



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE JANUARY 14, 2016

Date: December 18, 2015
Case No.: **2014-001646DRP**
Project Address: **162-164 Bernard Street**
Permit Application: 2014.08.11.3471
Zoning: RH-3 (Residential House, Three-Family)
65-A Height and Bulk District
Block/Lot: 0156/037
Project Sponsor: J. Hulett Jones
Jones | Haydu
1 Arkansas Street, Unit D2
San Francisco, CA 94107
Staff Contact: Nicholas Foster – (415) 557-9167
nicholas.foster@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed.**

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415.558.6377

PROJECT DESCRIPTION

PLEASE NOTE: The proposed Project at 162-164 Bernard Street (Block/Lot: 0156/037) is connected to the proposed project at 160 Bernard Street, the adjacent lot (Block/Lot: 0156/036). Two (2) Applications for Discretionary Review (DR) were filed by a single DR Requestor, one (1) for each lot; the Public-Initiated Discretionary Review case (2014-001646DRP) covers the proposed Project at 162-164 Bernard Street (Block/Lot: 0156/037), whereas the Public-Initiated Discretionary Review case (2014-001639DRP) covers the proposed project at 160 Bernard Street (Block/Lot: 0156/036)

The proposal ("Project") is a two-story vertical and horizontal addition to an existing one-story-over-basement, two-unit residential structure, resulting in a three-story-over-basement, two-unit residential building. The proposed 40-foot tall building would contain a two-car garage (stacked parking), and a new curb cut would be created to provide access to the new garage. The existing basement unit (Unit #1) would decrease in size by approximately 192 square feet (sf), from 1,160 sf to 968 sf (a reduction of approximately 17%), while the existing upper floor unit (Unit #2) would increase in size by approximately 1,229 sf, from 1,120 sf to 2,349 sf. The one (1) existing street would be relocated within the sidewalk area in front of the subject property to make room for the new curb cut.

The Applicant proposes to construct the Project in two phases. Phase 1 would include the demolition of the small garage/storage structure on the immediately adjacent lot (160 Bernard Street; Block/Lot 0156/036) and construction of a two-unit residential structure, with one unit serving as the new home for the Applicants. Phase 2 of the Project would include the renovation and addition on the subject lot (162-164 Bernard Street; Block/Lot 0156/037). No tenants will be evicted in order to construct either building.

SITE DESCRIPTION AND PRESENT USE

The Project Site (“Site”) is approximately 23 feet wide and 60 feet deep and located on the north side of Bernard Street, between Leavenworth and Jones Streets. The Site is located in an RH-3 zoning district and a 65-X Height and Bulk District, which allows buildings up to 65’ in height. The lot slopes downward, approximately 6’-3” below grade, as measured at the sidewalk. The existing one-story-over-basement, two-unit building at 162-164 Bernard Street was constructed in 1906. The basement unit contains a kitchen, a family room, a bedroom with a connecting home office, bathroom and utility room. The ground floor unit contains a living room, two bedrooms, kitchen and bathroom. The façade of the building is set back approximately 4’-7” from the front property line to provide access to the basement unit. The Planning Department (“Department”) has determined that this building is not a historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site (“Site”) is located within the northern portion of the Nob Hill neighborhood, near the southern boundary of the Russian Hill neighborhood, within an established residential area primarily comprised of medium- to high-density housing. The buildings on the block face range from one to four stories and from single-family homes to multi-family unit buildings. The architecture of the buildings is diverse, providing a mixed visual character.

The Site is located along the northern side of Bernard Street, which is a relatively narrow street at 35’ in width, as compared to the widths of both parallel and perpendicular streets (e.g. Broadway at 82’-6”; Pacific Avenue at 49’; Leavenworth Street at 68’-9”; and Jones Street at 68’-9”). Bernard Street is only two blocks long, stretching from Taylor Street to the east to Leavenworth Street to the west. Of the four blocks that front Bernard Street, three of them contain lots that front Bernard Street which are located within the 65-A Height and Bulk District (the fourth block is entirely within a 40-X Height and Bulk District). The mid-block open space is minimal in the location of the subject property and immediately adjacent properties, as most lots are developed as full-lot coverage.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	May 7, 2015 – June 6, 2015	June 5, 2015	January 14, 2016	223 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 4, 2016	January 4, 2016	10 days
Mailed Notice	10 days	January 4, 2016	January 4, 2016	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	None	None	None
Other neighbors on the block or directly across the street	None	None	None
Neighborhood groups	None	None	None

No additional neighbor comments were received by the Department.

DR REQUESTOR

Patrick J. Connolly and Tiffany Hsueh, of 127A Bernard Street; located approximately 100 feet to the east (upslope) from the subject property.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The alternations to the existing structure on the 162-164 Bernard lot and the new construction on the adjacent lot (160 Bernard) will cause the height of the proposed buildings to be incompatible with the height and scale of all mid-block buildings, increase shadowing and reduce light to Bernard Street and adjacent buildings, and negatively affect quality of pedestrian experiences on the block where bulk effects are particularly pronounced on narrow streets.

Issue #2: The proposed construction on the two adjacent parcels will destroy the historic feel of the existing cottage and garage structure, changing the historic character and feel of the block.

Issue #3: The height of the alternations to the existing structure on the 162-164 Bernard lot and the new construction on the adjacent lot (160 Bernard) should be limited to the prevailing roof heights along the immediate block. A reduction in height can be achieved by not approving the fourth floor over the basement and/or by reduction of proposed tall ceiling heights. A reduction in the height of the alternations to the cottage and the new construction will mitigate the potential adverse effects.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

PROJECT SPONSOR’S RESPONSE

Discretionary review (“DR”) is granted only if exceptional or extraordinary circumstances exist. The DR Requestors fail to establish the existence of any exceptional or extraordinary circumstance in this case. Therefore, the DR requests are without merit and the Planning Commission should not take Discretionary Review and approve the Project as proposed. The Project Sponsor has provided a matching light well of 6’ on the 160 Bernard lot (which is twice as wide as the 3’ required per Code), for the benefit of the adjacent property (150 Bernard), and maintains the existing 3’ side setback on the 162-164 Bernard lot for its full length of 39’-6” as to provide side relief to the adjacent property (168-170 Bernard). Further, the

top floors of both development lots (160 and 162-164 Bernard) are set back 8' from the front property line, so they appear as three-story buildings from the subject street. These design measures are consistent with the Residential Design Guidelines in order to preserve light and air to adjacent buildings. Reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

Issue #1: The DR Requestors contend that the Project's mass will be inconsistent with the surrounding buildings. The buildings in the Project block range from single family homes to multi-unit buildings, from one to four stories in height. At a maximum proposed height of 40' (excluding permitted height exemptions allowed under Code Section 260), the overall height of the proposed buildings (at 160 Bernard and 162-164 Bernard) are below the maximum allowed building height of 65'.

To ensure that the mass and height of the Project are compatible with the massing, scale, and character of the neighborhood, the Project's top floors (both buildings) are set back 8' from the front facade of the floors below. The Project respects the topography of the Site in that it will step up the street and complete the block face. By setting back the upper floor, the Project will provide a pedestrian scale similar to the adjacent buildings. To further minimize the visual height of the buildings, the railing of the roof deck of the 160 Bernard building will be glass, thereby eliminating the need for a solid, 42" high roof parapet. The rooftop architectural features, such as the elevator overrun, are minimized by keeping them at the minimum height required.

Moreover, the Project will replace the existing one story and small garage/storage buildings and the existing two-unit building that lack architectural interest with two contemporary buildings adding diversity to the existing, mixed-character architecture found on the subject block.

Overall, the form and detailing of the buildings are contemporary yet compatible with the various architectural characteristics of the neighboring properties. The primary façade materials on the existing structures on the block are stucco or wood siding. The primary façades of the Project buildings will be horizontal wood siding that would extend to the visible portion of the side property line walls. The front façades include bay windows commonly found in the Project neighborhood.

Issue #2: The DR Requestor's assertion that the Project would have a negative effect on historic resources is devoid of merit. The environmental review application submitted by the Applicants included Part 1 of a Historic Resource Evaluation Report by William Kostura ("Kostura Report"). The Kostura Report found that the Site and Buildings were not associated with events or patterns of history, or person. Further, the few architectural features of note cannot be seen from the public right-of-way, and these features are not sufficient to raise the Building to a level of distinction. The Kostura Report determined that the buildings on the Site are not eligible to be listed on the California Register.

The Planning Department conducted an independent review of the Kostura Report and agreed with its findings and conclusions. A Class 1 and a Class 3 categorical exemption were issued as of April 28, 2015. See CEQA Categorical Exemption Determination attached to the case report.

Issue #3: The Project will not adversely affect light and air access to the adjacent buildings or the pedestrian experience along Bernard Street. The partial top floors of both proposed buildings will be set back 8' from the front property line and 25' from the rear property line. A Department Sanborn Map shows that all of the buildings on the block face and those fronting on Broadway to the north do not have Code-complying rear yards. In fact, several buildings on the block face including the 162-164 Bernard building have 100% lot coverage.

The two lots to the rear of the Site, with frontage on Broadway, are developed with a four story and a three story apartment building that are similar in height to the Project buildings. Both the 160 Bernard and 162-164 Bernard buildings will have 15' deep Code-complying rear yards and the partial fourth floor are set back 25' from the rear property line; therefore, the Project will have minimal impact on sunlight and air access on the light and air access to the adjacent properties.

ENVIRONMENTAL REVIEW

A Class 1 and a Class 3 categorical exemption were issued as of April 28, 2015. See CEQA Categorical Exemption Determination attached to the case report.

RESIDENTIAL DESIGN TEAM REVIEW

On June 24, 2015 the Residential Design Team (RDT) reviewed the proposal in light of the DR requestor's Application for Discretionary Review. The RDT did not find there to be an exceptional or extraordinary circumstance as both of the proposed buildings are Code-complaint, and meet the criteria of the Residential Design Guidelines (RDG). The RDT believes both of the proposed buildings are consistent with the neighborhood character in that they are of a compatible bulk and mass with other residential structures that are located on lots within the same Height and Bulk District (65-A), including residential structures found along the same block face.

BASIS FOR RECOMMENDATION

- The Residential Design Team did not find that an exceptional or extraordinary circumstance exists that would lead to additional setbacks or modifications to the proposed building in order to address the DR requestor's concerns.
- The proposed building is consistent with the neighborhood character of the immediate area of the subject property.

RECOMMENDATION: Do not take DR and approve the project as proposed.

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Height and Bulk Map
Aerial Photographs
Context Photos
Section 311 Notice

CEQA Determination with Preservation Team Review Form
Historic Resource Evaluation (HRE)
DR Application
Response to DR Application dated January 4, 2016 (with Exhibits 1 and 2)
Reduced Plans
3-D Rendering

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

Comments: The buildings on the subject block range from one to four stories and from single-family homes to multi-family unit buildings. The architecture of the buildings is diverse, providing a mixed visual character.

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?	X		
Does the building provide landscaping in the front setback?			X
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The Project respects the topography of the Site in that it will step up the street and complete the block face. By setting back the upper floor, the Project will provide a pedestrian scale similar to the adjacent buildings.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: The proposed buildings are consistent with the neighborhood character in that they are of a compatible bulk and mass with other residential structures that are located on lots within the same Height and Bulk District (65-A), including residential structures found along the same block face.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?			X
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			X
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?	X		
Are the parapets compatible with the overall building proportions and other			X

building elements?			
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?	X		

Comments: The primary façades of the Project buildings will be horizontal wood siding that would extend to the visible portion of the side property line walls. The front façades include bay windows commonly found in the Project neighborhood. The rooftop architectural features, such as the elevator overrun, are minimized by keeping them at the minimum height required and the roof deck railings are made of glass.

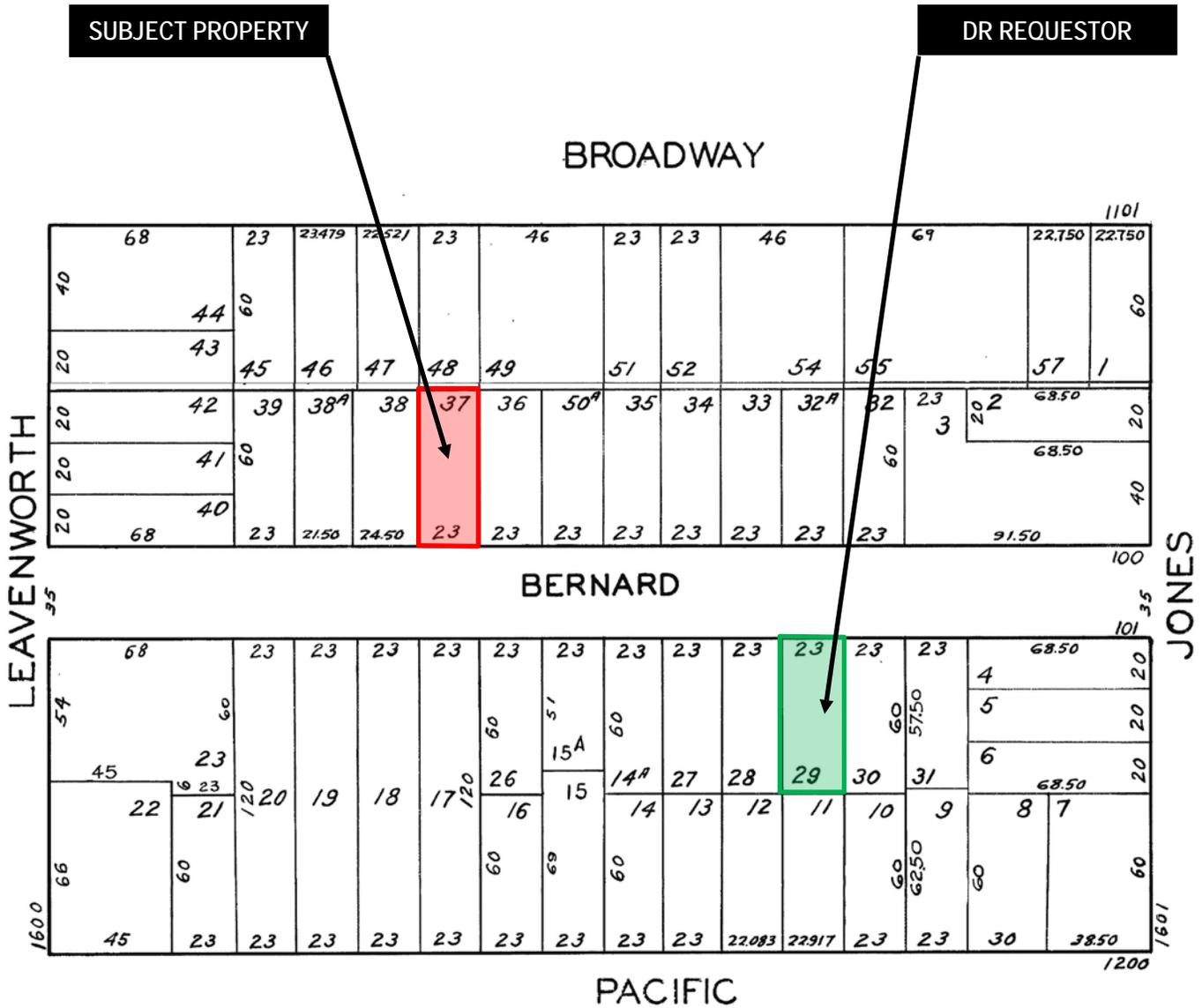
BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?			X
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

Comments: The form and detailing of the buildings are contemporary yet compatible with the various architectural characteristics of the neighboring properties. The primary façade materials on the existing structures on the block are stucco or wood siding.

