

**NORTHWEST BERNAL HEIGHTS
DESIGN REVIEW BOARD**
San Francisco, California
Updated 12/12/2009

INFORMATION PACKET

NORTHWEST BERNAL HEIGHTS DESIGN REVIEW BOARD

April 22, 1992, revised Aug. 24, 2000, September 2002, April 15, 2004, May 8, 2008

ADVISORY TO PROSPECTIVE BUILDING PERMIT APPLICANTS IN NORTHWEST BERNAL HEIGHTS.

Projects subject to review by the Northwest Bernal Heights Design Review Board are located within area bounded by the following: north side of Cortland Avenue, west of the centerline of Bonview St., Bernal Heights Blvd to the back yards lines between Manchester and Folsom Streets, to the back yards lines between Precita and Chavez, to the back yards of properties along Mission Street.

The Northwest Bernal Heights Design Review Board (NWBH/DRB) is a legally constituted volunteer neighborhood organization, created to monitor new construction and improvements to existing residential properties in the subject area and to advocate and ensure design compatibility for all such projects. Members are elected to the board by annual ballot at an advertised, regular meeting of the NW Bernal Alliance, <http://northwestbernalalliance.org>. The NWBH/DRB has been in existence, functioning as an essential part of the building permit application process for NW Bernal Heights, since 1976.

The NWBH/DRB evaluates a proposal's conformance with its surroundings using published criteria such as Planning Code section 242, the Bernal Heights Special Use District and the Elsie Street Plan, taking input from interested neighbors and attempting to resolve potential conflicts early in the design process, and makes recommendations to the San Francisco Planning Department (PD). Final authority rests with the PD.

The PD has incorporated the NWBH/DRB application review into its permit approval process. Applications for building permits submitted to the Central Permit Bureau at 1660 Mission St. will be routed to the NWBH/DRB coordinator as a first stop, before PD has performed its final, detailed plan check.

It is recommended that new applicants contact the NWBH/DRB in advance of filing a building permit application to informally discuss the review criteria that may impact the design of the project. At this time your project may be put on the agenda of an upcoming NWBH/DRB meeting.

THE ELSIE STREET PLAN was the product of a study conducted in 1978 under the auspices of the Northwest Bernal Block Club (now "Northwest Bernal Alliance"), mandated by the San Francisco Planning Commission, and involving the participation of more than 200 residents along with design professionals and architectural students and faculty from UC Berkeley.

The goals of the study were as follows:

1) “to maintain and promote the existing integrated ethnic, socio-economic, and architectural character and composition of the neighborhood” and

2) “to promote compatible development and improvement of our neighborhood through rational planning of both new housing construction and rehabilitation of already existing housing stock, primarily through citizen participation in the planning and development process.”

Since then the Plan has been used by Bernal Heights neighborhood design review boards as a guide against which to evaluate proposed projects. An even greater hill-wide effort to refine regulations for Bernal Heights resulted in Planning Code section 242, the Bernal Heights Special Use District (BHSUD), adopted in January, 1991 and amended in 2000 and 2007. The most recent version of 242 can be found on the City’s website at:

<http://www.municode.com/Resources/gateway.asp?pid=14139&sid=5>

For your convenience, the code section as of 5/08 is copied below. However, be sure to check that no changes have been made at the time of your project.

SEC. 242. BERNAL HEIGHTS SPECIAL USE DISTRICT

(a) General. A Special Use District entitled the Bernal Heights Special Use District, the boundaries of which are shown on Sectional Map. Nos. 7SU, 8SU, and 11SU of the Zoning Map, is hereby established for the purposes set forth below.

(b) Purposes. In order to reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City, and to encourage development in context and scale with the established character, there shall be a Bernal Heights Special Use District.

(c) The provisions of this Section 242 shall not apply to building permit applications or amendments thereto, or to conditional use, variance or environmental evaluation applications filed on or before January 7, 1991. Such applications shall be governed by the ordinances in effect on January 7, 1991, unless the applicant requests in writing that an application be governed by the provisions of this Section 242.

(d) Definitions. For purposes of this Section 242, the following definitions apply:

(1) "Adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. Where the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building." A corner lot shall have only one adjacent building located along its side lot line.

(2) "Usable floor area" is the sum of the gross areas of the several floors of a building, measured from the exterior walls or from the center lines of common walls separating two buildings. "Usable floor area" shall not include that floor area devoted to off-street parking or any space or area which is not readily accessible and which has not more than five feet vertical clearance at any point.

