



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: SEPTEMBER 13, 2018

Continued from the November 3, 2016, December 1, 2016, and February 9, 2017 Hearings

Date: August 31, 2018
Case No.: **2015-018150CUA**
Project Address: **137 CLAYTON STREET**
Zoning: RH-3 (Residential, House - Three-Family)
40-X Height and Bulk District
Block/Lot: 1194 / 006
Project Sponsor: Jeremy Schaub, Schaub Ly Architects
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BACKGROUND

On June 1, 2016, the Project Sponsor filed an application with the Planning Department for a Conditional Use Authorization under Planning Code Sections 303 and 317 proposing to demolish a two-story, single-family dwelling and construct a new four-story, 3-unit replacement building within the RH-3 (Residential, House – Three-Family) Zoning District and 40-X Height and Bulk District.

On November 3, 2016, the Planning Commission conducted a duly noticed public hearing and, after taking and closing public comment – including opposition from an tenant of the subject building - adopted a motion of intent to disapprove the project on the basis that the proposed demolition of the existing building and construction of a 4-story, three-unit replacement building does not respect the existing neighborhood character, and therefore does not meet the objectives of the General Plan.

The City Attorney advised the Commission that the California Housing Accountability Act (the “Act”) requires local governments to adopt findings relating to public health and safety when denying a housing project, imposing conditions that reduce its density, or rendering the project infeasible. The Commission would have to find that such a housing project would have a “specific adverse effect” on the public health or safety and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval. As such, the Commission continued the item to the December 1, 2016, public hearing at which the Commission further continued the item to the February 9, 2017, hearing to allow Planning staff an opportunity to prepare a draft motion of disapproval, including the aforementioned findings in accordance with the California Housing Accountability Act. At the February 9, 2017, hearing, the project sponsor requested an indefinite continuance, which was granted by the Commission.

On November 2, 2017, the tenant occupying the subject building gave notice to the property owner that she would be vacating the premises voluntarily within 30 days. As such, the subject property is now vacant.

On January 1, 2018, several amendments to the Act went into effect further restricting the ability of a local agency to deny approvals for housing projects that comply with local zoning requirements. The amendments to the Act now require stronger evidence of a health or safety impact of a housing project than the Act required prior to the amendments. In addition, the amendments have strengthened appeals courts' ability to enforce compliance with the Act by enabling them to *direct* local agencies to approve housing projects, rather than reconsider them, if the court determines that the local agency has acted in bad faith. The amendments also now *require*, rather than allow, an appeals court to impose fines on a local agency that does not carry out the court's order within 60 days.

CURRENT PROPOSAL

No changes have been made to the proposal. Given the above-noted amendments to the California Housing Accountability Act as well as the change in rental status of the subject property, Planning staff has prepared a revised Draft Motion of Approval for the proposed project as an alternative to the Draft Motion of Disapproval requested at the November 3, 2016, Planning Commission hearing.

REQUIRED COMMISSION ACTION

In order to disapprove the project, the Commission must adopt the attached Draft Motion of Disapproval. In order to approve the project, the Commission must adopt the attached Draft Motion of Approval.

Attachments:

- Draft Motion of Disapproval
- Draft Motion of Approval with Conditions
- Block Book Map
- Sanborn Map
- Zoning Map
- Height & Bulk Map
- Aerial Photographs
- Site Photos
- Environmental Evaluation
- Historic Resource Evaluation
- No-Fault Eviction History
- Project Sponsor Submittal including:
 - Tenant 30-Day Vacancy Notice
 - Planning Rationale
 - Reduced Plans



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414A)
- Eastern Neighborhoods Impact Fee (Sec. 423)

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 TO DEMOLISH AN EXISTING TWO-STORY, SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW FOUR-STORY, 3-UNIT BUILDING WITHIN THE RH-3 (RESIDENTIAL, HOUSE – THREE-FAMILY) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 1, 2016, Jeremy Schaub (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish an existing two-story, single-family dwelling and construct a new four-story, 3-unit building (hereinafter “Project”) within the RH-3 (Residential, House – Three-Family) Zoning District and 40-X Height and Bulk District.

On June 26, 2016, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and Class 3 Categorical Exemption under CEQA, as described in the determination contained in the Planning Department files for this Project. During the CEQA review, it was determined that the subject building is not a historic resource.

On November 3, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-

018150CUA. The Commission moved an intent to disapprove the project on the basis that the proposed demolition of the existing building and construction of a 4-story, three-unit replacement building does not meet the objectives of the General Plan. After hearing and closing public comment, the Commission indicated its intent to disapprove the project and continued the item to December 1, 2016, to allow Planning staff an opportunity to prepare a draft motion of disapproval.

On December 1, 2016, the Commission further continued Conditional Use Application No. 2015-018150CUA, to a hearing on February 9, 2017.

On February 9, 2017, the project sponsor requested an indefinite continuance of Conditional Use Application No. 2015-018150CUA.

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

MOVED, that the Commission hereby disapproves the Conditional Use requested in Application No. 2015-018150CUA, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on the west side of Clayton Street, between Grove Street and Hayes Street, Lot 006 in Assessor's Block 1194. The property is located within the RH-3 (Residential, House – Three-Family) Zoning District and 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on Clayton Street and is approximately 112.5 feet deep. The property is mostly flat and is currently occupied by a two-story, single-family dwelling constructed circa 1908, which covers approximately 42% of the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located midblock between Grove Street and Hayes Street in the Haight Ashbury neighborhood, north of the Panhandle and south of the University of San Francisco campus. The subject site is located in an RH-3 Zoning District and is surrounded primarily by two- and three-family dwellings ranging in height from three to four stories. Immediately adjacent to the subject property to the north is a three-and-a-half story, three-family dwelling and immediately to the south, at the northwest corner of Clayton Street and Hayes Street, is a three-story, 4-unit residential building. Also directly south of the subject property is the Asian American Recovery Services outpatient facility located in adjacent one- and two-story buildings fronting onto Hayes Street. Directly across the street are a three-story, single-family dwelling and a four-story, six-unit residential building. Immediately behind and to the west of the subject property is the New Traditions Elementary School. While the portion of Grove Street near the subject property is within the RM-1 (Residential – Mixed, Low-Density) Zoning

District, the majority of the surrounding neighborhood is within the RH-3 (Residential, House – Three-Family) Zoning District. The subject property is also within .25-miles of stops for the 7X – Noriega Express, 21 – Hayes, and 43 – Masonic MUNI transit lines.