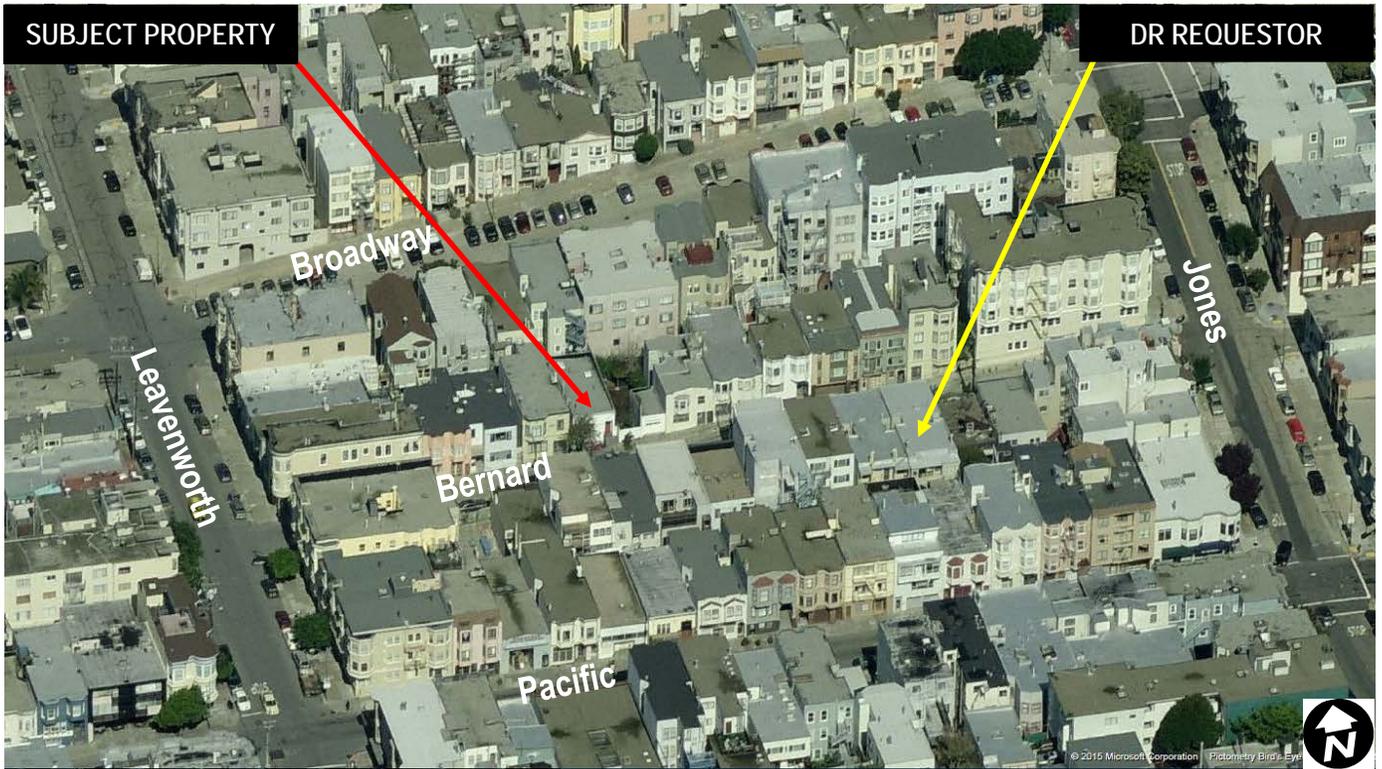
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Parcel Map