(e) Controls. All provisions of the Planning Code applicable to an RH-1, RH-1(S), RH-2, and RH-3 District shall apply to applicable portions of the Special Use District except as otherwise provided in this Section.

(1) Height Limits. No portion of a dwelling in any portion of this district shall exceed a height of 30 feet except as provided below.

(A) The height of a dwelling on a downslope lot shall not exceed 30 feet above grade, subject to averaging or offset by an equal height reduction. Any portion of a dwelling exceeding a height of 30 feet must be offset by at least an equal amount of dwelling having a height of less than 30 feet, provided that the maximum height above grade at

any point cannot exceed 40 feet, and the rearmost eight feet of length cannot exceed 32 feet above grade.

(B) The height of a dwelling on an upslope lot shall not exceed 30 feet above grade, with no averaging or stepping over the 30 feet limit, and no part of the dwelling, unless otherwise permitted by this Section, may be higher than 38 feet above curb level, except if the rear of the lot is 30 feet or more higher than the front grade, the rear half of the dwelling may go up to 43 feet above curb level.

(C) The height of a dwelling in an RH-2 or RH-3 lot may exceed the limits described above based upon the average height of the adjacent buildings.

(D) Except for vertical-axis wind-powered electrical generators with a horizontal diameter not exceeding three feet, chimneys, and nonparabolic radio and television antennas, nothing otherwise permitted by Section 260(b) of this Code may extend above the additional height limit established in this Code section by more than 42 inches. Furthermore, all such wind-powered electrical generators must avoid significant impacts to wildlife.

(2) Rear Yards. The requirements applicable to rear yards are as follows:

(A) RH-1 and RH-1(S). For lots which have a depth of 70 feet or less, the minimum rear yard depth shall be equal to 35 percent of the total depth of the lot on which the building is located. Buildings on lots which have a depth greater than 70 feet may not be deeper than 45.5 feet measured from the front property line; the remainder of the lot shall be used for rear yard.

(B) RH-2 and RH-3. The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot in which the building is located.

(C) All Lots. The following provisions relating to rear yards shall apply to all lots in the Special Use District:

(i) A building may intrude into the required rear yard up to the extent that an adjacent building intrudes, provided the intrusion is no wider than half of the width of the lot, and 25 percent of the total lot depth is provided as rear yard open space. The intrusion must be placed in a manner that the Zoning Administrator finds will provide optimal light and air to the subject and adjacent properties. The coverage resulting from the intrusion must be offset by otherwise permitted coverage in the rear of the subject property.

(ii) Any part of a front setback exceeding five feet may be applied to the amount required for satisfying the rear yard requirements.

(ii) Any part of a front setback exceeding five feet may be applied to the amount required for satisfying the rear yard requirements.

(iii) No part of any building may be within 25 percent or 15 feet, whichever is greater, of the rear property line.

(iv) Those obstructions into rear yards otherwise permitted by Section 136(c)(2), (3), and (25) of this Code shall not be permitted. In addition to the obstructions permitted in Section 136(c), improvements may be constructed underneath a room or deck located in the rear yard area if said room or deck is otherwise permitted pursuant to Section 136(c) and was constructed pursuant to a building permit issued prior to December 11, 1987. In those instances, the Zoning Administrator may place appropriate conditions on the approval of the building permit to protect the light, air and view of the adjacent properties.

(3) Mass Reduction Requirement for RH-1 and RH-1(S) Buildings. After calculation of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) District, a total of 650 square feet of usable floor area must be deleted from the exterior of the building, causing a reduction in square footage as well as building volume. On lots that exceed 100 feet in depth, the mass reduction shall be a minimum of 400 square feet of usable floor area. Any area to be deleted must have a minimum clearance of three feet from the side property line. The reduction must be taken from the front, the rear, or the top of the building above grade; however, such reduction along the side of the property line will be allowed under this section so that adjacent properties will benefit from the provision of greater light and air or the reduction of shadows. Where an area to be deleted is along the side property line and is in the form of an inner court, the inner court shall have a minimum area of 90 square feet.

(4) Parking. The number of off-street parking spaces required for new construction shall be as follows:

TABLE INSET:

Usable Floor Area	Parking Spaces
0 to 1300	1
1301 to 2250	2
2251 to 2850	3
2851 to 3850	4

One additional parking space is required for each additional 1,000 square feet.

