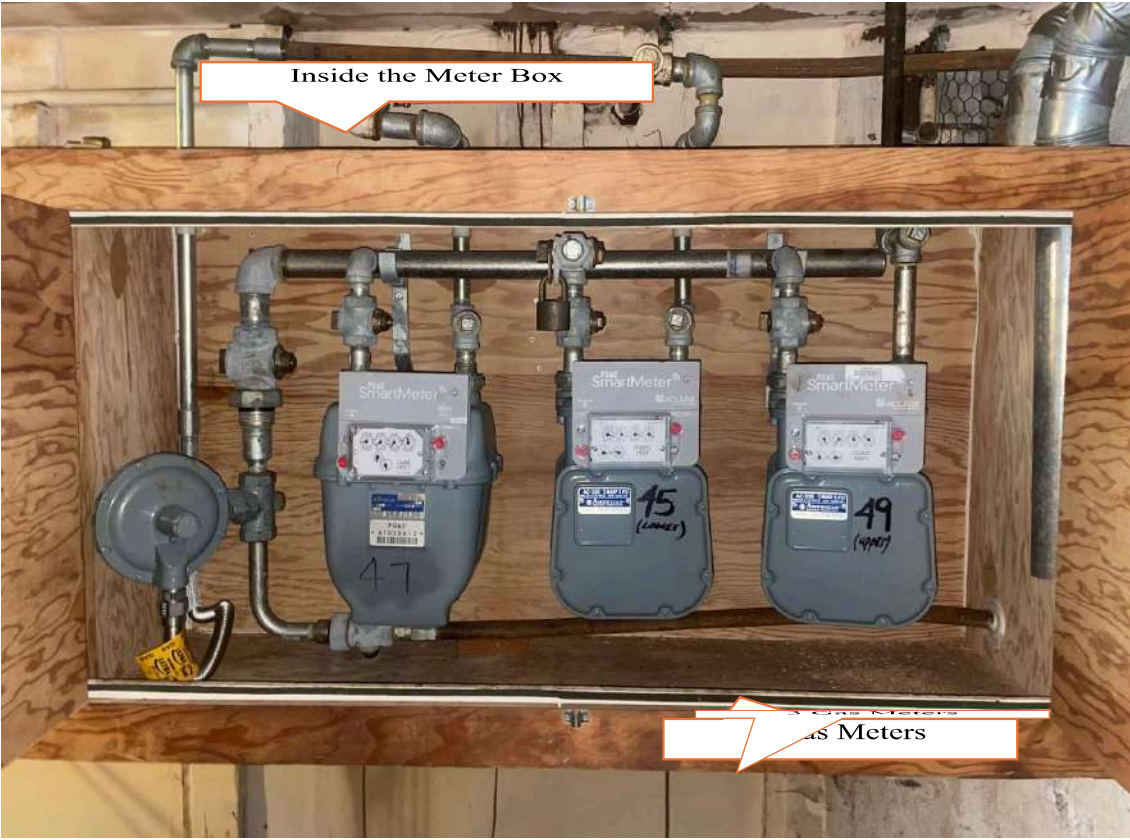
Interior Hallway



Water enters under the door – basement below grade of rear yard

Storage Room 1: PGE Utility Room





Storage Room 2: Trash Room (Now Windows) – 3 Electric Panels on Wall behind door



Storage Room 3: Electrical Does not Work (Low Ceiling Height, No Windows)



Storage room 4: Storage with Window to Rear Yard (No Egress from Yard to Street)



Dysfunctional Bathroom + Sink – Low Ceiling Height, No Hot Water, Cold Water Not Functional, Toilet/Plumbing inoperable.





Rear Door and Water Barrier. Entry is below grade.



Concrete slopes to building and watering grass or rain in the winter floods into basement.

3 Hot Water Heaters in Room Outside of Basement – servicing 45, 47, 49 Bernard

Census Records (1920-1950)

Census records show demographics and occupancy of this 45-49 Bernard through 1950. Note – records online from 1920 – 1950. 1960s+ was not available. Property was constructed in 1906. *NOTE: no addresses other than 45, 47, 49 Bernard.*

PLACES OF BIRTH	RELATION	TIME	RESIDENCE	EDUCATION	FATHERS			MOTHERS			OCCUPATION	SEX
					Place of Birth	Color	Year of Birth	Place of Birth	Color	Year of Birth		
1631	son in law	M 30 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1632	son	M 18 S	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1633	son	F 17 W	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	F
1634	son	M 15 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1635	son	M 14 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1636	son	M 13 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1637	son	M 12 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1638	son	M 11 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1639	son	M 10 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1640	son	M 9 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1641	son	M 8 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1642	son	M 7 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1643	son	M 6 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1644	son	M 5 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1645	son	M 4 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1646	son	M 3 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1647	son	M 2 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1648	son	M 1 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M
1649	son	M 0 M	18 10 18 10	High School	Italy	White	1870	Italy	White	1870	None	M

45 Bernard - Italian (3)
 47 Bernard - Italian (4)
 49 Bernard - Italian (2 min)

FOR HEAD OF HOUSEHOLD										FOR ALL PERSONS										FOR PERSONS 14 YEARS OF AGE AND OVER									
NAME										RELATIONSHIP										What State (or foreign country) was he born in?									
82 304 no no Wong, Thomas										Head										Chi M 33 mar Cal									
—, Ronnie C.										wife										Chi F 21 mar Cal									
—, Russell										son										Chi M 14 mar Cal									
—, Chan Shee										mother										Chi F 50 wid China									
88 305 m										no one at home										about 77									
90 306 no no Tommasi, Joseph A.										Head										W M 62 mar Italy									
—, Marie										wife										W F 54 mar Cal									
91 307 no no Hartland, William S.										Head										W M 50 mar New York									
—, Teresa K.										wife										W F 41 mar Cal									
93 308 no no Comossi, Doménica										mother										W F 72 wid Switzerland									
93 309										no one at home										about 78									
97 310										no one at home										about 75									
59 312										no one at home										about 81									
57 313 no no Cayla, Euphrosie										Head										W F 64 wid France									
57 314 no no Sze, Sow Fong										Head										Chi M 36 mar China									
—, Mildred										wife										Chi F 27 mar Cal									
—, Dale										son										Chi M 9 mar China									
—, Arliss										son										Chi M 7 mar Cal									
—, Citron										son										Chi M 5 mar Cal									
—, Gamald										son										Chi M 2 mar Cal									
—, Wong Sing D.										father										Chi M 42 mar China									
44 315 no no Shai, Shilton										lodger										Chi M 58 mar China									
—, Ghardi, Peter										Head										W M 58 mar Italy									
47 316 no no Barbina, Jaeger										spouse										W M 58 mar Italy									
—, Marciano, Wilma										Head										Fil M 58 mar Philippines									

THE QUESTIONS BELOW ARE FOR PERSONS LISTED ON SAMPLE LINES

FOR ALL AGES

FOR PERSONS 14 YEARS OF AGE AND OVER

45 Bernard – Philippines (1 min)

49 Bernard – Italian (2 min)

Appendix 8: Legal Disclosures showing 3 Units (Further Disclosures available upon Request)

NOTE: 3 Rental Agreements were Provided as well.



Report of Residential Building Record (3R) (Housing Code Section 351(a))

BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **45 - 49 BERNARD ST** **3 Family Dwelling** Block **0157** Lot **030**

Other Addresses

1. A. Present authorized Occupancy or use: **THREE FAMILY DWELLING**
- B. Is this building classified as a residential condominium? Yes No
- C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No
2. Zoning district in which located: **RH-3** 3. Building Code Occupancy Classification **R-2**
4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No
If Yes, what date? **The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.**
5. Building Construction Date (Completed Date): **1906**
6. Original Occupancy or Use: **THREE FAMILY DWELLING**
7. Construction, conversion or alteration permits issued, if any:

Application #	Permit #	Issue Date	Type of Work Done	Status
4926	4926	Oct 22, 1906	NEW CONSTRUCTION	N
34844	34844	Mar 28, 1911	AS PER PLANS & SPECIFICATION ACCOMPANY THIS APPLICATION	N
168577	168577	Mar 08, 1928	UNDERPINNING EAST WALL OF BUILDING WITH CONCRETE WALL	N
380286	342475	Apr 02, 1970	COMPLY WITH DIVISION OF APARTMENT & HOTEL CHECKLIST REPORT	N
466645	415815	Nov 22, 1976	REPIAR ALL BROKEN WINODW GLASS, PROVIDE LEGAL LIGHT & VENTILATION FOR KITCHEN ON EACH FLOOR. REMOVE ALL PORTABLE ELECTRICAL CORDS AND ASSOCIATED PLUGS SWITCHES ELECTRIC, REMOVE DEFECTIVE HOPPER & HOPPER STACK, PROVIDE APPROVED WASTED & VENT FOR LAUNDRY TRASH & LAVATORY ON EACH 3 UNITS. PROVIDE APPROVED SINK TRAT ARM ON EACH 3 UNITS. REAR OF BUILDING ALL UNITS. REPLACE DEFECTIVE BATH TUB WASTE, VENTS AND TRAPS. REPLACE DEFECTIVE HOT & COLD WATER PIPING. COMPLY WITH DEPARTMENT OF PUBLIC WORK - BUREAU OF BUILDING INSPECTION COMPLAINT #12939 - CFC 3FD	C
200808118814	1162706	Aug 11, 2008	REROOFING	I
201609299202	1413145	Dec 28, 2016	REAR STAIR REPAIR IN KIND. COMPLY WITH COMPLAINT#201603291	C