Discretionary Review Hearing
 Case Number 2014-001646DRP
 162-164 Bernard Street

Aerial Photos



Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

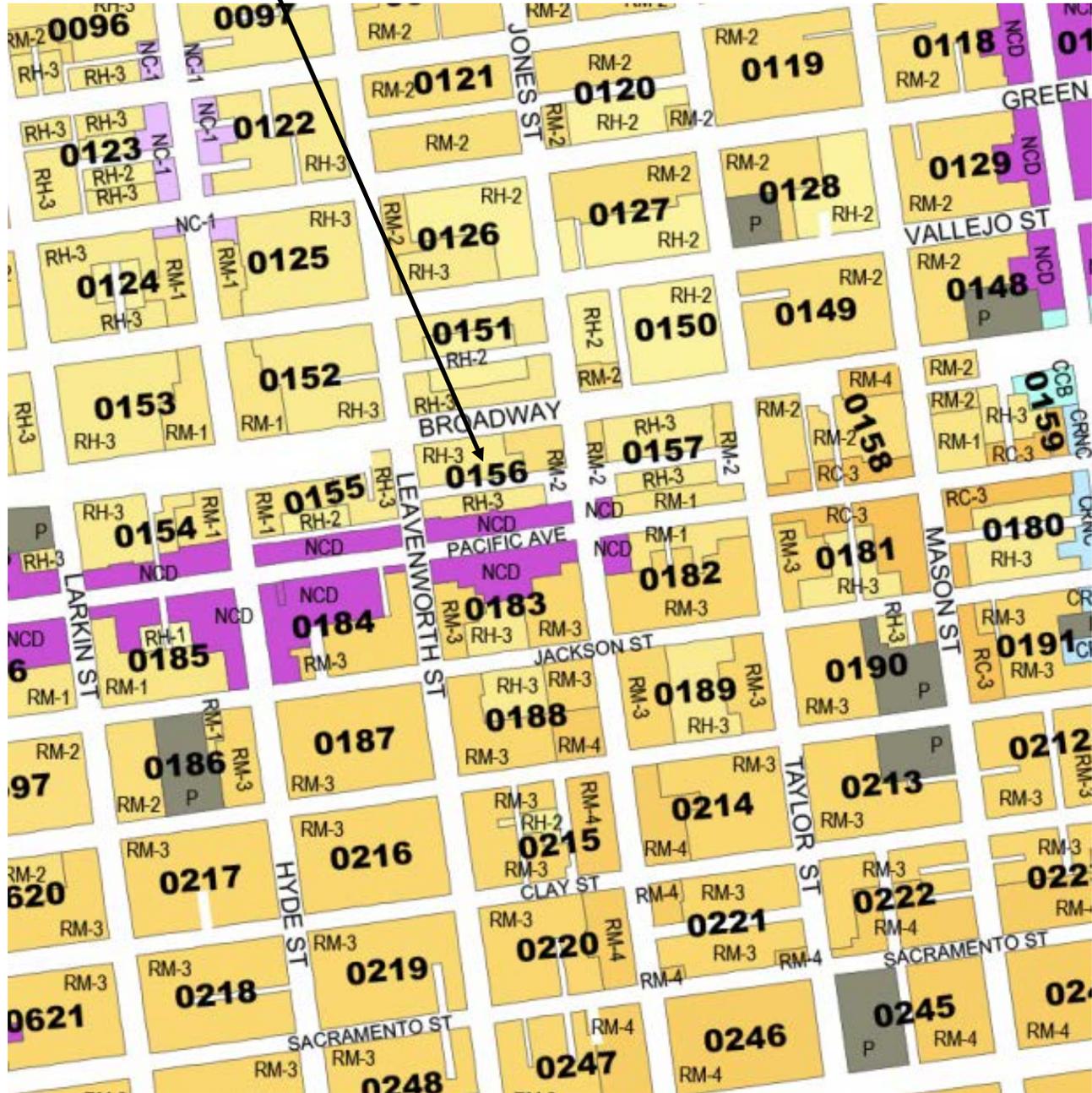
Aerial Photo



Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

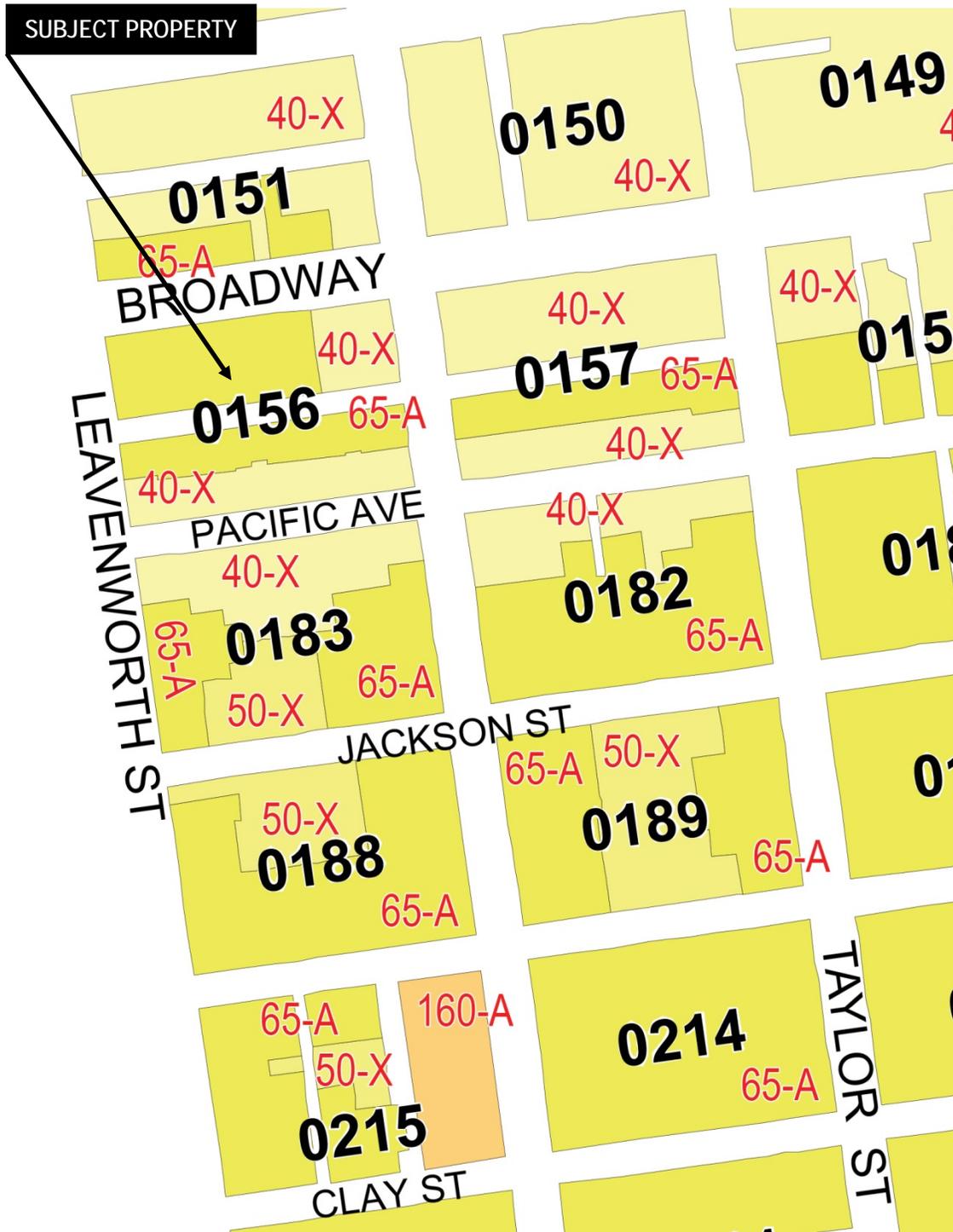
Zoning Map

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

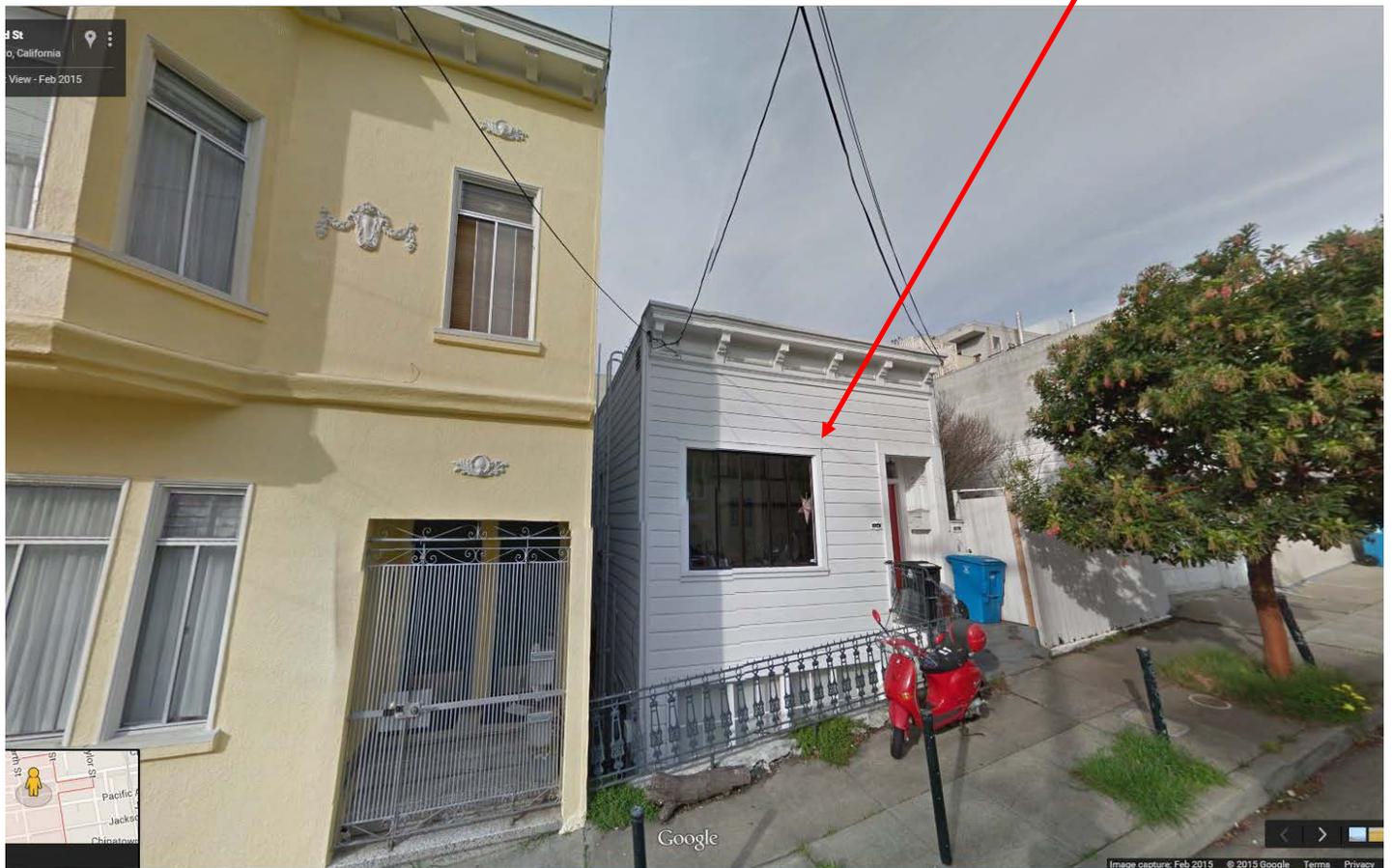
Height and Bulk Map



Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

Site Photo

SUBJECT PROPERTY

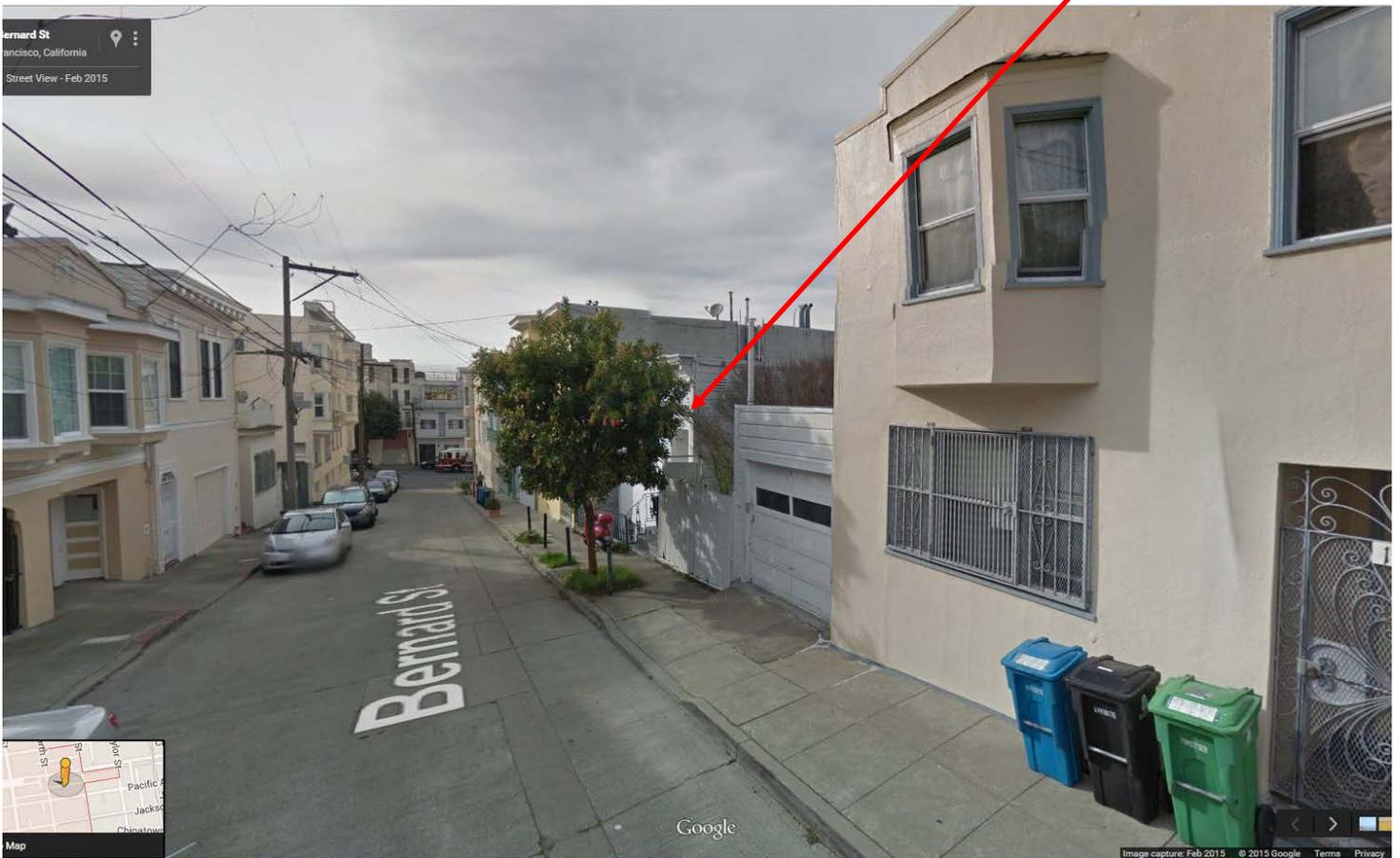


Street View of 162-164 Bernard Street (view from Bernard Street)

Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

Site Photo

SUBJECT PROPERTY



Street View of 160 Bernard Street (view from Bernard Street)

Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

Site Photo

DR REQUESTOR

SUBJECT PROPERTY



Street View along Bernard Street (looking West)

Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

Site Photo

SUBJECT PROPERTY

DR REQUESTOR



Street View along Bernard Street (looking East)

Discretionary Review Hearing
Case Number 2014-001646DRP
162-164 Bernard Street

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SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **August 11, 2014**, the Applicant named below filed Building Permit Application No. **2014.08.11.3471** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	162-164 Bernard Street	Applicant:	J. Hulett Jones
Cross Street(s):	Leavenworth Street	Address:	One Arkansas Street, #D2
Block/Lot No.:	0156/037	City, State:	San Francisco, CA 94107
Zoning District(s):	RH-3 / 65-A	Telephone:	(415) 558-0400

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	5 feet, 3 inches	7 inches
Side Setbacks	2 feet, 10 inches	3 feet
Building Depth	53 feet, 11 inches	58 feet, 7 inches
Rear Yard	None	None
Building Height	16 feet, 6 inches	40 feet
Number of Stories	2 (lower level is below grade)	4
Number of Dwelling Units	2	No Change
Number of Parking Spaces	None	2
PROJECT DESCRIPTION		
<p>The project proposes to remodel an existing two-story (two-unit) building, adding two additional floors, creating a four-story (two-unit) residential building. The proposed 40-foot tall building would contain a two-car garage (stacked parking), and would add a new curb cut to provide access to the garage. This building permit application is related to the building permit application (2014.08.13.3730) for the adjacent lot (160 Bernard Street); the applicant information is the same for both permits.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Nicholas Foster

Telephone: (415) 575-9167

E-mail: nicholas.foster@sfgov.org

Notice Date: 5/07/2015

Expiration Date: 6/06/2015

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

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SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
160-164 Bernard St.		0156/036 & 037	
Case No.	Permit No.	Plans Dated	
2014.1564E	201408113471, 201408133731,	9/25/2014	
<input checked="" type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
162-164 Bernard: two-story addition to existing one-story, two-unit residence and addition of two-car garage with lift. 160 Bernard: demolition of existing garage and construction of four-story, two-unit residential building.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

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

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

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

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

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

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

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input checked="" type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: <u>April 21, 2015</u> (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: <u>Hily Tegazyn</u> 04.28.15	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.
Planner Name: <u>Hily Tegazyn</u> Project Approval Action: Select One <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	Signature: <u>Hily Tegazyn</u> 04.28.15
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Preservation Team Meeting Date:		Date of Form Completion	4/21/2015
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PROJECT INFORMATION:		
Planner:	Address:	
Lily Yegazu	160-164 Bernard Street	
Block/Lot:	Cross Streets:	
0156/036 + 037	Jones and Leavenworth Streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B - Potential Historic Resource	N/A	2014.1564E

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input type="radio"/> Alteration	<input checked="" type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	August 8, 2014
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PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input checked="" type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: EEA, plans by Project Sponsor.	
<p>The proposed project is to remodel and construct a two-story addition to the existing one-story-over-basement single-family residence at 162-164 Bernard Street. In addition, the existing one-story-over basement garage at 160 Bernard Street will be demolished and a new four-story, two-unit building with basement level parking will be constructed.</p>	

PRESERVATION TEAM REVIEW:			
Historic Resource Present		<input type="radio"/> Yes	<input checked="" type="radio"/> No *
		<input type="radio"/> N/A	
Individual		Historic District/Context	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Period of Significance:	<input type="text"/>	Period of Significance:	<input type="text"/>
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor	

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

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

PRESERVATION TEAM COMMENTS:	
<p>The subject property comprises of two adjacent lots (Lot 36 and 37), each developed with one-story-over-basement structures. Both lots are 23-foot wide by 60-foot deep, located on the north side of Bernard Street, between Jones and Leavenworth streets.</p> <p>The primary structure on lot 36 was built in 1906 replacing the previous building on the lot that burned in the 1906 earthquake and fire. The structure on lot 37, currently used as a garage, was built in 1913 as a plumbing shop for the same property owner. The two buildings have never been moved, retaining integrity of location but they have since lost integrity of setting as most early houses on the subject block appear to have been heavily altered or have been replaced by modern construction. No potential historic district is identified in the vicinity of the subject property.</p> <p>As fully detailed in the Historic Resources Evaluation (HRE) document prepared by William Kostura, architectural historian (dated September 2013), both properties do not appear to be individually eligible for the California Register under criterion 1, 2 or 3. Specifically, although both structures were rebuilt immediately following the 1906 earthquake and fire, a small to moderate number of similar sized houses with higher integrity than the subject buildings remain standing on Nob Hill and Russian Hill. In addition, none of the persons associated with the property were significant in San Francisco's, California or national history. Lastly, both structures do not display any significant architectural features other than the bracketed cornice on the primary structure and the ornamental iron fence in front of it, as well as the historic large casement and steel windows that face the sunken yard and not visible from the public right-of-way. As such, given the otherwise plain architecture of the subject buildings, the property does not appear to be individually eligible for the California Register under criterion 3.</p> <p>The Department concurs with the analysis included in the HRE prepared by William Kostura that the subject sites are not resources and the one-story residence as well as garage structure on the subject lots do not retain sufficient integrity to be considered historic resources. As such, the Department defers to the recommendation from the Department's Residential Design Team (RDT) on the proposed project.</p>	

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
<i>Smade</i>	4/27/2015

Site Photos

SUBJECT PROPERTY
- Primary Structure



Case Number 2014.1564E
160 & 162-164 Bernard Street

Site Photos

SUBJECT PROPERTY –
Garage (Plumbing shop)



Case Number 2014.1564E
160 & 162-164 Bernard Street

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**HISTORICAL EVALUATION of
162-164 BERNARD STREET, SAN FRANCISCO**

According to California Register Criteria



View looking north at 162-164 Bernard Street

by

William Kostura, architectural historian
P. O. Box 60211
Palo Alto, CA 94306
(650) 815-1174

September 2013

Summary

The property at 162-164 Bernard Street is located on the boundary between Nob and Russian hills. The house on this property was built in 1906 by a plumber named Patrick F. Casey as his residence, and was a replacement for his previous house on this site that burned in the 1906 earthquake and fire. The other building on this property, lately used as a garage, was built by 1913, almost certainly as Casey's plumbing shop. The major alteration to the house is a large window with modern metal sash, while the former plumbing shop/garage has a modern roll-up garage door.

Due to lack of significance and lessened integrity this property does not appear to be eligible for the California Register under criteria 1, 2, or 3. There also does not appear to be a potential California Register historic district in the immediate vicinity. Please see a discussion of these issues in the "Evaluation" section of this report, on pages 8-9.

Description

The 100 block of Bernard Street

This property is located at the trough of the valley between Nob Hill to the south and Russian Hill to the north. The immediate area burned in 1906, and thus all buildings on Bernard Street, on Pacific Avenue to the south, and to the north up to Broadway post-date that event. (Note: about a dozen houses on the north side of Broadway, on Vallejo and Green streets, on Macondray Lane, and on Taylor Street north of Broadway survived the earthquake and fire.)

On the 100 block of Bernard Street, most of the early post-1906 houses and sets of flats have either been replaced or were greatly remodeled in later decades. Only a minority of buildings possess distinct style features. Houses and flats on this block (excluding corner apartment houses that face Jones and Leavenworth streets) are as follows:

* 1906 to the mid-1910s: Three buildings, all clad in wooden siding. Besides the subject house, these include 133 and 169 Bernard.

* Late-1910s to the 1930s: Five buildings, all clad in stucco and possessing some Spanish Colonial Revival, Classical, or Art Deco style details. Some of these are probably remodelings of older buildings. The best building from this period is a set of Classical Revival flats at 126-128 Bernard (ca. 1920).

* Plain stucco-clad buildings, devoid of style details: There are seven such, making this the largest group. All may be remodelings of older buildings.

* Late-1940s to the 1960s: Six buildings. Of these, 130 Bernard is most recognizably of that period; the others are plainer.

Architectural description of 162-164 Bernard Street

This property consists of two adjacent lots, each 23 feet in width by 60 feet in depth. The lots contain two buildings: a house and a former plumbing shop/garage. The site is excavated, or perhaps instead the street grade was raised from its original level, with the result that a high concrete retaining wall fronts this property. This retaining wall varies from seven to nine feet in height and is visible from the sunken yard space between the house and garage. Part of the wall is clad with stucco, while the remainder is not, leaving visible the impressions from wooden forms. The yard is paved with modern-era brick and cement pavers, and many small trees and shrubs line the perimeter.

The house

The house is set back from the street line by a few feet. Otherwise, it almost completely fills the 23' by 60' lot it occupies. The plumbing shop/garage is much smaller, occupying only about a fifth of its 23' by 60' lot. At the street level, a decorative iron fence can be found in front of the house, while an inexpensive fence of vertical planks fills the space between the house and garage. The iron fence is unusual; it differs greatly from any 19th century or early 20th century iron fences seen elsewhere in San Francisco. A modern-era staircase descends from the street level to the yard.

The house is one story plus a raised basement in height. From the street, it appears to be only one story, but from the sunken yard it is apparent that the basement constitutes a full story. The house is clad in rustic siding and has flat board trim at the corners. A profiled cornice with a paneled frieze and curved brackets stretches across the top.

At right is a recessed entrance attained by three concrete steps and one of modern clay tiles. The sides of the entrance area are paneled; the door is paneled with upper glazing and brass hardware, and a rectangular transom window can be found over the door. Flat board trim surrounds the door and transom.

The facade is dominated by a window measuring about eight feet in width by five feet in height. It is filled with modern metal sash and is surrounded by plain board trim and a sill. In the basement level, and difficult to see, is a large, original window (about twelve by five feet) composed of four six-light casements that are divided by muntins.

The east side of the house is only visible from the sunken yard. Here, the basement is seen as a full story in height and stretches the full depth of the lot. As with the front, siding is rustic. In the upper level, fenestration from left to right is as follows:

- * an original or early wooden window of two casements, each with three lights
- * an original or early wooden window of two casements, each with six lights
- * an original or early wooden window of two casements, each with six lights
- * a modern-era window with metal sash and no trim or sill

In the lower or basement level, openings from left to right are as follows:

- * a wooden window of three casements, each with six lights
- * a wooden door of ten lights, age indeterminate
- * a wooden window of two casements, each with six lights
- * a wooden door with sidelights, opening onto a deck, all of relatively recent construction
- * a wooden door of ten lights, age indeterminate
- * a steel sash window of twelve lights

All of these windows appear to be original or early, while the doors may not be.

The plumbing shop/garage

Like the house, the plumbing shop/garage is one story plus a raised basement in height, is clad in rustic siding, and is trimmed at the corners and around the garage opening with flat boards. The opening is seven feet wide and is filled by a modern roll-up door.

Facing the sunken yard are three openings. One is a small window in the upper level; it has modern metal sash surrounded by flat board trim. Below is a large steel sash window that wraps around the corner; it has sixteen lights on each side. To its left is a paneled door with original brass hardware.