If more than one parking space is required, the first off-street parking space must have a minimum area of 160 square feet; second and subsequent spaces may be a compact car space and have a minimum area of 127.5 square feet. In the RH-2 and RH-3 District, the parking requirement is the greater of the number of spaces required by the above table, or one parking space per dwelling unit.

All alterations resulting in an increase in usable floor area shall be considered cumulatively from the effective date of this ordinance. No tandem parking spaces are permitted for the first two required parking spaces for new construction. All other required parking spaces for new construction may be tandem parking spaces.

Tandem parking spaces are permitted for alterations in the RH-1 and RH-1(S) Districts, and are not permitted for alterations in the RH-2 and RH-3 Districts.

(A) RH-1 or RH-1(S) District Building Alterations. The following parking requirements shall apply to alterations of existing structures in an RH-1 or RH-1(S) District:

(i) If one or more alterations add 400 square feet or less of usable floor area to an existing building, no additional parking space is required to be added to the existing spaces.

(ii) If one or more alterations add over 400 square feet of usable floor area but do not cause the total usable floor area of the building to exceed 1,650 square feet, no additional parking space is required to be added to the existing spaces.

(iii) If one or more alterations add over 400 square feet of usable floor area and the total usable floor area of the building is between 1,651 and 2,250 square feet, a total of two parking spaces is required. One or both of these required spaces may be waived by the Zoning Administrator if the Zoning Administrator finds that (1) the off-street parking space(s) would result in a new curb cut, or the proposed driveway would result in the loss of one parking space while adding one private space; or (2) the structure has an unaltered historic facade as determined by the Department of Planning and the owner has conveyed a facade easement to the San Francisco Architectural Heritage foundation.

(iv) If one or more alterations add over 400 square feet of usable floor area and the total usable floor area is over 2,250 square feet, a total of three parking spaces or more is required, as provided by the above table. One additional parking space is required for each additional 1,000 square feet.

(B) RH-2 and RH-3 Building Alterations. The following parking requirements shall apply to alterations of existing structures in an RH-2 or RH-3 District:

(i) If one or more alterations add 200 square feet or less of usable floor area, no additional parking space is required.

(ii) If one or more alterations add over 200 square feet of usable floor area, the parking standards for new construction set forth above shall apply to the entire building.

(5) Curb Cuts and Garage Door Width. The maximum width of curb cuts allowed for new construction shall be 10 feet; the maximum width of a garage door opening shall be 12 feet.

(6) Design. In addition to meeting applicable standards provided in this Section and elsewhere in this Code, residential development subject to this Section shall be subject to the review and notification procedures provided by Subsection 311(c) of this Code.

Requests for Planning Commission review shall be governed by Subsection 311(d) of this Code. In addition to applicable guidelines cited by Section 311, the Elsie Street Plan and the East Slope Building Guidelines shall be used as guidelines to determine neighborhood compatibility of new construction and alterations in the respective areas covered by those guidelines.

(7) Demolition.

(A) Demolition Generally Prohibited. Other than as specified in this subsection, no demolition permit for structures containing one or more residential units may be approved unless:

(i) The Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation to the extent feasible with the Department of Planning, that an imminent safety hazard exists and the Superintendent determines that demolition of the structure is the only feasible means to secure the public safety; or

(ii) The structure is under an abatement order and the Superintendent of the Bureau of Building Inspection determines, after consultation with the Department of Planning and the San Francisco Fire Department, that repairs rendering the structure safe and habitable as defined in the San Francisco Housing Code would cost 50 percent or more of the cost to replace the structure pursuant to the standards published periodically by the Superintendent. An owner's deliberate damage, in the opinion of the Superintendent of the Bureau of Building Inspection, to the property or failure to maintain it shall not be included in the calculation of replacement costs; or

(iii) The Department determines, based on facts presented, that the structure proposed to be demolished retains no substantial remaining value or reasonable use.

(B) Demolition of Historic or Architecturally Significant Residential Buildings. Unless demolition is approved pursuant to Subsections (A)(i) or (A)(iii) above, no demolition permit may be approved for a residential building (1) which is a designated landmark or contributing building in an historic district; or (2) which the Landmarks Preservation Advisory Board determines is qualified to be designated as a landmark or contributing building in an historic district under the standards of Article 10 of this Code; or (3) is recommended by the Department of Planning for historic designation under Article 10 of this Code.