Records Management Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org

Address of Building 45 - 49 BERNARD ST

Block 0157

Lot 030

Other Addresses

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ✓
B. Is this property currently under abatement proceedings for code violations? Yes No ✓
9. Number of residential structures on property? 1
10. A. Has an energy inspection been completed? Yes No ✓ B. If yes, has a proof of compliance been issued? Yes No ✓
11. A. Is the building in the Mandatory Earthquake Retrofit of Wood-Frame Building Program? Yes No ✓
B. If yes, has the required upgrade work been completed? Yes No

Date of Issuance: 27 MAR 2019

Date of Expiration: 27 MAR 2020

By: MAY YU

Report No: 201903202058

Patty Herrera, Manager
Records Management Division

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

Appendix 9: Inspection Report provided at Time of Purchase (Key Excerpts)

PROPERTY REPORT
45 BERNARD STREET
SAN FRANCISCO, 94133
March 21, 2019

PREVENTION INSPECTION SERVICES, INC.
Contractor's License 551626 – B, C10, C36, SPCB OPR 11737
ICC Certified Residential Combination Inspector 5273803
(650) 992-6630 Office
(415) 370-9961 Cellular

Inspection ordered by:
DENNIS YANG – INTERO REAL ESTATE

Weather condition: FAIR
Estimated year of building construction: 1906
Number of units: THREE
Property occupied at the time of inspection: YES

3 Units

This report is used based on the condition of the visible components of the building and adjoining portions of the property at the time of the inspection. **THIS IS NOT A CODE COMPLIANCE INSPECTION.** Our inspection is primarily designed to report serviceability of the components and systems of the property and was not meant to be technically exhaustive. This report is based on standards adopted by CREIA (California Real Estate Inspection Association) and ASHI (American Society of Home Inspectors).

Wood destroying pest infestation, dry rot, atrium and stall showers water tests are not addressed in this inspection. A pest control operator should be contacted for a termite report, as they have met state requirements for performing these types of inspections. SEE PREVENTION INSPECTION SERVICES REPORT DATED THE SAME.

No evaluation is included of the following: Private water, waste system, water softener systems, including water potability or quality, asbestos, indoor air, lead paint, security and fire alarm/sprinkler systems, elevators and lifts, central vacuum systems, intercoms, pools, spas, water tightness of the roof, exterior stairs, patio, deck and porch, anything not exposed to view or inaccessible for inspection.

NO WARRANTY IS EITHER EXPRESSED OR IMPLIED. THIS REPORT IS NOT AN INSURANCE POLICY, NOR A WARRANTY SERVICE. IF A WARRANTY IS REQUIRED CONTACT A WARRANTY SERVICE COMPANY.

This report is prepared 'presale' for the seller. Certain conditions and systems may be best described in a walk through with the buyer. The buyer is encouraged to perform separate inspections or to meet with the inspector preparing this report for a more in depth and individually tailored interpretation of the report. A walk through will be performed at a reduced fee on request from the buyer, (typically 1/2 original fee).

The buyer is also required to perform a diligent visual inspection of the property as soon as possible after the contract has been signed. It is very important to perform a "final walk through" immediately after a seller has removed belongings. This will insure nothing was hidden by personal belongings or damaged during the move out. Call us if something warrants out attention.

Thank you for selecting us to do your home inspection.

Sincerely,

Bret Husted
ASHI & CREIA CERTIFIED INSPECTOR




1.07	Porch: 		X	REAR PORCH AREAS OF THE UNITS HAVE BEEN CONVERTED TO AD HOC KITCHEN SPACES. SAFETY CONCERNS ARE NOTED WITH OBSTRUCTED ACCESS WAYS AND GAS APPLIANCES LOCATED WITH LIMITED CLEARANCES. DAMAGED FRAMING IS PRESENT THE REAR PORCH AREA - SEE THE PEST REPORT FOR ADDITIONAL INFORMATION.
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PROPERTY REPORT
 45 BERNARD STREET
 SAN FRANCISCO, 94133

PART 3: FOUNDATION

While the drainage appears adequate, except if noted below, no evaluation is given or implied in this report of soil stability or geological conditions in heavy rains. For more information contact the appropriate engineers and obtain disclosure from the seller.





Type of foundation: BRICK PERIMETER WITH SLAB INFILL
 Accessibility percent: 30%

		NO	YES	COMMENT/TYPE
3.01	Anchor bolts:	X		ANCHOR BOLTS WERE NOT VISIBLE.
3.02	Seismic upgrades:	X		NONE ARE NOTED – THIS IS AN OLDER STRUCTURE WITH BRICK FOUNDATIONS. IMPROVEMENT OF SEISMIC BRACING IS ADVISED AS PART OF ONGOING BUILDING IMPROVEMENT.
3.03	Damaged slab:	X		MINOR CRACKS NOTED AT THE BASEMENT. NO ACTION IS REQUIRED.
3.04	Visible cracks:	X		THE BRICK HAS BEEN COATED WITH PLASTER MATERIALS AND IS INACCESSIBLE FOR INSPECTION.
3.05	Visible settlement:		X	THE REAR PORCH AREAS ARE SETTLED. SLOPING FLOORS ARE NOTED IN THE STRUCTURE.
3.07	Inadequate pier / post base:	X		ISOLATED POST AND PIER CONSTRUCTION SUPPORTS THE STRUCTURAL GIRDERS. THIS CAN ALLOW INDEPENDENT SETTLEMENT OF THE STRUCTURE AS THERE IS NO CONTINUOUS FOOTING BETWEEN THE POSTS.
3.08	Debris in subarea:	X		
3.09	Basement / subarea seasonally wet:	X		SEE 1.08
3.10	Sump pump:	X		
3.11	Inadequate foundation:	X		
3.12	Inadequate drainage: 	X		THERE IS A PARTIAL COMPREHENSIVE EXTERIOR DRAINAGE SYSTEM. THE SYSTEM IS LIMITED TO COLLECTING ROOF DRAINAGE AND A SINGLE COLLECTOR AT THE REAR PATIO. THERE IS NO DRAIN AT THE BOTTOM OF THE FRONT ENTRY STAIRWELL. A BOARD IS PLACED IN THE DOOR OPENING AT THE REAR OF THE BASEMENT TO PREVENT WATER INTRUSION.

PART 5: ELECTRICAL

Most of the electrical is not visible for inspection and only a representative number of switches and outlets are tested for operation. All lights should be tested during the final walkthrough. Components and wiring concealed in the junction boxes, panels and other building cavities are not inspected. Tracing of individual circuitry and electrical distribution is also not within the scope of our inspection. Consult the owner as to any unusual conditions that could not be determined through a visual inspection, but should be known under normal living conditions.





Service drop location: FRONT OVERHEAD SERVICE Location: INTERIOR ENTRYWAY AND BASEMENT
 Type of panel: Circuit breaker Location: COMBO BOX. SAME AS ABOVE
AMPS: 100 – 40 AMP DISCONNECTS AT EACH UNIT 110 VOLT 15-20 AMP: 3
VOLT: 110/220 220 VOLT 30-60 AMP: 0
 Grounding method: GROUNDING ROD & WATER PIPES
 Branch wiring: COPPER – KNOB AND TUBE, NON- METALLIC SHEATHED CABLE – 'ROMEX' & CONDUIT

		NO	YES	COMMENT/TYPE
5.00	Service equipment conductors, cables and raceways: 		X	THERE IS NO SERVICE MAIN FOR THE WHOLE BUILDING. THERE ARE THREE METERS – NO 'HOUSE' METER IS PRESENT. 
5.01	Subpanel: 	X		THE PANEL IS NOT FULLY LABELED.  <div data-bbox="1154 1087 1539 1230" style="background-color: red; color: white; padding: 5px; font-weight: bold;">Service for 3 Units upgrade was as of 1978</div>
5.02	Upgrades:		X	THE SERVICE WAS UPGRADED IN 1978
5.03	Adequate access to the panel:		X	
5.04	Additional circuit slots available:	X		
5.05	Outlets grounded:	X	X	MIX. SOME HAVE BEEN UPGRADED TO THREE PRONG OUTLETS, AND SOME REMAIN UNGROUNDED. SOME THREE

PART 6: PLUMBING

Due to the finished walls, concealed interior and underground, most of the plumbing lines are inaccessible for inspection and items such as air chambers, fittings, pipes, vents and traps are not inspected and therefore not included on this report. Our inspection is limited to review of the visually accessible plumbing lines at the time of inspection. Water was run through fixtures to determine water pressure and drainage flow conditions at the time of inspection. The testing is of short duration and should not be considered as a complete inspection of the plumbing system. Washers and dryers are not normally tested in this inspection. Water heaters have a 10 year expected life.