History

Nob and Russian Hills -- rebuilding after the earthquake and fire of 1906

All of Nob Hill and most of Russian Hill had been fully developed by 1906. During the earthquake and fire, all of Nob Hill was destroyed, and the overwhelming majority of Russian Hill burned as well. Rebuilding took place over approximately a decade, to no clear pattern. Many homeowners who were burned out returned to rebuild on the same site, but many others were unable or chose not to do so. Among those that did, some rebuilt very quickly, in 1906 or 1907, building small houses that they could immediately afford. In some respects the first owner of the subject house, Patrick F. Casey, followed this pattern. Others waited for two to three years, over which period they saved money so they could build larger and more substantial houses or, more often, sets of flats. Some of those who built small houses immediately after the fire later pushed those cottages back on the lot and built sets of flats in front. In a few places on Russian Hill such developments -- flats of 1908-1909 in front of older cottages -- can still be found.

Nob Hill may be differentiated from Russian Hill in that, because it is closer to downtown, its property values have always been higher. As a result, much of Nob Hill was rebuilt at high density, with apartment buildings and sets of three or more flats. The area around Bernard Street, at the boundary between Nob and Russian hills, was developed at a medium level of density, with houses and sets of two flats.

Of small houses that were built during 1906 or 1907, a number remain that possess higher integrity and greater architectural interest than does the subject property. A sampling includes:

on Nob Hill:

1110 Taylor Street; built 1906 or 1907; Classical-Baroque style; City Landmark #251; pictured in *Here Today*, page 73

on Russian Hill:

852 Green Street; built in 1907; Oliver Everett, architect; see photo below

1960 Jones Street, SE corner Union; built in 1907; Shingle style; visible on Google Maps

2229 Leavenworth Street (rear); built in 1906 or 1907; see photo below

939 Lombard Street; built in 1907; see photo below

950 Lombard Street; built in 1906 or 1907; see photo below

12 Sharp Place (behind 1136-1140 Green); built in 1906-1907

932 Vallejo Street/1635 Mason; shingled cottages; at least four in this compound were built in 1906.

Besides the above, many houses and sets of flats that are much larger than these and were also built in 1906 or 1907 stand in these neighborhoods. Additionally, others of this class can be found nearby in North Beach (e.g. 850 to 864 Vallejo Street, rear, built 1906-1907).

History of 162-164 Bernard Street

Patrick F. Casey and family

The first owner of the subject house, Patrick F. Casey, was born in Ireland in 1850 and came to the United States as a child in 1858. He is first positively identified in the San Francisco city directory of 1881, when he worked as a gasfitter. He worked as such for various employers until 1898, when he opened his own plumbing shop at 1019 ½ Pacific Avenue. He lived nearby then as a renter at 127B Bernard Street, with his wife Sarah, a native of England, and their son and daughter.

In October 1903 he purchased and moved into a house across the street, then numbered 118 Bernard, where the garage on today's property is located. By January 1906 he had

also purchased the adjoining house and lot to the west (120 Bernard), where today's house is. Three months later his two houses on Bernard and his plumbing shop on Pacific Avenue burned along with the rest of the neighborhood. In September 1906 he began building his replacement house, today's 162-164 Bernard Street.

He and his wife Sarah lived at 162 Bernard for over twenty years, through about 1928. Patrick Casey owned his own plumbing shop throughout this period. His shop building was almost certainly the current garage on this property. It is shown on the 1913 Sanborn map, labeled "repairing," and is listed as his plumbing shop with the address of 156 Bernard beginning in the 1913 city directory. Sanborn maps of 1913, 1950, and the 1980s all show the same footprint and location for this building.

Patrick Casey's was one of very many plumbing shops in San Francisco during the period he worked. The classified section of the 1908 city directory lists 256 plumbing and gasfitting shops -- Patrick Casey's not among them. It stands to reason that other small-scale plumbers also worked from their own homes, as Casey did, and did not bother to pay for a classified listing. (In later years, Casey did pay for classified listings.) No effort has been made to determine how many plumbing shops of 1906-1928 besides Casey's still stand in San Francisco.

Patrick and Sarah's son Frank also lived at 162 Bernard Street at least through 1914; he worked as a bookkeeper for Moise-Klinkner, which sold rubber stamps, stencils, signs, and related items at 1212 Market Street. During the 1920s both Sarah and daughter Ruth worked at home as dressmakers. Patrick died in about 1928, and Sarah died in the early 1930s. Ruth inherited the house and lived in it through 1938, when the property was sold.

In all, Patrick F. Casey lived at 162 Bernard and had a plumbing business at #156 for twenty or twenty-one years, until 1927 or 1928; and his wife and daughter continued to own and live in the house for another decade.

The 1913 Sanborn map labeled this house as a pair of flats. Both city directories and the censuses list the Caseys living at 162 Bernard. No persons could be found living at 164 Bernard in either the 1910 or 1920 censuses. It may be that the building served as a single family house during most or all of the period the Caseys lived in it.

Subsequent owners and residents

In 1938 the estate of Sarah Casey sold these two lots to G. E. and Fay Parameter. The Parameters retained ownership through at least 1979 but do not appear to have ever lived here. Renters under their ownership lived here mostly briefly, and most had no listed occupation. They included:

1940: This address was not listed, and the house was presumably vacant, per a reverse directory at the S. F. Public Library.

1951-1953:

#162: Virginia Fernandes, a waitress

#164: Herbert E. Bartow, a draftsman for Title Insurance and Guarantee Co., and his wife Jane

1958:

#162: K. L. Martin, a stewardess for Pan American Airlines

#164: Barbara Sonnemann, no occupation

1963:

#162: R. S. Craven, no occupation

#164: Richard E. Ambrose, no occupation

1968:

#162: Dori Jorgenson, student

#164: Jimmy and Shee Wong, no occupation

1980:

#162: Ron Goodfellow, no occupation

#164: Mrs. Jeremiah N. Pease, retired

Alterations

Only three building permits could be found under this address. The earliest, in August 1952 (permit #149009, for G. Parameter), was to remove old siding damaged by a fire and to replace it with new siding. The roof and two vent pipes were repaired at the same time. The repair seems to have been done with care, as it is difficult to see where new siding has replaced old. In 1997 (permit #836218) Markoff Structural Pest Control performed repairs to support posts, base plates, sills, framing members, lower siding, and the porch and stair assembly. In 2001 interior kitchen work was done.

None of the above work affected the architectural integrity of the house. No permits could be found for the most important alterations, that of the large window in the front of the house, for the basement-level entrance and deck on the east side of the house, or for the garage door in the former plumbing shop.

Integrity

The two buildings on this property have never been moved, and so the property retains integrity of location.

The only alteration of note to the front of the house is that to the large window in the main story. On the east side of the house, the larger entrance with sidelights, and the associated deck, appear to be of relatively recent construction. In the plumbing shop/garage, the wide vehicle opening is probably an alteration from the original, and the roll-up garage door certainly is new. Because of these alterations, integrity of design, materials, workmanship, feeling, and association are mostly retained but have been substantially diminished.

Most early houses on the 100 block of Bernard Street appear to have been heavily altered or have been replaced by modern (post-World War II) construction. Only a few buildings from the decade after 1906 remain intact. Thus, this property has lost integrity of setting.

Evaluation

Evaluation under Criterion 1 of the California Register, association with events and patterns of history

Two patterns of history come to mind in relation to this property. One is the immediate post-earthquake-and-fire rebuilding of small houses on Nob and Russian hills. A small to moderate number of such houses that were built during the years 1906-1907 remain standing with high integrity. Of those that do, at least eight to twelve possess better integrity and greater architectural interest relative to 162-164 Bernard. They are also better examples of this pattern of history than 162-164 Bernard because the latter house, as can be seen from its sunken yard, is substantially larger than the others, and seems have been built as flats. The subject property, then, may be more properly comparable to larger sets of flats than to small houses built after the earthquake and fire.

The other pattern of history that comes to mind is that of small, home-based plumbing shops during the post-1906 period. This seems like a mundane subject, one that is not of great importance in San Francisco history. The fact that the garage door in Casey's shop building is obviously an alteration, and occupies a large percentage of the total facade area, further lessens its historical interest.

For these reasons, the subject property does not appear to be eligible for the California Register under this criterion.

Evaluation under Criterion 2 of the California Register, association with persons

Neither Patrick F. Casey, nor other members of his family, nor later renters of the subject house were significant in San Francisco history. For this reason, the subject property does not appear to be eligible for the California Register under this criterion.

Evaluation under Criterion 3 of the California Register, design

The only architectural features of any note in these buildings are the bracketed cornice on the house, the ornamental iron fence in front of the house, and the large casement and steel windows that face the sunken yard in the house and shop building. The latter are invisible from a public right-of-way. These seem insufficient to raise the otherwise very plain architecture of these buildings to a level of distinction. Accordingly, the property does not appear to be individually eligible for the California Register under this criterion.

Investigation of a potential historic district in the vicinity

Fewer than half of the buildings on the 100 block of Bernard Street possess discernible style details; many are quite plain as a result of alterations or late construction date. Thus, no potential historic district can be found here.

References

“Real Estate Transfers,” *S. F. Chronicle* October 23, 1906, page 19. Patrick F. Casey purchases the 23’ lot where the plumbing shop/garage now stands.

January 1906 block book. Patrick Casey owns the entire 46’ lot. At the San Francisco History Center, Main Library.

Record of Building Applications Filed, May 1906 to April 1907. #3427, September 13, 1906, owner P. F. Casey, location 120 Bernard Street. Estimated construction cost was given as \$1,000. At the San Francisco History Center, Main Library

Sales Ledgers 1914-1939 for the sale of this property. At the Assessor-Recorder’s Office, City Hall.

San Francisco city directory listings 1881-1938 for Patrick F., Sarah, Ruth, and Frank Casey. Listings of 1951-1980 for renters at 162-164 Bernard Street.

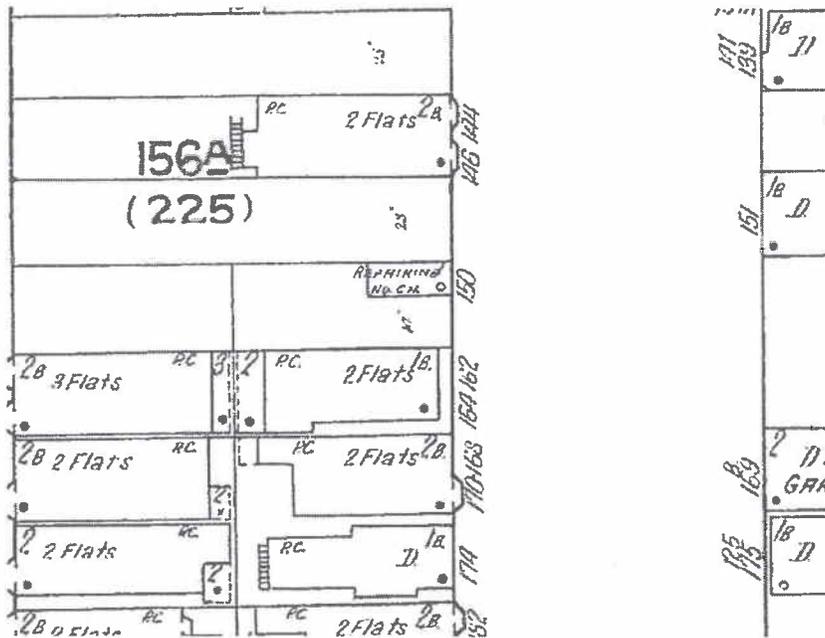
1910 and 1920 censuses for the Casey family at 162 Bernard Street. No residents at #164 could be found.

Building permits for 162-164 Bernard Street. At the Department of Building Inspection, 1660 Mission Street. Permit #149009 (Aug. 1952) documents replacement of siding damaged by fire. Permit #836218 (October 1997) documents repairs by Markoff Structural Pest Control. A third permit (2001) is for interior kitchen work.

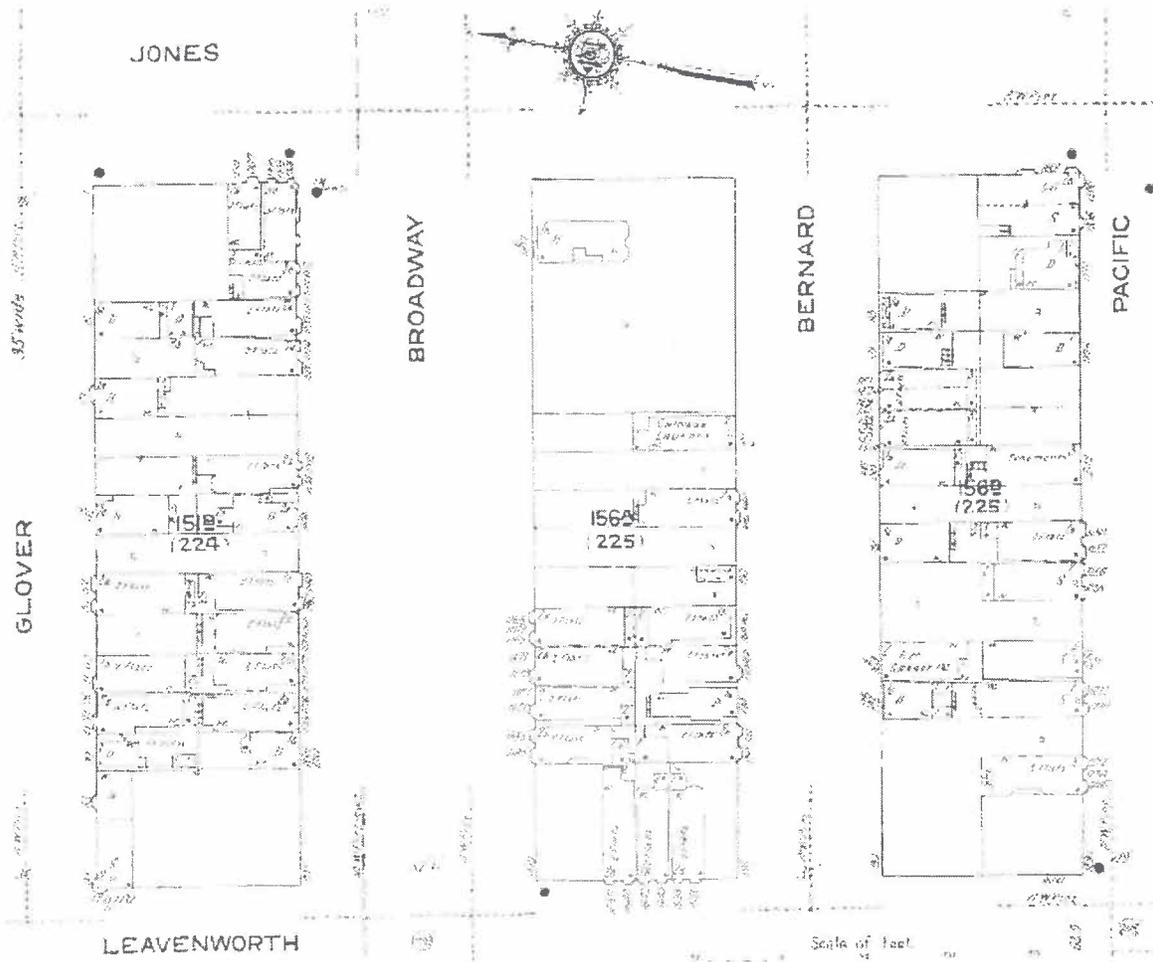
1913, 1950, and 1980s Sanborn insurance maps



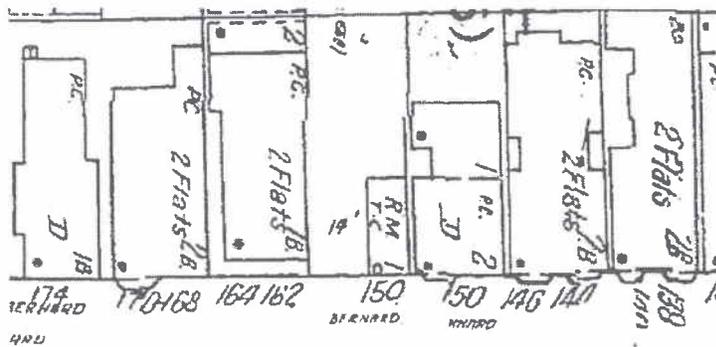
Record of Building Applications Filed, May 1906 to April 1907. At the San Francisco History Center, Main Library. Permit #3427, dated September 13, 1906, documents P. F. Casey's application for a building permit at "120 Bernard," which was the address of his pre-earthquake house on this site. The cost of construction is given as \$1,000. The original building permit could not be found at DBI, 1660 Mission Street, so this image is included here in its stead.