(C) Replacement Structure Required. Unless demolition is approved pursuant to Subsection (A)(i) or (A)(iii) above, no application authorizing the demolition of a

residential building within the scope of this Section shall be approved until the City has finally approved a building permit for construction of the replacement building which meets the requirements of this ordinance. A building permit is finally approved if the Board of Permit Appeals has taken final action on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

(i) This Section shall not apply to the demolition of a second structure on a single lot that (1) does not exceed 500 square feet, (2) meets the requirements of Subsection (A)(ii) above, and (3) is not a historic residential building under Subsection (B) above.

(Added by Ord. 32-91, App. 1/25/91; amended by Ord. 145-00, File No. 000796, App. 6/16/2000; Ord. 247-07, File No. 070947, App. 10/29/2007)

HOW TO WORK WITH THE NWBH/DRB:

Scheduling a Design Review Meeting:

The Northwest Bernal Heights Design Review Board (DRB) meets on Wednesday evenings as necessary to review projects. Meetings are held at the Bernal Heights Neighborhood Center at 515 Cortland Ave. starting at 7:30 PM. To get your project on the agenda you must first get together with a representative of the DRB to ensure your plans are complete and the notification is ready to proceed.

Notification:

Applicants must notify by mail each member of the DRB and all neighbors who may be affected by the proposed project at least 10 **business** days in advance of the time and place of the scheduled DRB meeting. Please include a reduced set of drawings with your letter. This notification is in addition to any other that the PD may require.

At a minimum, notices should be sent to the neighbors on both sides of the fronting street for four properties in either direction, the three properties to the rear of the subject property and three properties across the street. New construction or remodels that add an entire story or more to the building require additional notification. Use the same notification area that is required under the Sec. 311 that the City requires.

You must bring a list of those notified to the meeting along with your drawings. This notification is intended to provide an opportunity for neighborhood input, an essential part of the NWBBC review process. Names and addresses of property owners are obtainable in the Assessor's office in City Hall. DRB members/addresses are as follows:

Seth Ammerman 54 Winfield St., SF 94110
Ted Arleo, 30 Winfield St., SF 94110
Bob Fisher, 229 Winfield St., SF 94110
Kathryn Mazaika, 5 Peters St., SF 94110
Jose Muniz, 302 Winfield St. SF 94110
Brandon Powell, 32 Aztec St, SF 94110
Michael Schulte, 6 Elsie St., SF 94110

SUBMISSION REQUIREMENTS:

To expedite the review process the following should be considered minimum standards for graphics. These requirements are parallel with, and similar to, the minimum graphic standards for permit application at the PD. For the sake of efficiency it is recommended that the initial submission be schematic drawings rather than working drawings:

1. **Drawings:** Site plan (a) min. 1"=20' scale showing setbacks, yards, entries, porches, decks, existing and proposed landscaping and vegetation, and adjacent structures. Required setback should also be shown on the site plan including those of neighbor's buildings.

Floor plans of all levels @ 1"=4' scale with adjacent structures

Elevations of all exposed exterior walls @ 1"=4' scale showing profiles of adjacent structures, both existing and proposed grades, and exterior materials. Height limits should be shown on elevations or sections.

2. **Photographs:** Of the subject property and its adjacent structures and vegetation, taken from the front and rear, showing how your project fits with the neighborhood.

3. **Written information:** A. gross floor area after proposed work is completed including parking; B. floor area without parking; C. floor area devoted to parking; D. floor area deleted, if any, E. floor area added to existing, if any; F. floor area of "mass reduction;" (if required) and G. special features Drawings should show all construction elements, all work to be added and/or deleted, and the outlines of adjacent structures, their setbacks, profiles, and heights.

3. For **additions to existing structures**, provide plans of existing structure including site plan, all floor plans, roof plan and all exterior elevations

NWBH/DRB DESIGN REVIEW CHECK LIST

The following is used by the NWBH/DRB in its evaluation of proposed projects:

DESIGN ELEMENT	OK	N/A	REVISE	COMMENTS
<i>Building Elements:</i>				
Height				
Front setback				
Rear setback				
Side yards				
Mass reduction				
<i>Exterior finish:</i>				
Roof type				
Entry				
Articulated facade				
<i>Parking spaces:</i>				
Required number				
Garage door width				
<i>Site elements:</i>				
Curb cut				
Neighborhood				
character				
Fence height				
Fence construction				
Landscaping				

It is recommended that applicants contact the Planning Department to verify their projects' Planning Code compliance prior to submitting designs to the NWBH/DRB.