Water on at the time of inspection: YES
 Water main location: FRONT EXTERIOR
 Gas main location: GAS IS SUPPLIED BY THE UTILITY FROM THE STREET

		NO	YES	COMMENT/TYPE
6.00	Gas meter: THE GAS METERS ARE LOCATED IN THE BASEMENT IN AN AIR TIGHT ENCLOSURE. 			WE RECOMMEND THE INSTALLATION OF AN AUTOMATIC EARTHQUAKE SHUTOFF VALVE FOR FIRE SAFETY. 
6.01	Water heater: 40 GALLON (UNIT 45 ONLY) AND 30 GALLON GAS 			REAR UTILITY CLOSET / UNIT 49 RHEEM 2017 UNIT 45 RHEEM 2017 UNIT 43 GENERAL ELECTRIC 2007 
6.02	Strapped:		X	THE WATER HEATERS ARE STRAPPED.
6.03	Raised 18" off the ground:	X		ONLY REQUIRED IN A GARAGE.
6.04	Water lines insulated 5' from the heater:	X		
6.05	Insulation blanket:	X		NOT NECESSARY FOR NEWER MODELS THAT ARE R-6 PLUS.

PART 7: HEATING SYSTEM

Furnaces have a 15 to 20 year life expectancy.

Type of furnace: FORCED AIR ELECTRIC WALL HEATERS
 (NO AIR CONDITIONING SYSTEM INSTALLED)

		NO	YES	COMMENT/TYPE
7.00	Heaters operational:  49	X	X	THE HEATERS WERE OPERATIONAL IN TWO OF THE UNITS ONLY. THE EXISTING HEATERS ARE OLD AND SHOULD BE REPLACED WITH MODERN DEVICES.  47
7.01	Rusted / visible damage on furnace:	X		
7.12	Needs cleaning:		X	

Not really Kitchens but we appreciate when we would be happy to have functional kitchen.

PROPERTY REPORT
45 BERNARD STREET
SAN FRANCISCO, 94133

PART 10: KITCHENS

We assume no responsibility about the condition of appliances. Refer to the seller for disclosure.

Type of stove hookup: GAS

		NO	YES	COMMENT/TYPE
10.01	Appliance comments:			
	49 			
	47 			
	45 			
				THE STOVES ARE NOT PROVIDED WITH ANTI TIP BRACKETS. OLD VALVES ARE NOTED. POTENTIAL FIRE SAFETY HAZARDS ARE NOTED.
10.02	Hood / fan vented to the exterior:	X		THERE IS NO VENTILATION PRESENT.

Appendix 10: John Lum (Appellant Architect) Notes and HGCI Response

Comments and Architect Responses

Lum Comment	Response	Action to be Taken
<p>1. Sheet A0.00</p> <p>1) Cover sheet does not meet DBI required standards for an 8.5" x 11" clear box for stamps. The title block also lacks the required clear space for stamps.</p> <p>2) Cover sheet reference drawings by other professionals that are not included in the approved Site Permit set.</p>	<p>1) It is up to SF DBI to address what they will accept. Size was sufficient to stamp plans.</p> <p>2) Consultants were added as needed to provide Building Permit requirements.</p>	<p>1) None</p> <p>2) None</p>
<p>2. Existing conditions, Sheet A2.00</p> <p>1) Incorrectly shows the west door on façade at the sidewalk to be swinging over the public right of way. This is a door that open into the floor unit and is a door that swings inward.</p> <p><i>Code violation: SFBC 2019 §3202.2 - DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. See additional information under Sheet A3.00 focusing on the proposed gate in the proposed floor plan.</i></p>	<p>SF DBI & DPW will evaluate plans as project progresses through addendum process and HGCI will review and adjust as needed.</p>	<p>1) None</p>
<p>3. Sheet A2.04</p> <p>1) Existing 1'-0" x 3'-0" window denoted as an escape window for basement ADU (the plan of which is not included in the Approved Site Permit). The proposed drawings show an enlarged EERO (Emergency Escape and Rescue Opening) with a light well providing access from the sidewalk through an opening that is covered by a 2'-0" x 3'-0" grill. This security grill is noted as being operable only from the interior.</p> <p><i>Code violation SFBC 2019 §1030.1.1. In addition to its dubious size and arrangement, this EERO would not allow a firefighter to rescue someone from the basement due to the proposed non-compliant locking mechanisms.</i></p>	<p>1) Not applicable - this is basement space; EERO not currently required.</p>	<p>1) None</p>
<p>4. Sheet A3.00</p> <p>1) New ADU plans are not included in the approved drawing set, nor are any references to a separate permit number for the ADU. As a condition of approval, the removal of the existing non-compliant dwelling unit in the basement requires the construction of a replacement ADU. When the Site Permit is approved without the ADU information, there is nothing to hold or allow the City to enforce the return of this removed dwelling unit. <i>The Project would be in violation of Planning Code §317 if ADU is not included.</i></p> <p>2) A new gate is shown swinging out over the public right of way in the location of the existing in-swinging door on the west of the front façade. Code violation: SFBC 2019 §3202.2. DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. As shown, the extent of the door's encroachment into the public right of way violates the allowed limitation of 25% of the sidewalk width. The 7' sidewalk allows 1'-9" of encroachment, but the door is a minimum 36" as an Exit. The <i>SF Better Streets Plan</i> requires a minimum width of 4'-0" for the Pedestrian Through Way at narrow sidewalks, reduced from a typical standard of 6'-0". Additionally, the proposed gate is shown as swinging 180 degrees, placing it in front of the garage door of the adjacent west neighbor. Sheet A0.03's Preapplication Approval does</p>	<p>1) There is no condition of approval. State ADU is under legal, separate permit, and is not required to be completed at the same time.</p> <p>2) Duplicate. See #2 above.</p> <p>3) Gate required to be provided for safety. SF DBI & DPW will evaluate plans as project progresses through addendum process and HGCI will review and adjust as needed.</p>	<p>1) No action</p> <p>2) No Action</p> <p>3) Minor change can be made to the gate sizing if required</p>

Lum Comment	Response	Action to be Taken
<p>not allow new gates to swing over the property line.</p> <p>3) A new 4'-9" gate is shown swinging out over the public right of way in the location of the two smaller existing gates, approximately 2'-3", which do swing out over the public right of way. Sheet A0.03's Preapplication Agreement states that the replacement gate should match the existing conditions (two separate gates). The proposed gate more than doubles the non-compliance of the existing gates in regards to</p> <p><i>Code violation: SFBC 2019 §3202.2. DPW should not have approved this violation without requiring a Minor Site Encroachment Permit. As shown, the extent of the door's encroachment into the public right of way violates the allowed limitation of 25% of the sidewalk width. The 7' sidewalk allows 1'-9" encroachment. The slope of the sidewalk as shown on the front elevation conflicts with the floor plan's depiction of the gate opening 180°. The sidewalk slope would appear to only allow the gate to open 90°. Thus, the sidewalk would be reduced from 7'-0" wide to 2'-3", much less than the required 4'-0" minimum width of the Pedestrian Through Way required by the SF Better Streets Plan.</i></p>		
<p>5. Sheet Number?</p> <p>1) Replacing existing stair at the rear, which provides the second means of egress to the upper units, with a fire escape appears to be a reduction in the safety of this non-compliant structure. The reasoning for allowing the provision of a fire escape is for an exception due to a hardship, versus a simply equivalent option to providing a code-compliant stair. In this case the hardship is caused by the Project Sponsor, who is electing to remove the existing stair and exit-access corridor through the basement due to increasing the square footage of the units, hence increasing the occupancy load. Increasing non-conformity, while asking for an exception is problematic. No AB-019 documentation for the proposed fire escape is included in the approved Site Permit. The required description of "the practical difficulties presented in meeting the specific conditions of the code" is not provided. Additionally, a detailed description of the fire-escape's conditions of approval in the formal Request for Approval of Local Equivalency is required for issuance of the Site Permit.</p> <p><i>Code violation: SFBC §106A.3.4.2 (3)(d)</i></p>	<p>1) Proposed structure was detailed, reviewed and approved by DBI and Fire per pre-planning application notes signed by City, as documented in Site Permit, which was also approved. All forms provided to HGCI by DBI/Planning, etc. have been completed.</p>	<p>1) Continue to complete forms required through the addendum check process, as necessary</p>
<p>6. Sheet No?</p> <p>The Fire Department allows for existing non-compliant egress conditions to remain, such that changes to a building result in a condition that is no less safe or further non-compliant than the existing conditions. This typically allows for interior remodels of units without needing to address non-conforming common exiting conditions. In the case of the proposed project, the Fire Department appears to be allowing the extremely non-compliant front stairs to remain in their very narrow condition (approximately 1'-9" at the topflight and approximately 2'-4" at the lower flights – 3'-0" is the SFBC's clear width requirement) while simultaneously allowing the increase of occupancy in the building – as the units are enlarged towards the rear.</p> <p>Since occupancy is a measurement of floor area, the horizontal addition in the approved Site Permit increases the occupant load on these non-compliant stairs. This is further exacerbated by the replacement of the rear exit stair with a less-functional, less-accessible fire escape. It is unclear why the Fire Department does not appear to have required any</p>	<p>1) This is a subjective opinion. Proposed plans reflect what was agreed to during the pre-planning meeting and approved by DBI and Fire. Proposed plans are an improvement to current conditions. Plans include removal of non-compliant rear wooden stairs that discharge into rear yard. The exit passageway through basement from the rear yard includes 2 locked doors, one from the inside, and has a non-functioning sprinkler. The egress pathway and egress pathway doors have dimensions that do not comply with current egress code. Multiple enhancements are proposed and approved, including creating a 1-hour fire-rated passageway expanded in width, which will be provided with a functioning sprinkler. Rear wooden stairs are replaced with fire-rated metal escape. Windows throughout all units of the building are also being expanded to provide further emergency escape options. Project proposes a substantially safer building than what</p>	<p>1) No Action</p>