Close-up of the 1913 Sanborn Insurance map for this site. The subject house is shown at 162-164 Bernard as two flats. The current garage on the property is shown at 150 Bernard and is labeled "Repairing." City directories gave the address of Patrick Casey's plumbing business as 156 Bernard.



Above: 1913 Sanborn map, shown at larger scale. Of the fourteen houses, flats, and laundry on Bernard Street then, most have been heavily altered or demolished.



1950 Sanborn map, showing the location and footprint of the plumbing shop/garage as unchanged since 1913. The 1980s Sanborn map at SFPL shows the same footprint.



House plus garage



Cornice and frieze of the house. It resembles that of a flat-front Italianate, save that the brackets are not incised with decorative patterns.



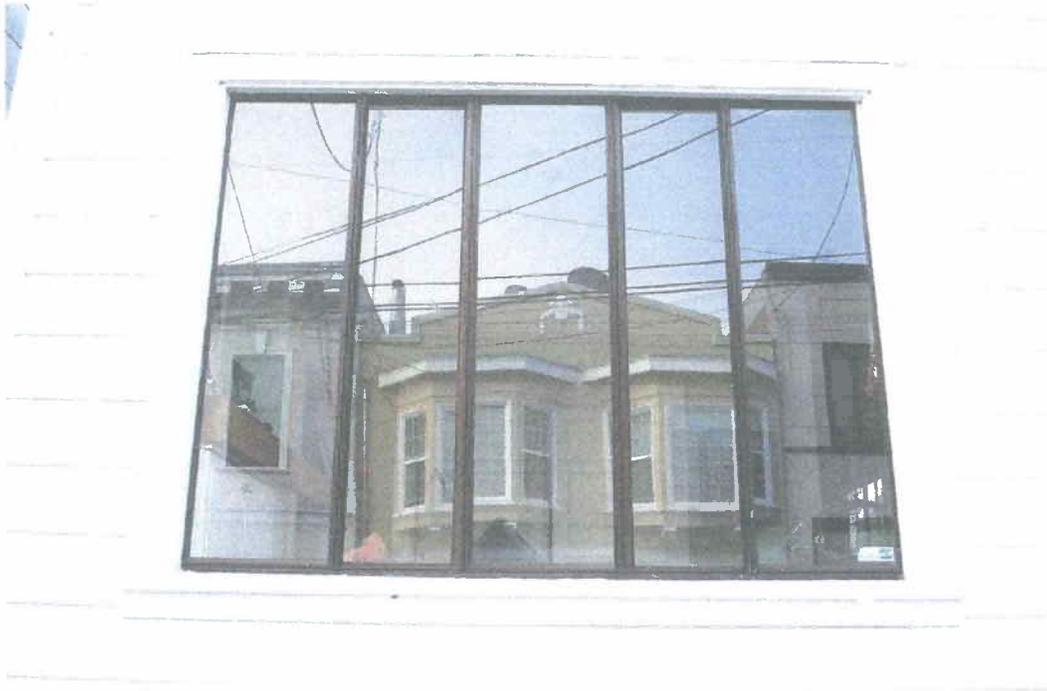
Above and at right: Entrance of house, with details showing paneled sides, transom, and front steps.



At left: Original door hardware.

At right: Decorative iron fence in front of the house.





Window in the main facade. The metal sash is an alteration. The opening with its plain board trim and sill may be original, but this is uncertain.



Leaning over the iron fence, one can attain a view of the front basement-level window, composed of four casements of six lights each. The top of the concrete retaining wall is visible here.

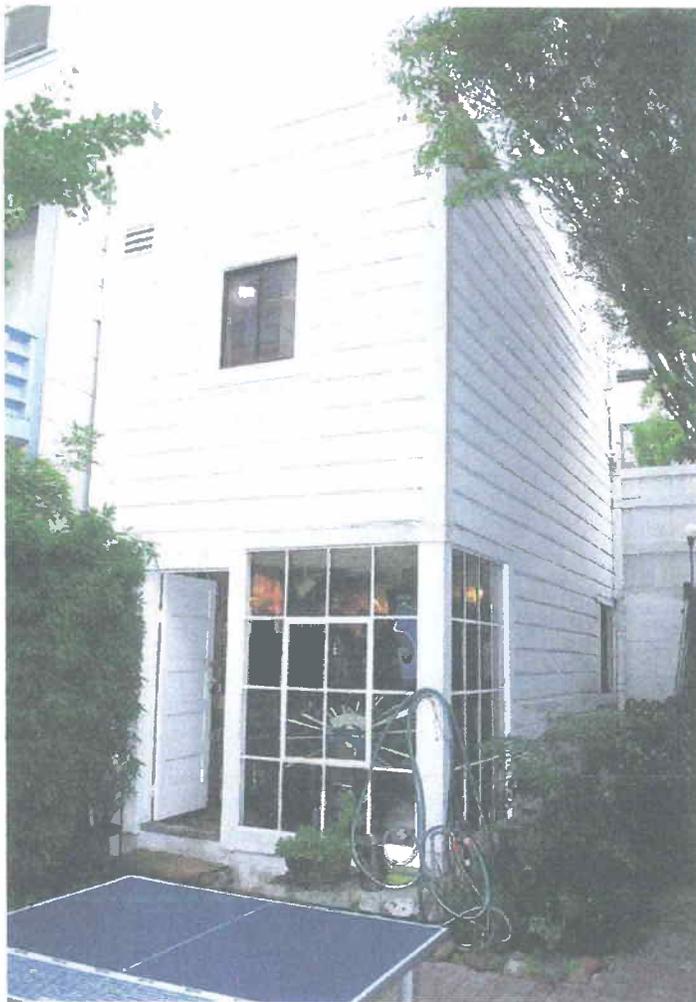


Two views of the east side of the house taken from the sunken yard. Top photo: Looking north toward Bernard street. Bottom photo: Looking southeast toward the rear of the lot.

All original or early windows are divided by muntins into multiple lights and have plain board trim and sills. A modern window in the second story (at far right) lacks such trim. The deck entrance with doors and sidelights may be of recent construction.



Details of windows and doors in the east side of the house. The former are original or early, while the latter appear to be of recent construction.



The former plumbing shop/garage, from the street (above) and from the sunken yard (at left).

Detail of steel sash windows at the corner (below).





The concrete retaining wall, taken from the narrow space between it and the house.

The 100 block of Bernard Street



Left to right: An apartment building facing Leavenworth Street, 180-182 Bernard, and 174-178 Bernard.



168 Bernard and the subject house at 162-164



150, 144-146, and 138-140 Bernard



130, 126-128, and 120 Bernard. #130 is the most distinctive of the several buildings on the block from the 1950s-1960s. #126-128 dates from the late 1910s or ca. 1920 and is probably the best building on the block, architecturally.



115, 123, and 129 Bernard



133, 139-141, and about 145 Bernard



151, 157, and 165 Bernard



165 and 175 Bernard

Other examples of small houses from 1906-1907 on Russian Hill

Note: Please see *Here Today*, page 73, for a photo of 1110 Taylor Street, on Nob Hill.



Top left: 852 Green Street, built in 1907; Oliver Everett, architect.

Top right: 2229 Leavenworth, rear. Built in 1906 or 1907.

Bottom left: 939 Lombard, rear. Built in 1907.

Bottom right: 950 Lombard. Built in 1906 or 1907.

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CASE NUMBER:
14-08-00000**RECEIVED**

JUN 08 2015

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P I C**APPLICATION FOR
Discretionary Review**

1. Owner/Applicant Information

DR APPLICANT'S NAME: Patrick J. Connolly and Tiffany Hsueh		
DR APPLICANT'S ADDRESS: 127A Bernard Street, San Francisco, California	ZIP CODE: 94109	TELEPHONE: (415)357-0600

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Philip Campbell, Julia Campbell, Philip Campbell & Julia Campbell Revocable Trust		
ADDRESS: 162 Bernard Street, San Francisco, California	ZIP CODE: 94109	TELEPHONE: (415) 279-0056

CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Niall Vignoles		
ADDRESS: 649 Mission Street, Fifth Floor, San Francisco, California	ZIP CODE: 94105	TELEPHONE: (415) 823-3683
E-MAIL ADDRESS: vignoleslaw@gmail.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 162-164 Bernard Street	ZIP CODE: 94109
CROSS STREETS: Leavenworth Street and Jones Street	

ASSESSORS BLOCK/LOT: 0156 /037	LOT DIMENSIONS: 23x60	LOT AREA (SQ FT): 1380	ZONING DISTRICT: RH-3	HEIGHT/BULK DISTRICT: 65-A
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3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
Two Family Dwelling

Present or Previous Use:

Proposed Use: Two Family Dwelling

Building Permit Application No. 2014.08.11.3471

Date Filed: August 11, 2014

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

The DR applicants discussed their concerns with both the Planner and the Sponsor. The Sponsor made clear that she was not going to compromise based on the concerns raised by the DR applicants. The DR applicants were not provided notification in August 2014 when other neighbors received notice and only recently learned of the project when the Notice of Building Permit Application was mailed.

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Please see Attachment.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Please see Attachment.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Please see Attachment.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:  _____

Date: 6/5/15

Print name, and indicate whether owner, or authorized agent:

Patrick J. Connolly
 Owner / Authorized Agent (circle one)

Applicant's Affidavit

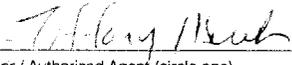
Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 6/15/2015

Print name, and indicate whether owner, or authorized agent:


 Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Convenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

RECEIVED

JUN 08 2015

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P.T.C.

For Department Use Only

Application received by Planning Department:

By: Kurt Betn

Date: 6/8/15

ATTACHEMENT TO APPLICATION FOR DISCRETIONARY REVIEW

DR APPLICANT: Patrick J. Connolly and Tiffany Hsueh

PROPERTY OWNER WHO IS DOING PROJECT: Philip Campbell, Julia Campbell & Philip Campbell & Julia Campbell Revocable Trust

STREET ADDRESS OF PROJECT: 162-164 Bernard Street

Discretionary Review Request

1. The existing historic 1906 cottage and garage are each located on small 23 x 60 lots mid-block on a narrow mid-block alley and are surrounded on all sides by buildings which are only one or two stories (some of which are over garages). [See Exhibits A-F.] All of the midblock buildings on this block of the alley (Exhibits A-D), the midblock buildings fronting on Broadway and abutting the rear of the proposed Project (Exh. E) and most other midblock buildings in the neighborhood (Exh. F) are only one or two stories (some being over garages).

The alternations to cottage and the new construction on adjacent parcel will: 1) cause the height of the proposed buildings to be incompatible with the height and scale of all mid-block buildings; 2) create two new four story buildings over basements with roof decks where all other mid-block buildings (including adjacent rear buildings on Broadway) are one or two story; 3) create the only four story buildings in the middle of the block and the tallest buildings in the middle of the block instead of at the end of the block near the wide street; 4) mass into mid-block open space on the alley, which is particularly harsh on this narrow block (it will also mass onto mid-block open space on Broadway); 5) negatively affect quality of pedestrian experiences on the block where bulk effects are particularly pronounced on a narrow alley-type mid-block street; 6) increase shadowing and reduce light to the alley and adjacent buildings; 7) destroy the historic feel of the cottage/garage now at the two-parcel joint project; and 8) change the historic character and feel of the block, including by the proposed frontage design of the building.

2. The proposed construction on the two adjacent parcels will create two new adjacent structures towering over the adjacent buildings and the block because they are much taller and are more stories than all adjacent buildings and all midblock buildings. [See Exhibit G.]

Specifically, the alternations to cottage and the new construction on adjacent parcel will: 1) cause the height of the proposed buildings to be incompatible with the height and scale of all mid-block buildings; 2) create two new four story buildings over basements with roof decks where all other mid-block buildings (including adjacent rear buildings on Broadway) are one or two story; 3) create the only four story buildings in the middle of the block and the tallest buildings in the middle of the block instead of at the end of the block near the wide street; 4) mass into mid-block open space, which is particularly harsh on this narrow block(it will also mass onto mid-block open space on Broadway); 5) negatively affect quality of pedestrian experiences on the block where bulk effects are particularly pronounced on a narrow alley-type mid-block street; 6) increase shadowing and reduce light to the alley and adjacent buildings; 7) destroy the historic feel of the cottage/garage now at the two-parcel joint project; and 8)

change the historic character and feel of the block, including by the proposed frontage design of the building.

Neighboring owners and tenants of the proposed Project have had discussions with the DR Applicants in which they have expressed these concerns and the potential adverse effects on them (as discussed above).

3. The height of the alternations to cottage and the new construction on adjacent parcel should be limited to the prevailing roof height, which is approximately thirty (30) feet. A reduction in height can be achieved by not approving the fourth floor over the basement and/or by reduction of proposed tall ceiling heights. A reduction in the height of the alternations to cottage and the new construction will mitigate the potential adverse effects listed in #1-#8 above. A reduction in height will also mitigate the adverse effects of the elevator overrun which extends higher than forty (40) feet based on the proposed plans.

The front of the proposed altered cottage and the new construction on adjacent parcel should be set back to match the set back of the existing cottage. A front set back will mitigate the potential adverse effects listed in #1, #4-#8.

The front façade of the proposed altered cottage and the new construction should provide features that acknowledge the historic designs of neighboring buildings along the block, many of which were built within the decade after the 1906 earthquake.