Your contact for the Northwest Bernal Heights Design Review Board is:

Brandon Powell, 32 Aztec St, SF 94110
 brandonpowell@mac.com

City and County of San Francisco
1660 Mission Street
The Planning Department
San Francisco, CA 94103-2414
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BERNAL HEIGHTS DESIGN REVIEW AREAS

The information below is a summary of City policy governing residential development on Bernal Heights. Boundaries are shown on the attached map. This information is current as of June 1994.

In addition to the codified requirements of the City Planning Code including those of the Bernal Heights Special Use District, residential building designs need to be reviewed by the City Planning Department to determine compatibility with the neighborhood. In making this compatibility determination, the Department will notify and receive the input of interested community groups and specifically of the two Neighborhood Building Review Boards that have been recognized by the City Planning Commission in the East Slope and Northwest Bernal area. In accordance with City Planning Commission Resolutions #8017 and #10854, the Planning Department will defer action on permit applications in the East Slope and Northwest Bernal areas for a period of up to sixty (60) days to allow time for consultations between developers and recognized review boards to occur. By prior consultation with these review boards, the hold period can be reduced to the hold period generally applicable to proposals in the residential zoning districts of the city.

If you plan to develop property on Bernal Heights you may save time and expense by contacting interested community groups and the appropriate Neighborhood Building Review Boards before you prepare detailed building plans. The Neighborhood Building Review Boards provide a structured means through which developers and neighbors can resolve design compatibility problems early in the design process thereby lessening the possibility of discretionary review hearings and permit appeals at a later point when design modifications are more difficult. Contact persons for the Bernal Review Boards are as follows:

East Slope Design Review Board

Terry Milne, Chair
321 Rutledge Street
San Francisco, CA 94110
415-285-8978

Northwest Bernal Heights Design Review Board

Brandon Powell, Acting Chair
32 Aztec Street
San Francisco, CA 94110
brandonpowell@mac.com

SUPERIOR COURT DECISION AND ORDER NO. 987418 of September 29, 1997

EXTRACTS:

The Residential Design Guidelines of the Planning Department are the result of a voter initiative ballot proposition ("Proposition M") from 1986 and were codified by the Planning Commission on November 2, 1989.

Among other things Proposition M established as Master Plan Priority Policy, that existing neighborhood character be considered and protected. In this regard, the Residential Design Guidelines set forth numerous provisions to ensure that new construction or alterations to existing buildings in older neighborhoods will be compatible with existing and adjacent buildings.

Effective February 2, 1996 the Planning Code was amended with new Section 31 1. Article III replacing Article V, Section 505. These sections govern the way the Planning Department is to use the Residential Design Guidelines when considering applications for construction permits of new residential buildings in R districts.

Section 311 now fully incorporates the Residential Design Guidelines into the Planning Code as part of the residential permit review procedure. Under new Section 311, the Planning department shall determine that the project complies with the Residential Design Guidelines or the permit may not issue.

Section 311 states in part " the Department of City Planning shall review the proposed project for compliance with City Planning Code and any applicable design guidelines approved by the City Planning Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2. 2.5 of the City Planning Code, Residential Design Guidelines, including design guidelines for specific areas adopted by the Planning Commission,... shall be held until either the application is determined to be in compliance, is disapproved, or a recommendation for cancellation is sent to the Department of Building Inspection. The Zoning Administration may require modifications to the exterior of a proposed new residential building in order to bring it into conformity with the Residential Design Guidelines and with the Master Plan. Modifications may include, but are not limited to, changes in siting, building envelope, scale, texture and detailing, openings and landscaping.

With the insertion of the word "shall" into this section of the Planning Code the Department is now required, not only to consider the "Guidelines," but also to find that the new building is consistent with the Residential Design Guidelines. Section 31 1 is clear that its terms apply to all R districts and the Residential Design Guidelines themselves state that they are meant to apply in all residential districts with a height limit of 40 feet or less. Therefore, these provisions apply with equal force to RH-1, RH-2 and R-3 districts. The commission has an obligation to enforce the law which is in effect at the time in which a permit is issued.

The Court also said in relation to the Board of Permit Appeals that it may not refuse to implement specific , mandatory established standards set forth in the Planning Code and specifically , the Residential Design Guidelines in order to promote general and nonspecific policies which on their face, conflict with such specific standards.