Lum Comment	Response	Action to be Taken
mitigations or local equivalency documentation for these changes to the egress conditions. A commonly applied requirement to mitigate the reduction of safety as shown in the approved Site Permit would be the inclusion of new fire-suppression sprinklers throughout the building – or at least to cover the units that add occupancy without addressing the non-compliant stairs.	exists today.	
<p>7. Sheet No?</p> <p>1) The proposed gas meter location is quite problematic. It does not comply with the requirements of the PG&E Greenbook, which would require the meters be placed at the front façade and to ventilate outside of the building. Furthermore, the gas meters are located within the exit-access corridor that provides the sole means of egress to the theoretical ADU, and second means of egress for the upper units. <i>Code violation: SFBC 2019 Definition of Means of Egress as “a continuous and unobstructed path of vertical and horizontal egress travel”.</i> Fuel-burning appliances obstruct the safe path through the Means of Egress.</p>	1 - PG&E evaluates sites and provides their discretion/evaluation. Further, there is no obstruction in the fire-rated corridor (including fire-rated doors).	1) No Action
<p>8. Sheet No?</p> <p>Natural light and ventilation calculations for the first-floor unit are shown including the front door’s operable side lights for ventilation. The door, at approximately 10’-4”, is too deeply recessed to comply with the 9’-0” limitation for overhangs and simply cannot be used for ventilation due to fire rating requirements for openings into the exit-access stair: <i>Code violation SFBC 2019 §420.2 and §1204.2.2.</i></p>	Comment unclear. Should feedback be provided by DBI, can be handled via addendum process, currently on pause.	1) None currently
<p>9. Sheet No?</p> <p>A tankless gas water heater is shown adjacent to the rear yard entrance to the exit-access corridor connecting the fire escape to the public right of way. This gas-fueled equipment is a hazard, which violates the safety of the second means of egress for the upper units. <i>Code violation: SFBC 2019 Definition of Means of Egress as “a continuous and unobstructed path of vertical and horizontal egress travel”.</i> Fuel-burning appliances obstruct the safe path through the Means of Egress.</p>	1) Incorrect. Tankless water heater is mounted on the exterior wall, not in the path of the emergency egress. Specificity to be provided in addendums on elevation and location, which can easily be moved if required.	1) Clarify in the addendum
<p>10. Sheet No?</p> <p>Sheet 3.04: Reflected Ceiling Plans</p> <p>1) The proposed reflected ceiling plans for the upper two units show the gas fireplace vents exhausting into the front exit-access staircase, including under the interstitial landing leading to the top unit! <i>Violation of Code SFBC 2019 §420.2, and SFMC 2019 §802.8.2</i></p>	Further specificity and clarity of a vent can be provided in the addendum.	1) Clarify in the addendum
<p>11. Sheet 4.00. Existing and Proposed Front North Elevation</p> <p>1) The Emergency Escape & Rescue Openings (EERO’s) for the first-floor unit and theoretical ADU are covered with security grills that are noted to open from the inside only. This prevents firefighters from rescuing the occupants of the front sleeping rooms, negating the function of the EERO’s. <i>Code violation: SFBC2019 §10301.1.</i></p>	<p>1) Duplicate re: basement– See #2 Above</p> <p>2) Balance of security and safety. Clarity of latching can be provided or grills can be easily removed via addendum comments, if required.</p>	<p>1) Duplicate, No Action</p> <p>2) Continue to address feedback in addendums, as required.</p>
<p>12. Sheet 4.01. Rear Facade</p> <p>1) Removal of the stair at rear, replacing it with a fire escape, removes access to common usable open space as required by Planning Code §135. Where occupants could previously conveniently access their rear yard via the rear stairs, now they are forced to exit the property, traverse the public right of way, re-enter the building at the side gate and access the rear yard through the exit-access corridor. As approved the Project,</p>	1) Duplicate – See #5 Above	1) Duplicate, No Action

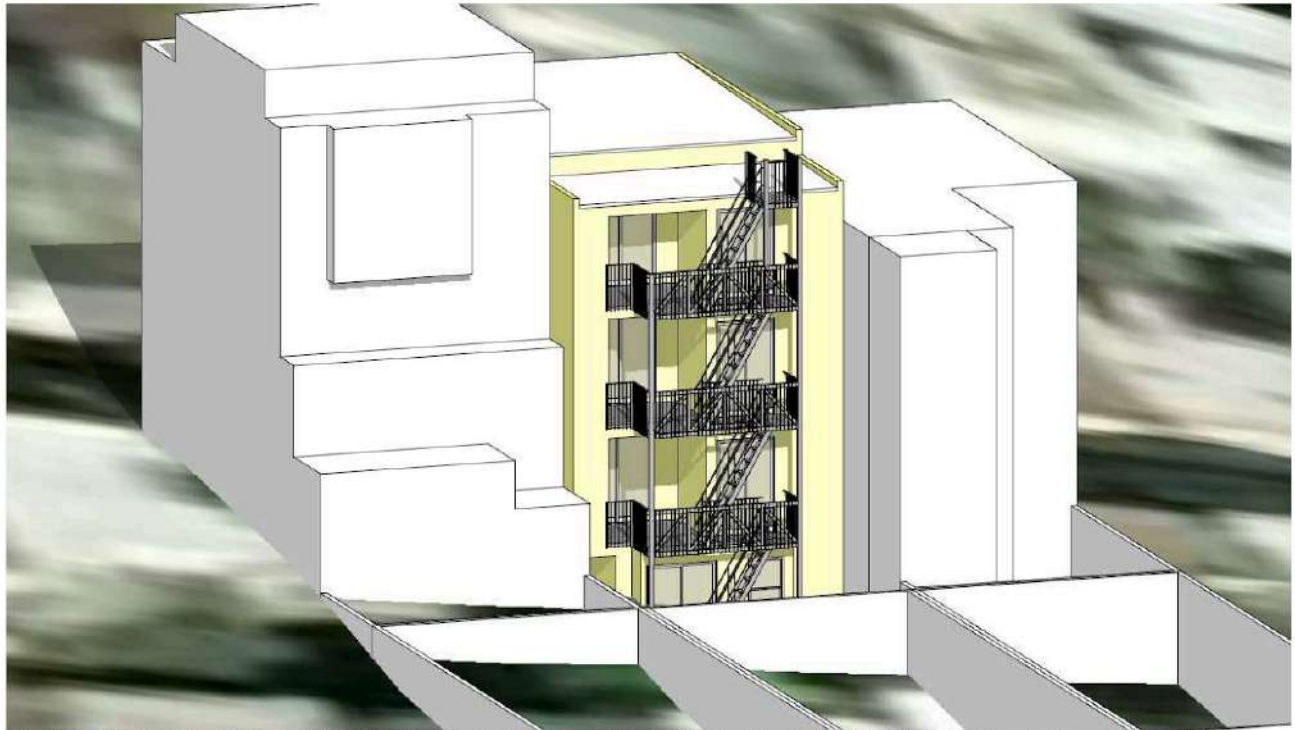
Lum Comment	Response	Action to be Taken
<p>therefore, removes the common usable open space as <i>there is no convenient way</i> to get to the rear yard from within the property. The proposed private usable open space is insufficient to meet each unit's required minimum area. The proposed private decks were further reduced in size since the Planning Commission set, to provide only 39 square feet of private usable open space per unit, substantially less than the required 100 square foot minimum. The tabulation on sheet A0.02 erroneously states that each unit has 134 square feet of usable open space. Additionally, usable open space at grade must have a minimum horizontal dimension of 10' to count, and thus the backyard open space has been calculated incorrectly where it appears to include the narrow spaces to the side of the rear pop-out, were it even accessible.</p>		
<p>13. Sheet 4.02 East Façade</p> <p>1) No AB-009 documentation is included in the approved Site Permit. Neither Attachment A, which outlines the conditions of approval, nor Attachment B – Declaration of Use Limitation are included. There is no indication that the Declaration of Use Limitation is Recorded to the property deed, as required for Building's approval of the Site Permit. <i>Code violation: SFBC §</i></p>	<p>N/A - features have been removed in existing addendums currently on hold due to appeal. No longer applicable.</p>	<p>1) No further Action required</p>
<p>14. Sheet GS-5</p> <p>1) GS-5 is included in the approved Site Permit. This is the wrong sheet. GS-1 is the correct sheet to include in a Site Permit. GS-5 would be the correct sheet to include in a future Addendum application.</p>	<p>1) Noted</p>	<p>1) No action required. We will continue to complete all required forms at direction of DBI, etc. through the continuing review process</p>
<p>15. No Seet Number</p> <p>The life safety of the building with gas appliances carelessly placed in exit components, a fire escape being allowed for a second means of egress versus a previously existing staircase, the violation of usable open space requirements, and lapses in documentation violates the standards of Site Permit application reviews. The series of blatant code and process violations in the approved Site Permit raise series concerns about the rigor in which this permit application was reviewed. Errors have been found in the reviews of each department including Planning, Building, Fire and Public Works. These errors are germane to the Site Permit review and should not simply be addressed in later addenda applications. If the same level of rigor is applied to the reviews of the addenda, this project would pose a life-safety concern to future occupants and adjacent neighbors. There is no mechanism to appeal flawed addenda approvals. We therefore urge the Board of Appeals to rescind the approval of this flawed Site Permit and require the necessary corrections be made before each department approves the proposed work.</p>	<p>1) Duplicate. Covered Above Several times. Architect is apparently repeating comments to overstate substance and number of comments.</p>	<p>1) Duplicate – No Action.</p>
<p>Removal of the rear stairs eliminates convenient access to common open space as required by Planning Code § 135 because there is no way to get to the rear yard from within the property. The actual proposed private usable open space (39 square feet as opposed to the incorrectly tabulated 134 square feet), including proposed private decks, is also insufficient to meet each unit's required minimum (100 square feet), and the backyard open space has been calculated incorrectly.</p>	<p>Private space is correctly tabulated.Plans were reviewed by Planning prior to going to DBI. P.C. 134 states public open space should be independently accessible from the bedroom, unit or other common area of the building or lot. The open space is accessible from a common area.</p>	<p>1) None</p>