From the Desk of Tiffany Hsueh

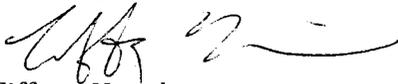
June 5, 2015

San Francisco Planning Department
Planning Information Center
1660 Mission Street, First Floor
San Francisco, CA 94103

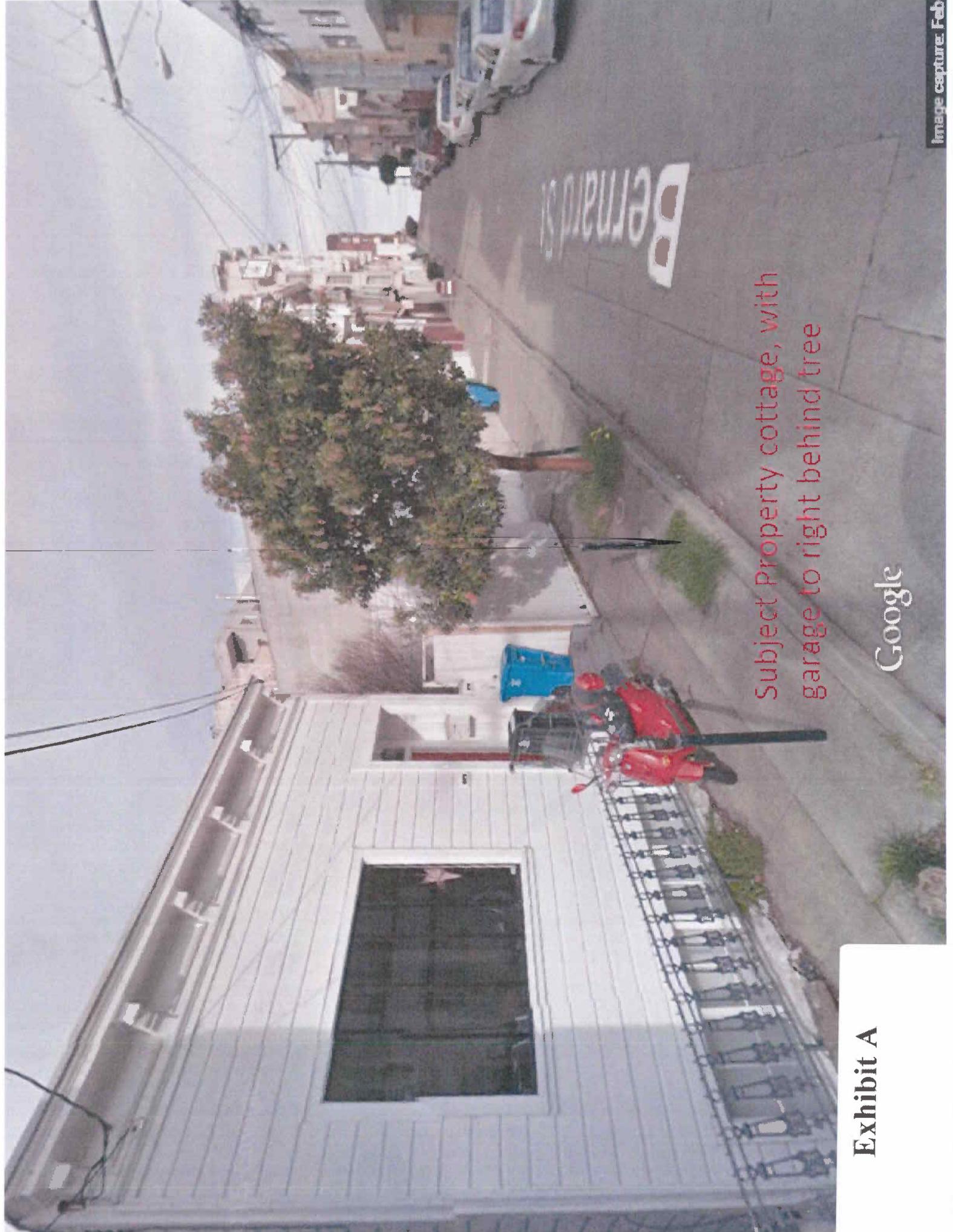
To Whom It May Concern:

I, Tiffany Hsueh, authorize Patrick J. Connolly, the co-owner of the building located at 127-131 Bernard Street with me, to file enclosed Application for Discretionary Review on my behalf for the projects located at 160 Bernard Street and 162-164 Bernard Street.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany Hsueh', with a long horizontal flourish extending to the right.

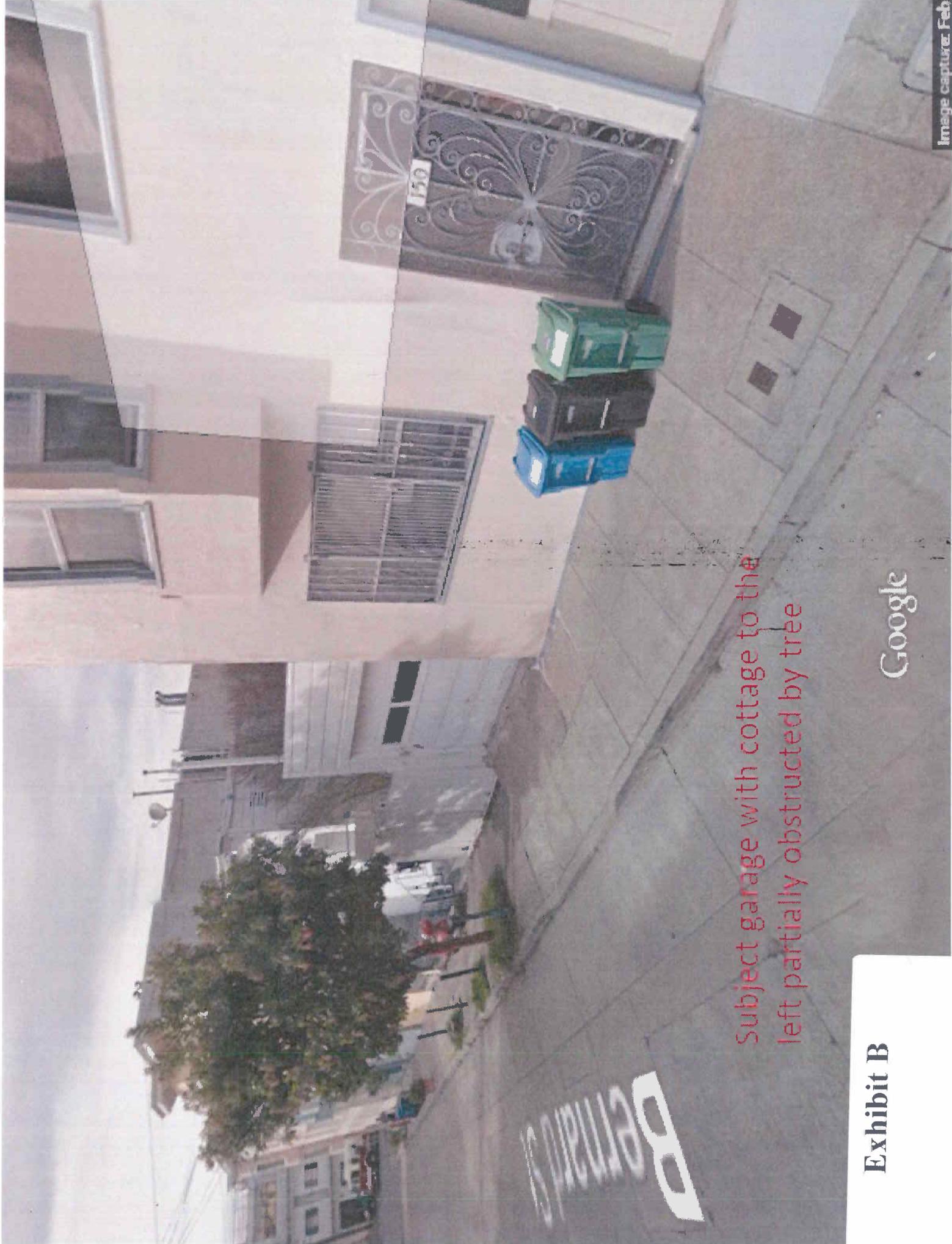
Tiffany Hsueh



Subject Property cottage, with
garage to right behind tree

Exhibit A

Google



Subject garage with cottage to the left partially obstructed by tree

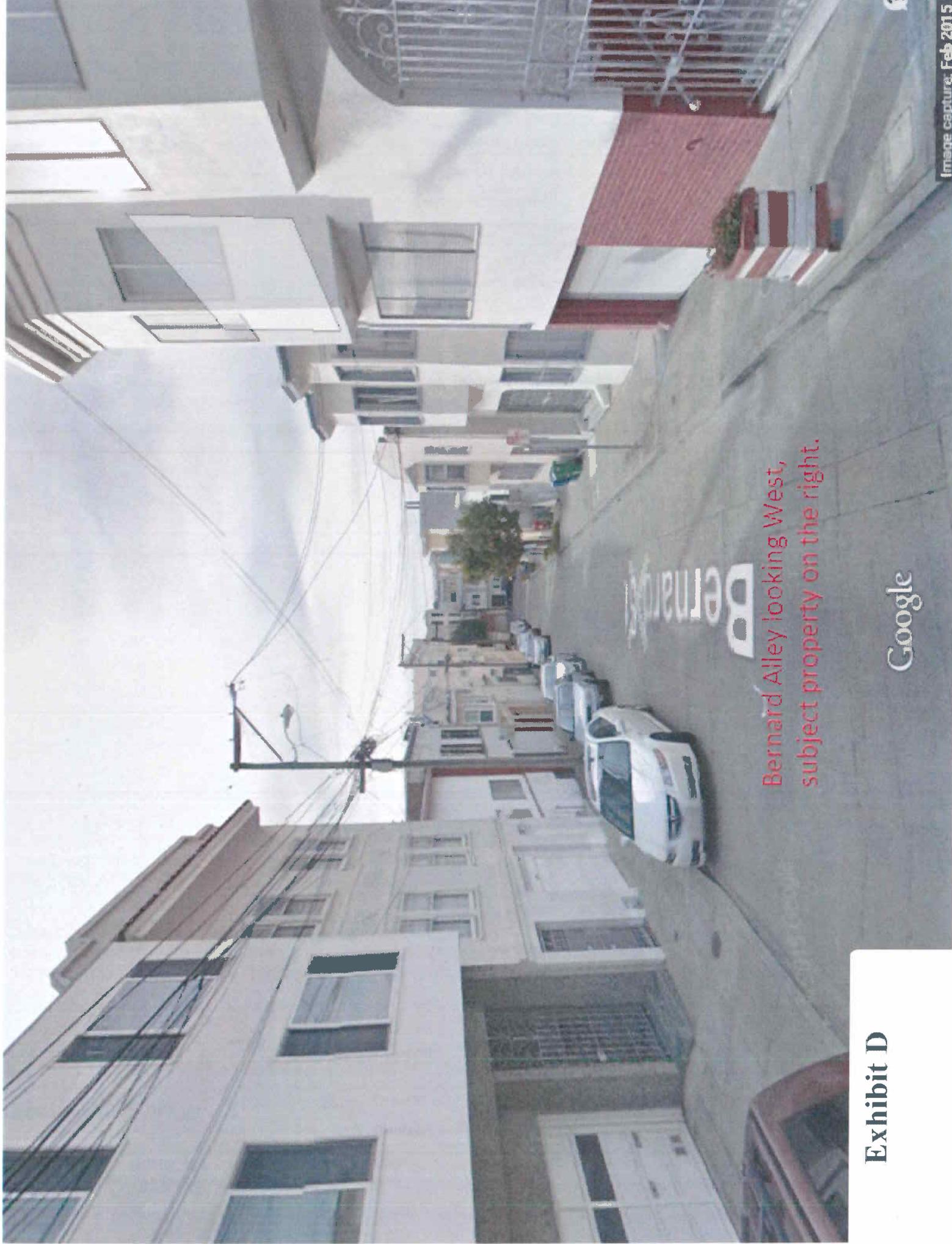
Exhibit B

Google



Bernard Alley looking East,
subject property on the left.

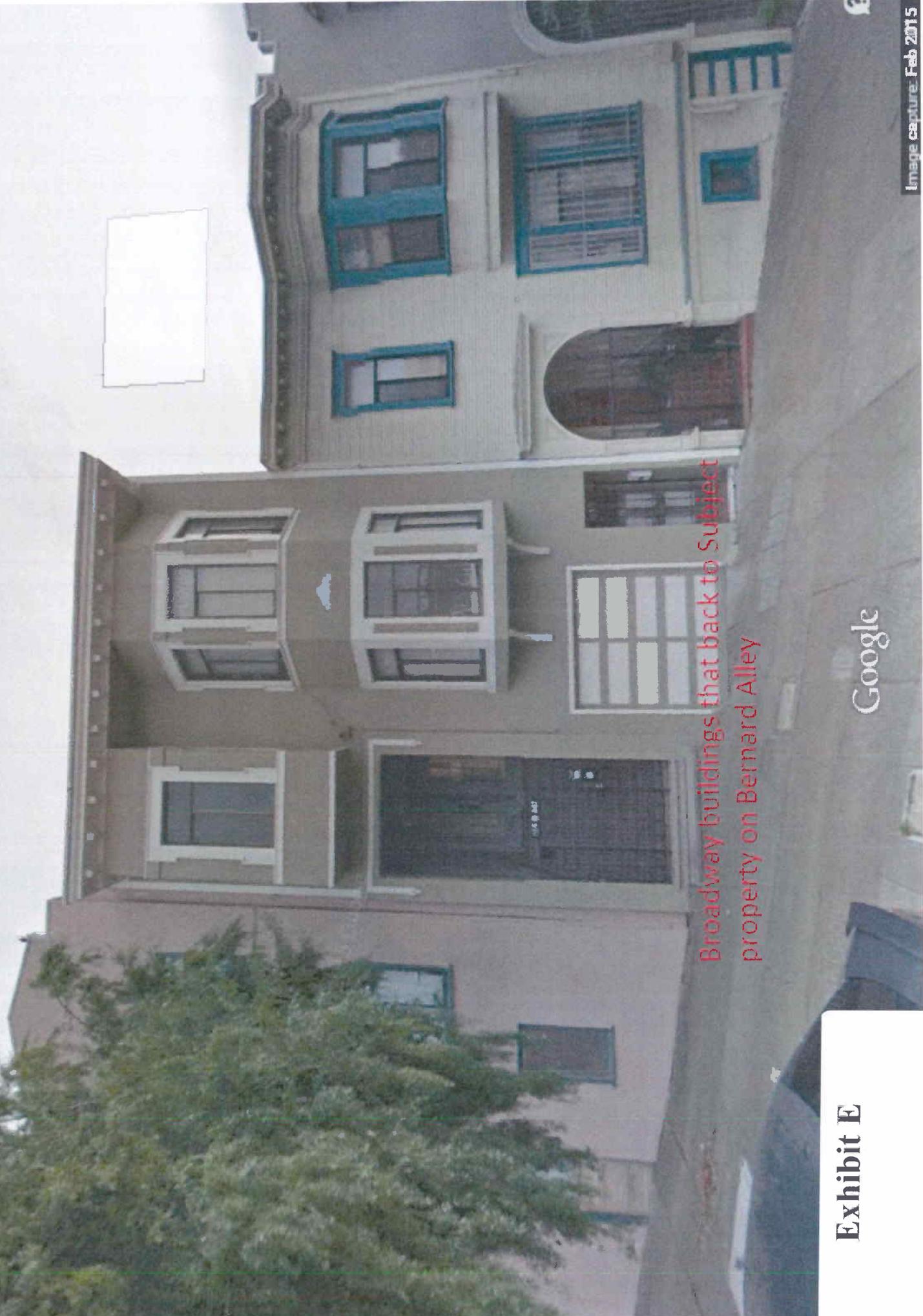
Exhibit C



Bernard Alley looking West,
subject property on the right.

Google

Exhibit D



Broadway buildings that back to Subject property on Bernard Alley

Google

Exhibit E

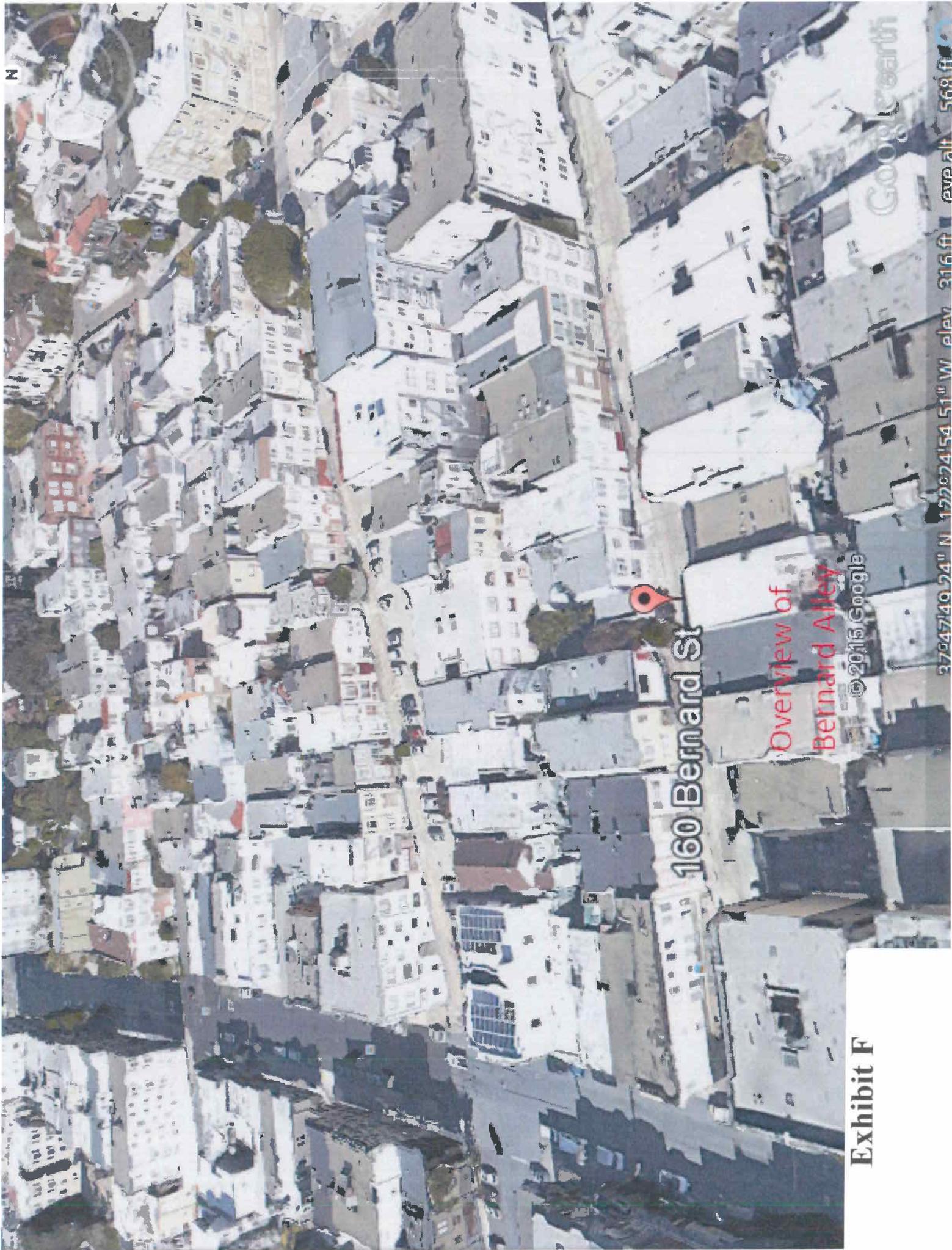


Exhibit F

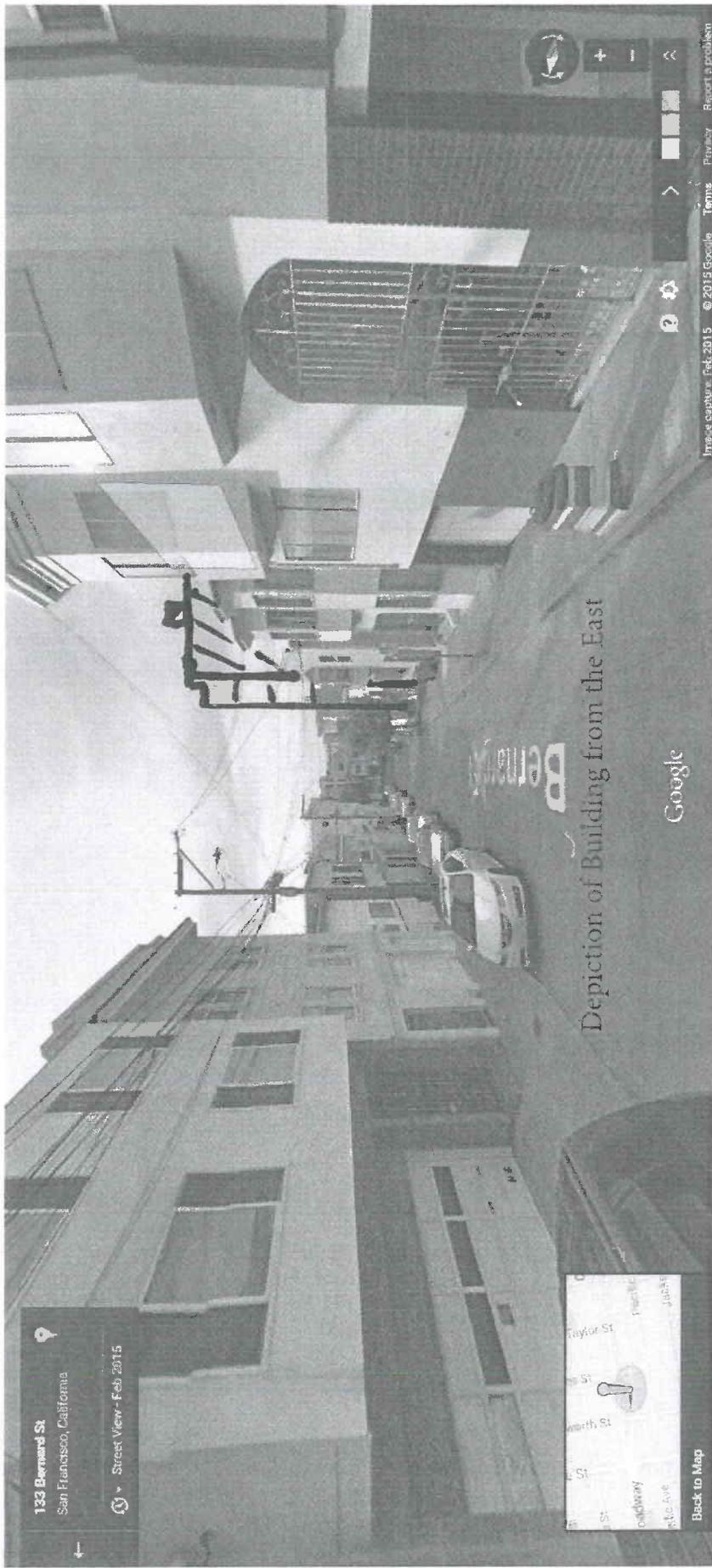


Exhibit G

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ALLIANCE WITH
GOWERS INTERNATIONAL

January 4, 2016

Commissioner Rodney Fong
President, Planning Commission
1650 Mission Street, fourth floor
San Francisco, CA 94103

**Subject: Opposition to Discretionary Review Request
Proposed buildings at 160 Bernard and 162-164 Bernard Street**

Dear Commissioner Fong:

Our office represents Julia and Philip Campbell (collectively, “Applicants”), who propose to demolish a single car garage with a storage room underneath and construct a two-unit, four-story building with a basement at 160 Bernard Street, and to remodel and add two floors to the existing one-story plus basement two-unit building at 162-164 Bernard Street (collectively, the “Project”). The 160 and 162-164 Bernard properties are two separate legal lots (collectively, the “Site”). The Applicants currently reside in the 162-164 Bernard Street building and plan to reside in the upper unit of the 160 Bernard Street building once it is completed. Upon completion, the Project will have two four-bedroom units, one two-bedroom unit and a one-bedroom unit.

Patrick Connolly and Tiffany Hsueh (collectively, “DR Requestors”) reside at 127A Bernard Street, which is uphill and southeast from the Site. The DR Requestors filed discretionary review (“DR”) requests of the Project. Inasmuch as both DR requests are identical, the Applicants’ responses have been consolidated into one.

Discretionary review is granted only if exceptional or extraordinary circumstances exist. The DR Requestors fail to establish the existence of any exceptional or extraordinary circumstance in this case. Therefore, the DR requests are without merit and should be denied.

DUANE MORRIS LLP

SPEAR TOWER, ONE MARKET PLAZA, SUITE 2200
SAN FRANCISCO, CA 94105-1127
DM2/6417173.1 R2478/00001

PHONE: +1 415 957 3000 FAX: +1 415 957 3001

PROJECT APPLICANTS

The Applicants, who have three children, bought the properties in 1997 from Patricia Brindle and her husband who occupied both of units at 162-164 Bernard Street. The Applicants have resided at the Property since that time and occupy both units. In 2001 the Applicants obtained permits to renovate the existing kitchen on the lower floor of 162 Bernard Street and to expand an existing bathroom on the upper floor. In 2003 the Applicants submitted a permit request to renovate the 162-164 Bernard building into a single family home. The Planning Commission approved the plans with the condition that a replacement second unit be constructed by expanding the garage on the adjacent legal lot which is under common ownership. The Applicants decided not to proceed with the approved application due to financial considerations. The Project is to construct two buildings, each with two units. The Project would add two four-bedroom dwelling units to be added to the City's housing stock.

PROJECT SITE

The Site is located where the western slopes of Nob Hill and Russian Hill meet in an established residential area with medium to high density housing that is close to Downtown. The buildings on this block range from one to four stories and from single family homes to 16 unit apartment buildings. The architecture of the buildings is diverse providing a mixed visual character. (See photographs of the Site vicinity attached hereto as **Exhibit 1.**)

The Site, two adjoining lots each measuring 23' x 60', is located in an RH-3 zoning district and a 65-X Height and Bulk District, which allows buildings up to 65' high. The 160 Bernard Street property is improved with a 10'10" x 22', 238 gross square feet (gsf) garage with basement storage located at the southeast corner of the lot. Except for this small structure constructed in 1913, the remainder of the site is undeveloped providing light and air to the property line windows of the two unit building located at 162-164 Bernard Street.

The one-story over basement two-unit building at 162-164 Bernard Street was constructed in 1906. The basement unit contains a kitchen, a family room, a bedroom with a connecting home office, bathroom and utility room. The ground floor unit contains a living room, two bedrooms, kitchen and bathroom. The façade of the building is set back 4'7" from the front property line to provide access to the basement unit. The Planning Department has determined that this building is not a historic resource. (See Categorical Exemption, the Historic Resource Evaluation Report by William Kostura and the Department's Historic Resource Evaluation attached to the Case Report.)

The existing building lacks adequate light and air access in that:

- The family in the basement has one small west facing window facing a 2'10" open air wide exit corridor and a window on the side property line, and a window facing a light well that is not sufficiently deep to provide adequate light and air;

Commissioner Rodney Fong
January 4, 2016
Page 3

- The basement bedroom and family room windows face the 2'-10" open air exit corridor;
- The hallway and the room at the rear at the ground floor are along the side property line; and
- The two front bedrooms receive their light and air facing the 2'-10" open air exit corridor.

This building does not meet numerous Building Code provisions, most notably with respect to the operable windows and doors along the property line and the light well. Compliance with the Building Code would deprive several rooms of air access to the rooms along the property line.

PROJECT

The Applicants propose to construct the Project in two phases. Phase 1 will be the demolition of the small garage/storage building at 160 Bernard Street and construction of a two unit townhouse, one being a new home for the Applicants. Phase 2 of the Project would be the renovation and addition to 162-164 Bernard Street. No tenants will be evicted in order to construct either building.

Phase 1 - Proposed Two-unit Building– 160 Bernard Street

The Applicants propose to demolish the existing garage/storage structure and construct a five story handicap accessible two-unit building with two townhouse units and off-street parking provided by a car stacker. The elevator will not access the roof limiting the elevator overrun to be approximately 4' high above the roof. (See the existing and proposed floor plans, elevations and sections attached to the Case Report.)

The 1,357 sq. ft. lower unit will be a townhouse consisting of the basement and the rear portion of the ground floor. The common area at the ground floor will include the entrance lobby for both units, the elevator, a garage with a car stacker for the two off-street parking spaces and two Class 1 bicycle parking spaces. This lower townhouse unit will have two bedrooms and a bathroom on the ground floor with the living/dining/kitchen area in the basement level. The private usable open space for this lower unit will be the 345 sq. ft. at-grade 15' deep Code complying rear yard. (See Sheets A2.1 of plans attached to the Case Report.)

The 2,801 sq. ft. upper four bedroom townhouse unit consisting of the second, third and fourth floors will be occupied by the Applicants and their family. The second floor will have an ensuite master bedroom, two bedrooms, laundry area and a bathroom. The third floor will contain the living room/office and an ensuite bedroom. The fourth floor penthouse containing the dining/kitchen area will be set back 8' from the front façade and 10' from the rear façade.

A 6' light well matching the adjacent light well of the uphill neighbor will ensure light and air access to the neighbor's rear bedrooms and hallway.

The 400 sq. ft. roof deck, the fourth floor 170 sq. ft rear terrace and the 184 sq. ft. front terrace will be the private usable open space for the upper unit. Access to the roof deck will be via a spiral staircase located at the fourth floor rear terrace. To minimize the visual height the railings of the roof deck will be glass. (See Sheet A2.3 of plans attached to the Case Report.) After the 160 Bernard building is completed, the Applicants' family will relocate to the upper unit of 160 Bernard Street and the lower unit will be rented.

Proposed addition and renovation of 162-164 Bernard Street Building

The two-unit, one-story with basement 162-164 Bernard Street building will include renovation of the basement unit and a vertical addition above the ground floor that complies with the rear yard requirement. The building will continue to have two units each with 2 new off-street parking spaces provided by a car stacker, as shown by the existing and proposed floor plans, elevations and sections attached to the Case Report.

The existing basement unit will be renovated to include a kitchen/living/dining area, one bedroom with a connecting home office, a bathroom, storage room, garage, circulation, and building services. This lower unit will not have any usable open space because it is a renovation of a lawful non-complying unit. (See Sheets A02.01 and A02.05 of plans attached to the Case Report.)

The upper four-bedroom townhouse unit will consist of the existing ground floor and the new second and third floors. The ground floor will contain an ensuite master bedroom, two bedrooms, and common area for the garage and building entry. The second floor will be an open living/dining/kitchen area. The partial third floor will be an ensuite master bedroom that is set back 8' from the street and 25' from the rear property line. The private usable open space will be the 184 sq. ft. second floor terrace, the 160 sq. ft. front terrace and the 230 sq. ft. rear terrace on the third floor. (See Sheets A02.03 and A02.04 of the plans attached to the Case Report.)

ISSUES RAISED BY DR REQUESTORS

The DR Requestors raise the following issues:

1. The existing buildings are historic resources and the Projects will adversely affect these historic resources.
2. The Projects are out of scale, too tall and incompatible with the character of the neighborhood.
3. The Projects will adversely affect the light and air access to the adjacent Broadway Street and Bernard Street neighbors.
4. The DR Requestors were not provided Pre-Application Notice of the Project.