Appendix 11: Sun Study

Study 1: Shademap: <https://shademap.app/@37.79619,-122.41425,19.22128z,1711209632178t,0b,0p,0m,qNDUGYmYybmFyZA==137.796341-122.41423>



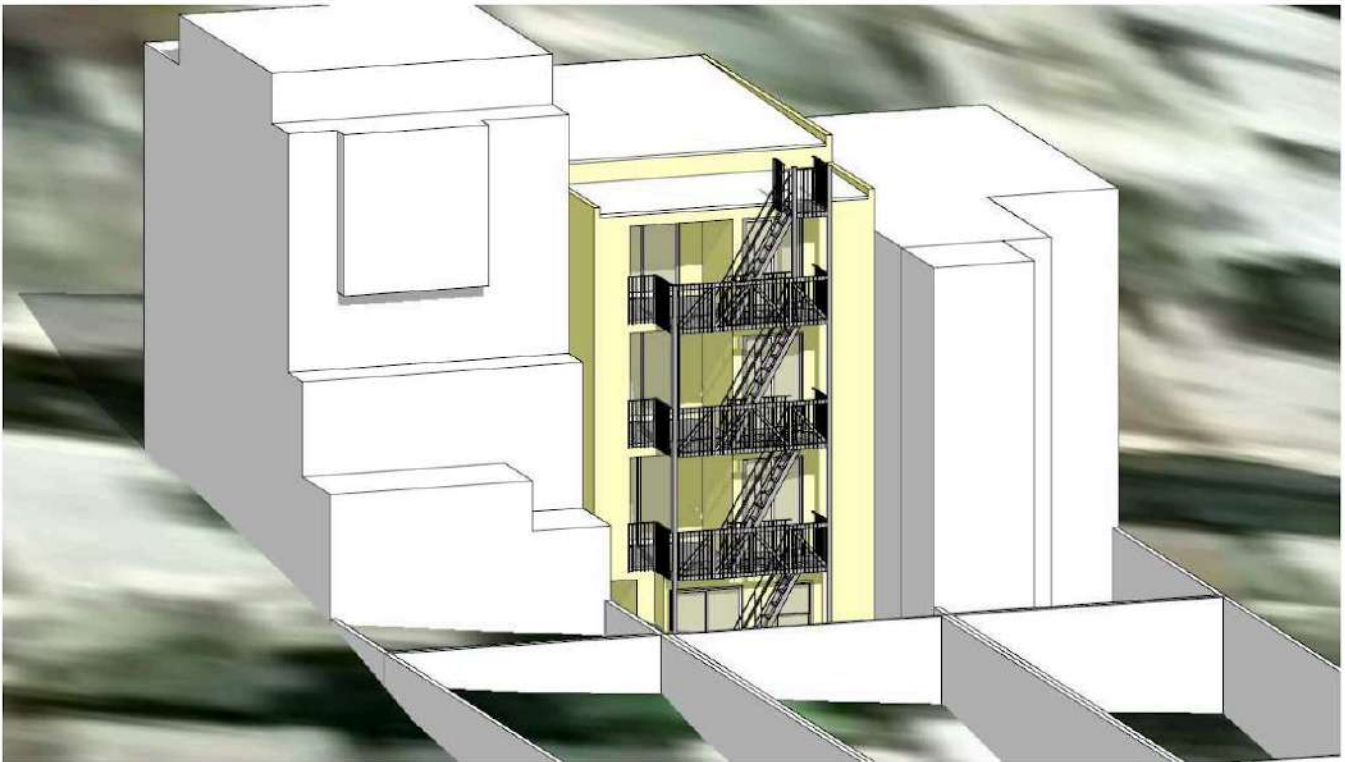
Study 2: Specific Building Footprint (Projected with New Construction)



45 BERNARD REAR SHADOW STUDY REAR ELEVATION: JANUARY 01 2024 @ 12:00PM PST



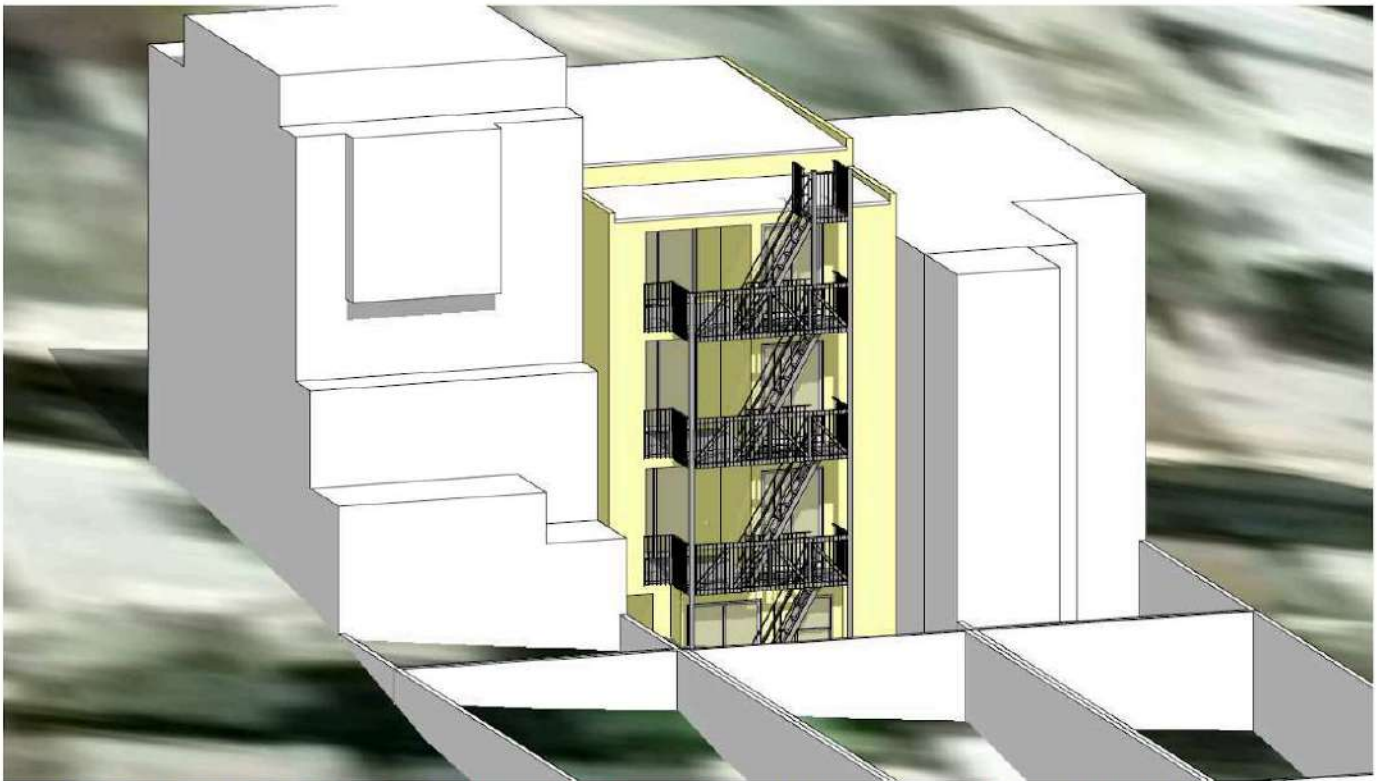
45 BERNARD REAR SHADOW STUDY PLAN VIEW: JANUARY 01 2024 @ 12:00PM PST



45 BERNARD REAR SHADOW STUDY REAR ELEVATION: FEBRUARY 01 2024 @ 12:00PM PST



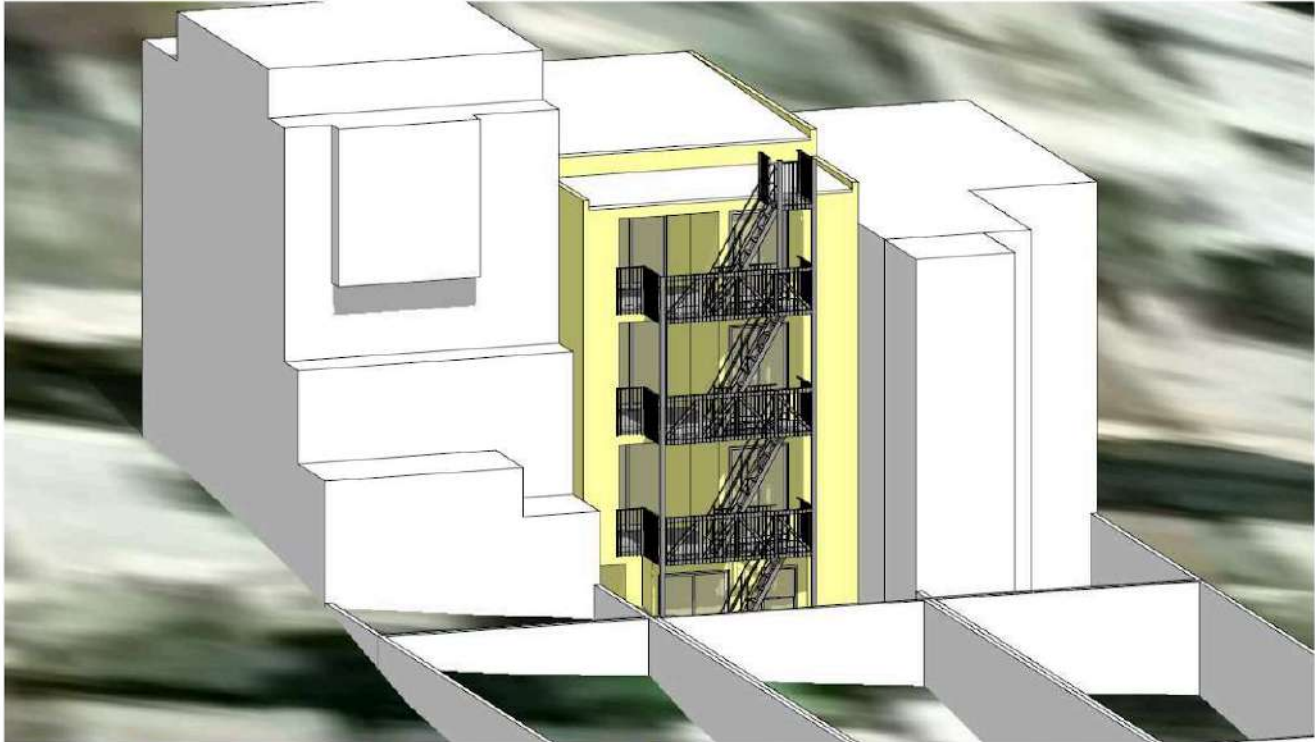
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: MARCH 01 2024 @ 12:00PM PST



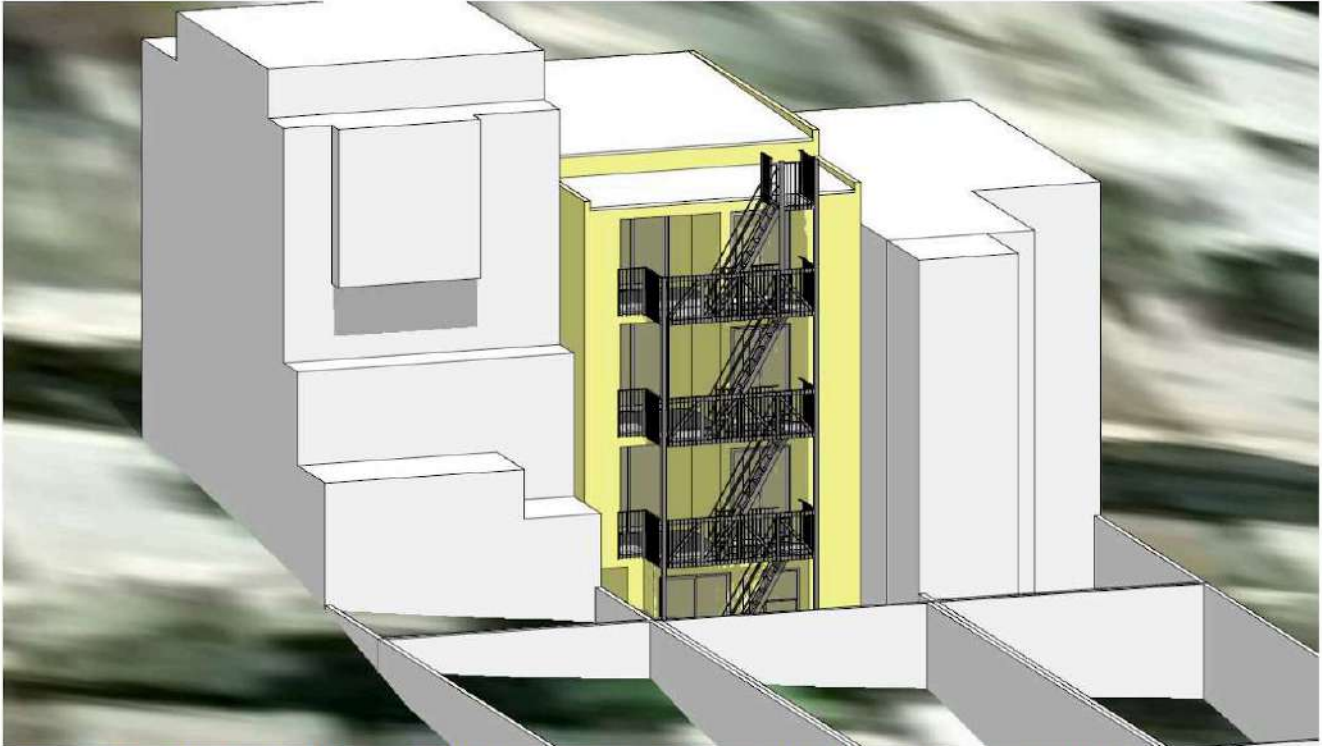
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: APRIL 01 2024 @ 1:00PM PDT



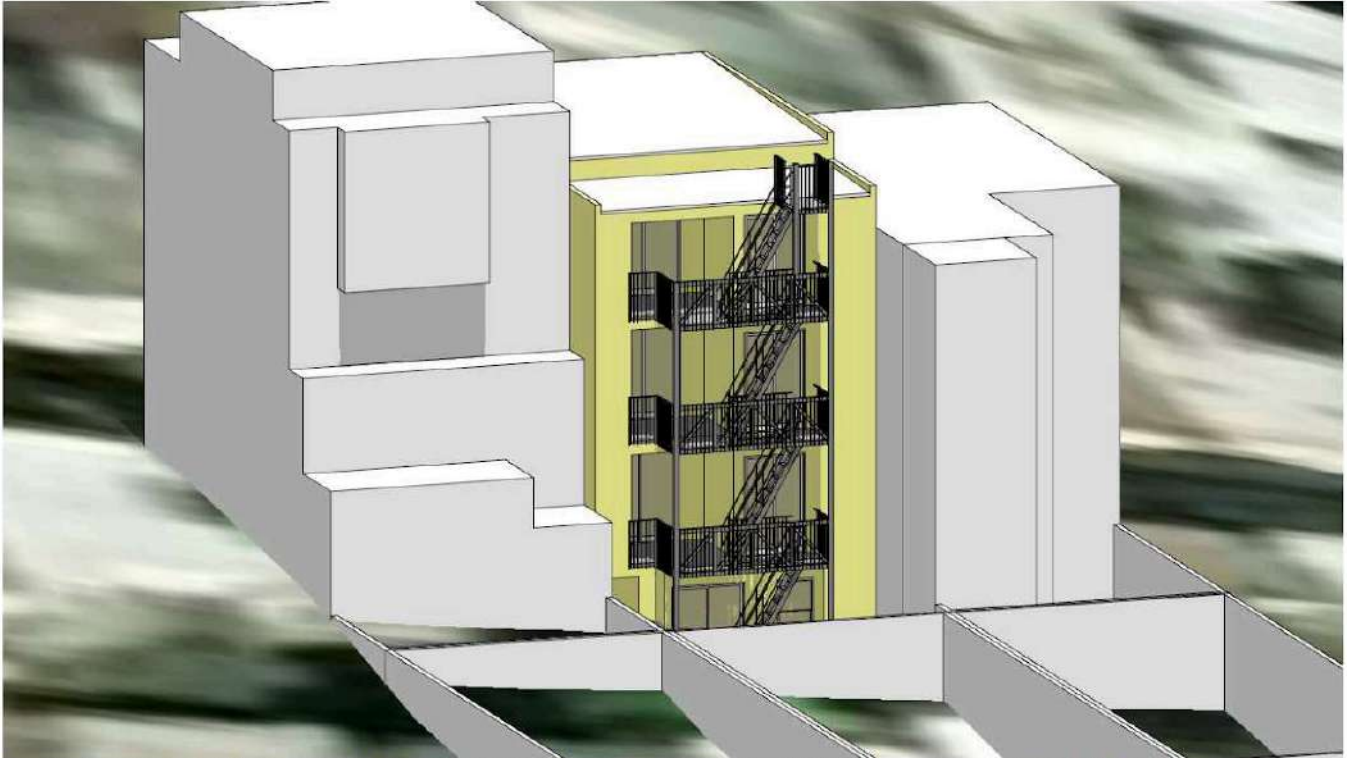
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: MAY 01 2024 @ 1:00PM PDT