APPLICANTS' RESPONSES TO ISSUES RAISED BY DR REQUESTORS

1. ***The Project will have no adverse impact on Historic Resources.***

DR Requestors' assertion that the Project would have a negative effect on historic resources is devoid of merit. The environmental review application submitted by the Applicants included Part 1 of a Historic Resource Evaluation Report by William Kostura (herein, "Kostura Report"). The Kostura Report found that the Site and Buildings were not associated with events or patterns of history, or person. Further, the few architectural features of note cannot be seen from the public right of way and these features are not sufficient to raise the Building to a level of distinction. (See pp. 8 and 9 of the Kostura Report, attached to the case report.) Kostura determined that the buildings on the Site are not eligible to be listed on the California Register.

The Planning Department conducted an independent review of the Kostura Report and agreed with his findings and conclusions. The Planning Department found that while "the two buildings have never been moved, retaining integrity of location, they have lost integrity of setting as most of the buildings on this block have been heavily altered or replaced; thus 'no potential historic district is identified in the vicinity of the subject property.'" A Class 1 and a Class 3 categorical exemption were issued as of April 28, 2015. See CEQA Categorical Exemption Determination attached to the case report. Notwithstanding the DR Requestors' contention, the buildings are not historic resources and cannot support a discretionary review request.

2. ***The massing and height of the Project are compatible with the massing, scale and character of the neighborhood.***

The DR Requestors contend that the Project's mass will be inconsistent with the surrounding buildings. The buildings in the Project block range from single family homes to apartments with up to 16 units, from one to four stories high. The DR Requestors chose to completely ignore both the uphill and downhill corner lots that feature the largest buildings on the block face and chose to focus only on the shorter mid-block buildings. The height of the Project design reflects the slope of the street. The Site is located in a 65' height district and the proposed buildings are 40' high.

The partial top floors of both buildings are set back 8' from the front facade of the floors below so they appear as three story buildings from the street. To further minimize the visual height of the buildings, the railing of the roof deck of the 160 Bernard building will be glass eliminating the need for a solid 42" high roof parapet.

The Project will replace the existing one story and small garage/storage buildings and the existing two-unit building that lack architectural interest with two contemporary buildings adding diversity to the existing architectural of the block. The Projects are consistent with the Residential Design Guidelines ("Guidelines") in that:

- The Project respects the topography of the Site in that it will step up the street and complete the block face. By setting back the upper floor, the Project will provide a pedestrian scale similar to the adjacent buildings. (See Guidelines page 11.)
- The existing buildings in the Site vicinity have minimal or no rear yards. (See enlarged Sanborn Map of the Project block attached hereto as **Exhibit 2**.) The addition to the 162-164 Bernard Street building above the ground floor and the new building at 160 Bernard Street will have rear yards that comply with the Planning Code and will not alter the existing rear yard corridor of the block.
- The partial top floors of the proposed buildings have been set back 8' from the front facade to maintain a pedestrian scale. The 23' wide façade is similar to the existing Bernard Street buildings except for the corner lots fronting on Leavenworth and Jones Streets. (See Guidelines 23 and 24.)
- The garage door will be slightly recessed, similar to the existing garage doors in the area. The 10' curb cut and the 8' garage door comply with the planning requirements. (See Guidelines page 37.)
- The rooftop architectural features, such as the elevator overrun, are minimized by keeping them at the minimum height required and the roof deck railings are glass. (See Guidelines page 38.)
- The form and detailing of the buildings are contemporary yet compatible with the various architectural characteristics of the neighboring properties. The primary façade materials on the existing structures on the block are stucco or wood siding. The primary façades of the Project buildings will be horizontal wood siding that would extend to the visible portion of the side property line walls. The front façades include bay windows commonly found in the Project neighborhood. (See Guidelines pages 34, 44, 47.)

3. **The Project will not adversely affect the light and air access to the adjacent buildings and Bernard Street.**

The Site is on the north side of Bernard Street. The partial top floors of both proposed buildings will be set back 8' from the front property line and 25' from the rear property line. The Sanborn Map attached here to as **Exhibit 2** shows that all of the buildings on the block face and those fronting on Broadway to the north do not have Planning Code complying rear yards. Several buildings on the block face including the 162-164 Bernard building have 100% lot coverage.

The two lots to the rear of the Site with frontage on Broadway are developed with a four story and a three story apartment building that are similar in height to the Project buildings. Both the 160 Bernard building and the expanded 162-164 Bernard building will have 15' deep code complying rear yards and the partial fourth floor are set back 25' from the rear property line;

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therefore, the Project will have minimal impact on sunlight and air access on the light and air access to the adjacent properties.

4. **DR Requestors received the Section 311 notice from the Planning Department.**

Prior to submitting the building permit application in 2014, the Applicants sent out a pre-application meeting notice to their adjacent neighbors, as required by the Planning Department. The DR Requestors reside approximately 120' uphill on the opposite block face and did not receive the pre-application meeting notice because they reside outside of the pre-application notification area.

When the DR Requestors received the Section 311 notice from the Planning Department they met with the Applicants and expressed their opinion that the proposed buildings are too high and out of scale with the neighborhood. The Applicants pointed out that the proposed buildings were 20' below the height limit and the design of the proposed buildings were reviewed extensively by the Planning Department prior to sending out the Section 311 notice. The proposed buildings do not have any stair or elevator penthouses on the roof (except for a minimum height for the elevator overrun) and the roof deck railings are glass to further minimize the visual height of the buildings. While the DR Requestors did not mention view blockage during the meeting, it became obvious that their concern was about blockage of their northwestern view.

SUMMARY

The DR Requestors fail to state facts supporting the existence of exceptional and extraordinary circumstances that warrant the granting of discretionary review by the Commission. The Project will add two new four bedroom units to the City's housing stock and retain a 1-bedroom unit and a 2-bedroom unit. The Project is consistent with the City's General Plan objectives and policies, the priority policies of Planning Code Section 101.1(b) and the Residential Design Guidelines. Notwithstanding the DR Requestors' contention, their real concern is blockage of their view towards to northwest by the Project. Private view corridors are not protected by the Planning Code or the Guidelines. (See Guidelines, page 18.)

It is respectfully submitted that the DR requests should be denied and the Project approved.

Very truly yours,

Alice Suet Yee Barkley

ASB/bah

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Attachments: Exhibits 1 and 2.

cc: Commissioner Cindy Wu
Michael J. Antonini
Rich Hillis
Christine D. Johnson
Kathrin Moore
Dennis Richards
Scott Sanchez
Mark Luellen
Nicholas Foster
Patrick Connolly and Tiffany Hsueh (DR Requestors)
Julia and Philip Campbell
Hulett Jones

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DuaneMorris

TABLE OF EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Photographs of project site and vicinity |
| Exhibit 2 | Sanborn Map showing the existing rear yard corridor |

EXHIBIT 1



A:
A DELIGHTFUL,
SPONTANEOUS **BERNARD
STREET** MOMENT CAPTURED
ON GOOGLE'S STREET VIEW.

NEIGHBORS HAVING A CHAT:
HE, WALKING HIS DOG AT THE
SIDEWALK.
SHE, PEERING OUT HER
WINDOW ON THE FIFTH
FLOOR.

THIS EXACT SPOT IS ACROSS
THE STREET AND ONE
PROPERTY UP FROM THE
DISCRETIONARY REVIEW
APPLICANT.

EXHIBIT 1



B: LOOKING NORTH ON LEAVENWORTH ST AT BERNARD ST



C: LOOKING SOUTH ON LEAVENWORTH ST AT BERNARD ST

EXHIBIT 1



D: LOOKING NORTH ON JONES ST AT BERNARD ST



E: LOOKING SOUTH ON JONES ST AT BERNARD ST

EXHIBIT 1

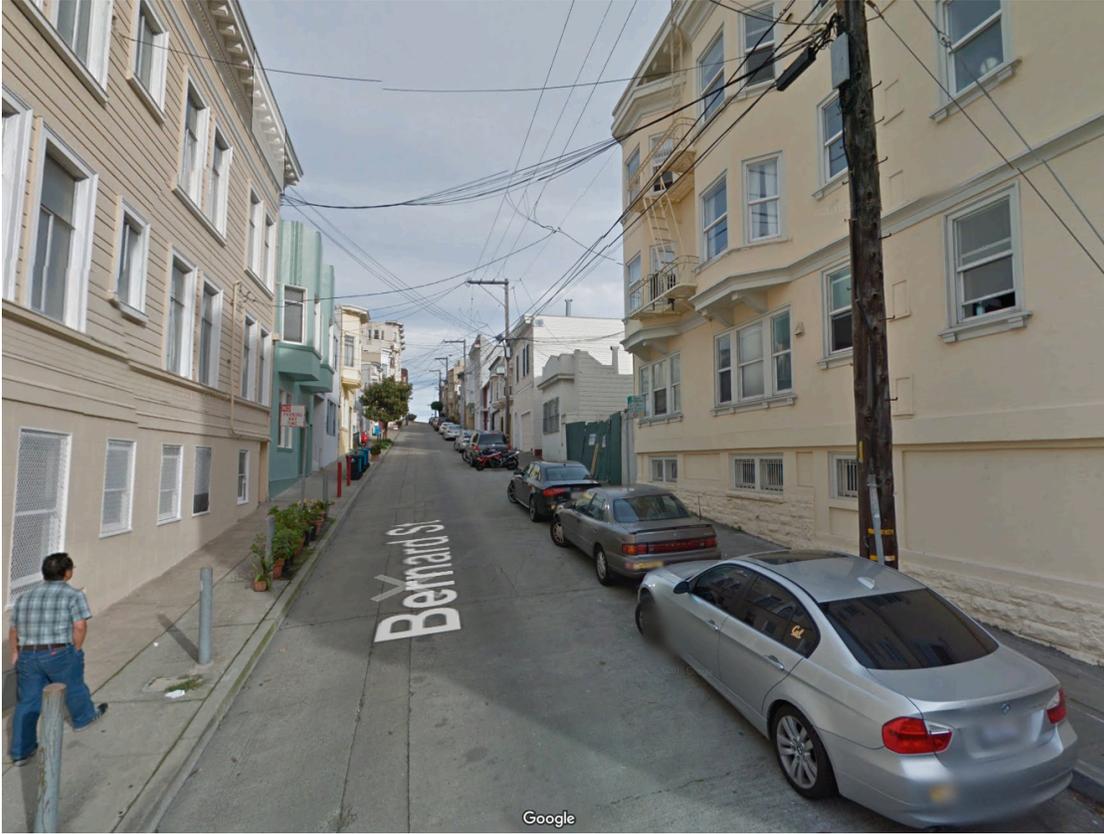


F: LOOKING WEST ON BERNARD ST AT EAST END OF BLOCK.
Discretionary Review Applicant's Residence is the light blue building at left (127 Bernard). Note four story building directly across the street.



G: LOOKING WEST ON BERNARD ST, PROJECT SITE AT DIRECT RIGHT AT RED SCOOTER

EXHIBIT 1



H: LOOKING EAST ON BERNARD ST AT LEAVENWORTH ST



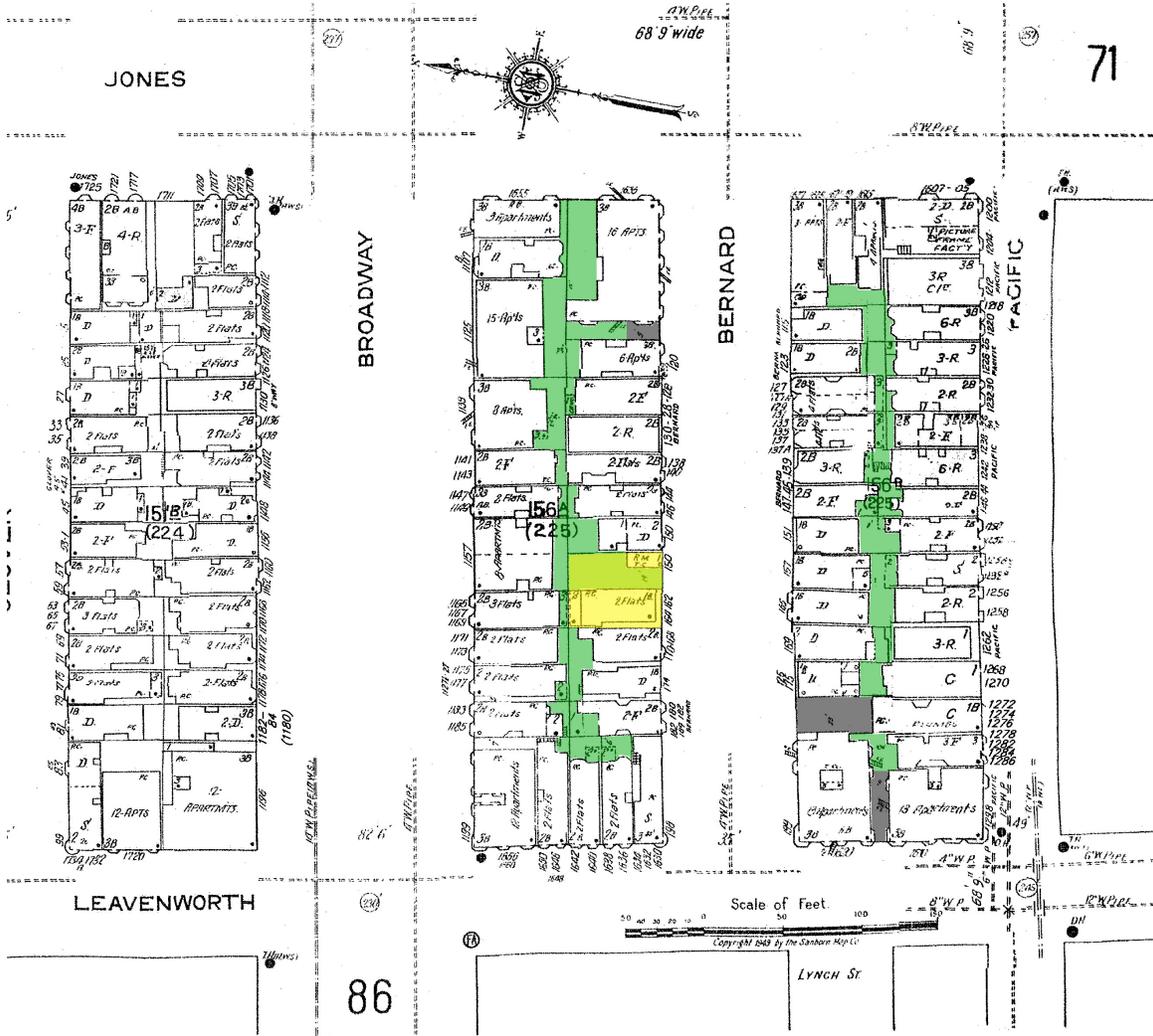
I: LOOKING EAST ON BERNARD ST, PROJECT SITE AT DIRECT LEFT

EXHIBIT 1



J: LOOKING EAST ON BERNARD ST, MID-BLOCK

EXHIBIT 3



SANBORN MAP

HIGHLIGHTING REAR YARD OPEN SPACE ON BERNARD STREET BETWEEN JONES AND LEAVENWORTH STREETS

- GREEN AREAS DENOTE BACKYARD OPEN SPACE
- GRAY AREAS DENOTE VACANT OR PAVED AREAS
- YELLOW HIGHLIGHTS THE PROPOSED PROJECT SITE (2 LOTS)

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