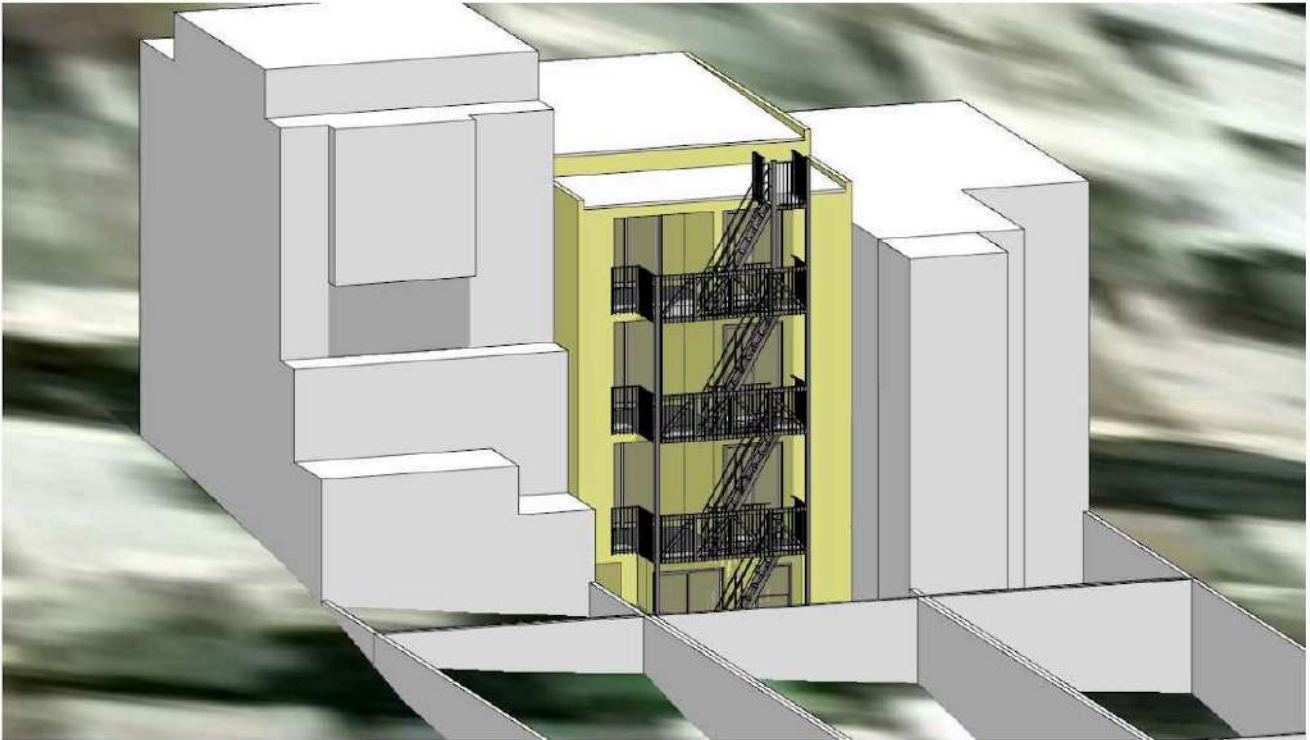
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: JUNE 01 2024 @ 1:00PM PDT



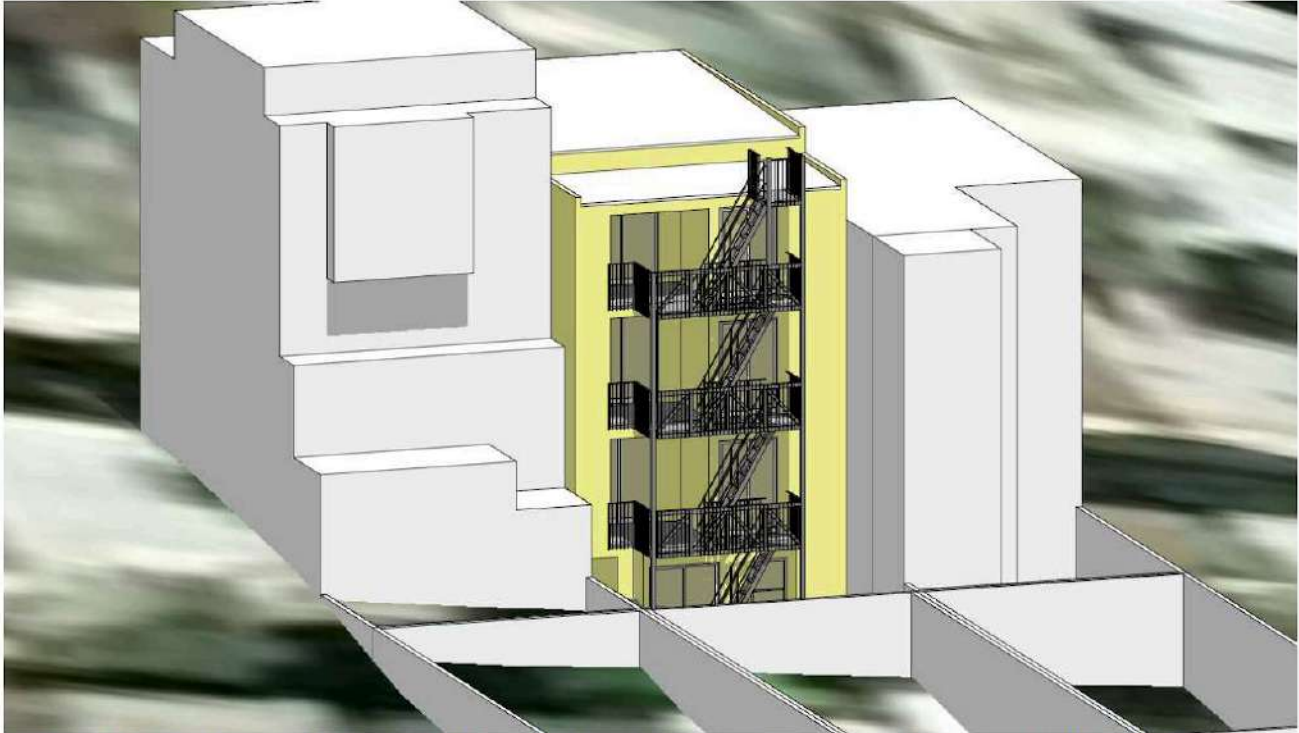
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: JULY 01 2024 @ 1:00PM PDT



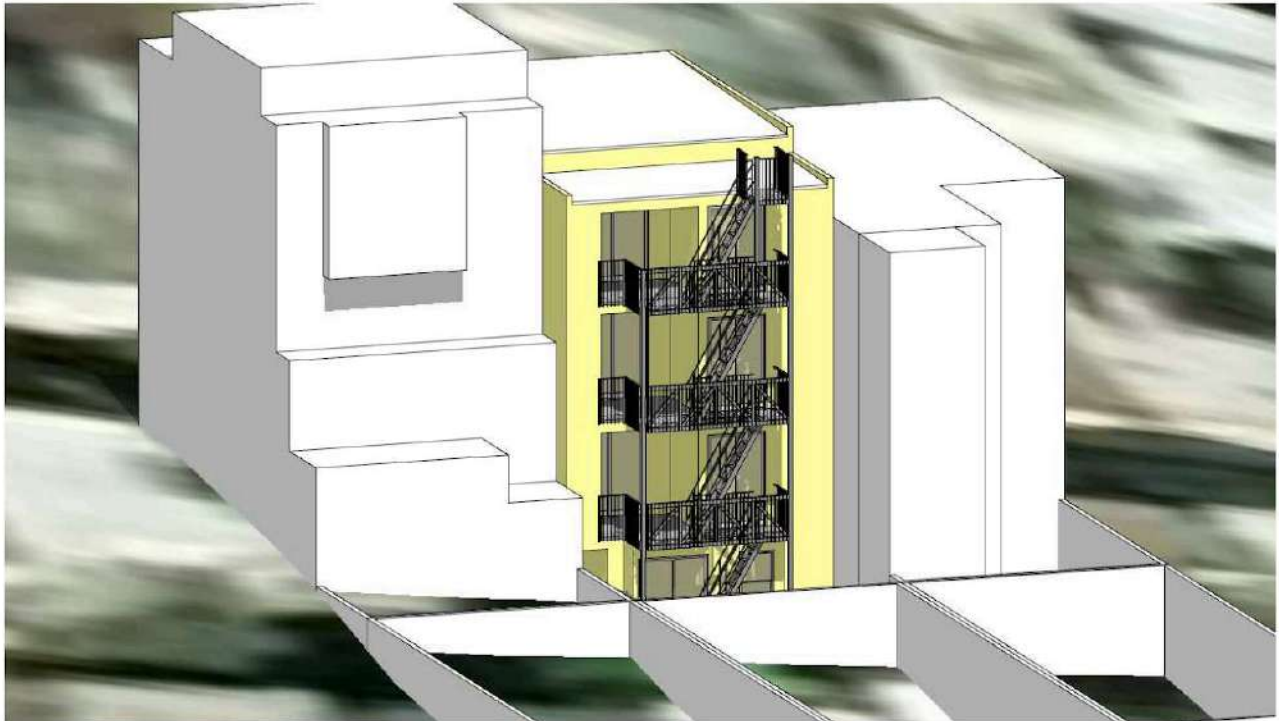
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: AUGUST 01 2024 @ 1:00PM PDT



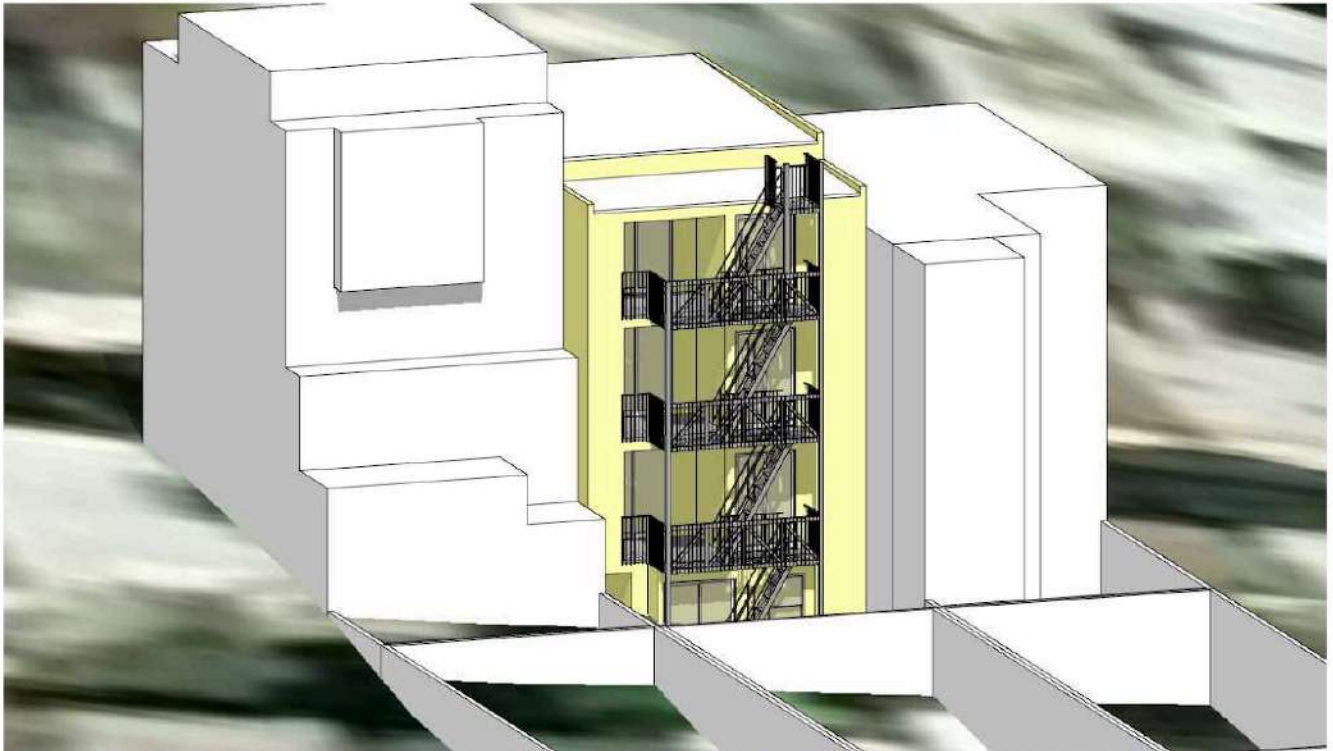
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: SEPTEMBER 01 2024 @ 1:00PM PDT



45 BERNARD REAR SHADOW STUDY PLAN VIEW: SEPTEMBER 01 2024 @ 1:00PM PDT



45 BERNARD REAR SHADOW STUDY REAR ELEVATION: OCTOBER 01 2024 @ 1:00PM PDT



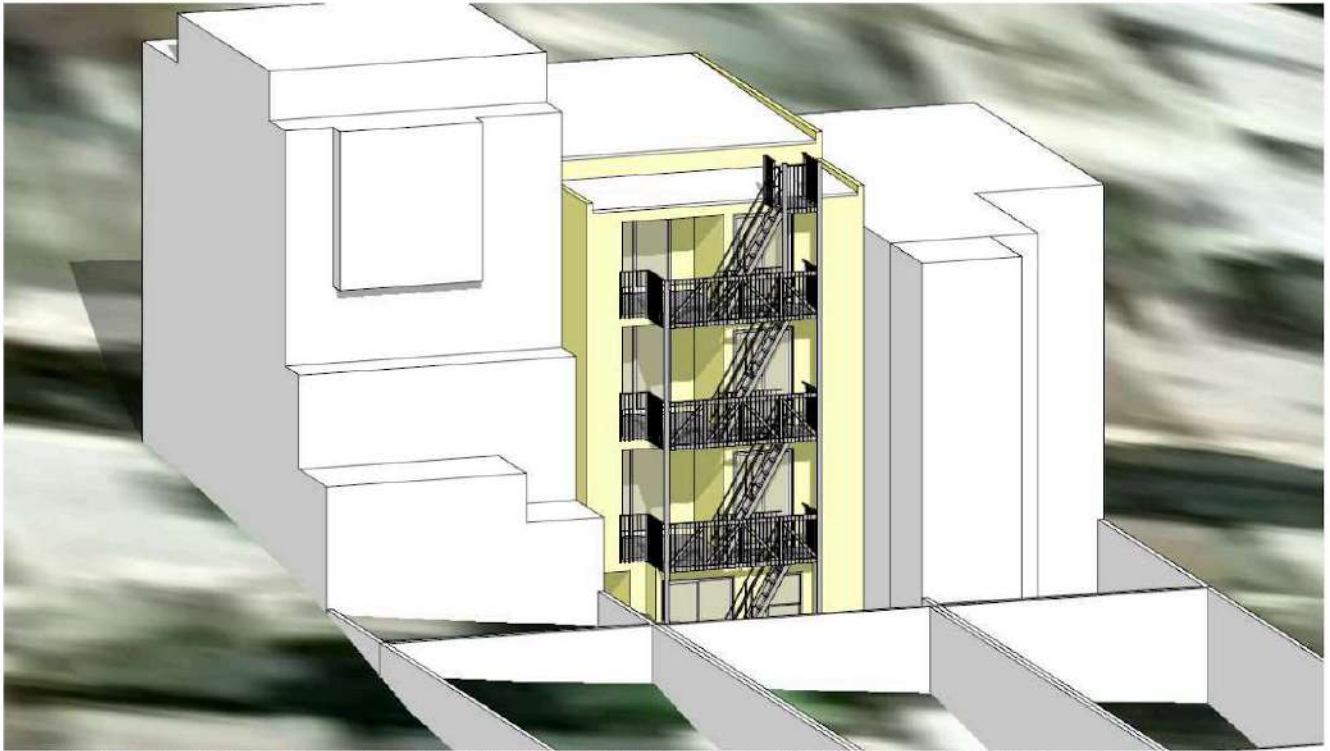
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45 BERNARD REAR SHADOW STUDY REAR ELEVATION: NOVEMBER 01 2024 @ 1:00PM PDT



45 BERNARD REAR SHADOW STUDY PLAN VIEW: NOVEMBER 01 2024 @ 1:00PM PDT



45 BERNARD REAR SHADOW STUDY REAR ELEVATION: DECEMBER 01 2024 @ 12:00PM PST



45 BERNARD REAR SHADOW STUDY PLAN VIEW: DECEMBER 01 2024 @ 12:00PM PST