4. **Project Description.** The Project proposes the demolition of the existing two-story, single-family dwelling, which is currently vacant, and the construction of a four-story, 40-foot tall, three-family residential building. Located on separate floors, the three units would range in size from approximately 1,220 square feet to 1,411 square feet and would each have three bedrooms and two bathrooms. Three independently accessible off-street parking spaces and three Class 1 bicycle parking spaces, one for each unit, are proposed in the garage on the ground floor.

The project is not seeking any exceptions or variances from the Planning Code. The proposal requires neighborhood notification, pursuant to Section 311 of the Planning Code, which was conducted in conjunction with the Conditional Use Authorization process.

5. **Public Comment.** The Department received neighborhood opposition to the project, in the form of emails leading up to and during public comment at the November 3, 2016. The opposition has been based primarily on the demolition of a seemingly sound building with a significant degree of architectural integrity. A tenant of the subject building also spoke in opposition to the project at the November 3, 2016, hearing, on the basis that she did not receive adequate notice from her landlord and property owner that the building was proposed to be demolished. That tenant has since vacated the premises voluntarily, and the building is now vacant.

In advance of the September 13, 2018, hearing, the Department has received one email in opposition to the proposed demolition of the existing building, on the basis that it appears to be a structurally sound building with a significant degree of architectural integrity.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Demolition – Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-3 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

The Project Sponsor applied for Conditional Use Authorization. See Subsection 8 “Additional Findings pursuant to Section 317” below.

- B. **Front Setback Requirement.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

The required front setback for the subject property, based on the average of the two adjacent buildings, is 0.75 feet. The replacement project proposes a front setback of 1.5 feet. The proposed front bay windows on the third and fourth floors project approximately 1 foot into the required front setback.

These bay windows meet the requirements of Planning Code Section 136(c), which regulates permitted obstructions into yards and over streets.

- C. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-3 Zoning Districts. Planning Code Section 134(c)(1) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley.

The subject property is approximately 112.5 feet in depth and therefore the 45 percent requirement is 50.6 feet. The subject property abuts along its south lot line a building that fronts another street (Hayes Street), therefore, that lot is disregarded in the consideration of a reduction in the rear yard requirement. The subject property abuts along its north lot line a building with a rear yard setback of approximately 38.6 feet. Accordingly, the replacement project provides a matching rear yard of approximately 38.6 feet which complies with the rear yard requirement of the Planning Code. A one- and two-story rear portion of the proposed building, set back approximately 5 feet from each side lot line, projects into the required rear yard by approximately 10.5 feet. This structure meets the requirements of Planning Code Section 136(c)(35)(ii), which allows structures not exceeding the floor level of the second floor of occupancy, excluding the ground story, to project up to 12 feet into the required rear yard provided that they shall be no closer than five feet to any interior side lot line.

- D. **Useable Open Space.** Planning Code Section 135 requires 100 square feet of useable open space for each dwelling unit if all private, or a total of 400 square feet of common usable open space.

The replacement project contains three dwelling units. Each unit has access to approximately 700 square feet of common open space in the rear yard as well as private balconies and roof decks totaling approximately 456 square feet. As such, all dwelling units have access to usable open space which exceeds the minimum required by Section 135 of the Planning Code.

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

All proposed dwelling units in the replacement project have direct exposure onto the public street.

- F. **Street Frontages.** Section 144 of the Planning Code requires that no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is setback from any such lot line, shall be devoted to entrances to off-street

parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width.

The replacement project proposes a Code-complying garage door width of 9.75 feet.

- G. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit and a maximum of 150 percent of the required number of spaces where three or more spaces are required.

The replacement project will provide three (3) off-street parking spaces.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units.

The project requires three Class 1 bicycle parking spaces and no Class 2 bicycle parking spaces. The replacement project proposes three Class 1 bicycle parking spaces, located in the garage.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. For properties in RH-3 Zoning Districts, height is measured at the center of the building starting from curb to a point 40 feet high at the required front setback.

The existing building has a height of approximately 26.5 feet, as measured from curb to the midpoint of its pitched roof. The proposed four-story, three-family dwelling will be approximately 40 feet high at the required front setback and for a building depth of approximately 62.5 feet. The remaining 20.5 feet of building depth would range in height from approximately 10 feet to 30 feet in height.

- J. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The replacement project proposes new construction of a three-unit residential building. Therefore, the project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use. On balance, the project does not comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The demolition of the existing building, which appears to maintain a significant degree of architectural integrity, is not desirable. Although the design and scale of the proposed four-story replacement building would be compatible with the surrounding neighborhood, it is not necessary to demolish the existing building in order to achieve the increased dwelling-unit density proposed on the site. A thoughtful alteration of the existing building would allow for a project at the contemplated size and intensity and would provide a development that is both necessary, desirable and compatible with the neighborhood character.

- B. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

A four-story massing at the street front is appropriate given the context of the immediate neighborhood, however, it is not necessary to demolish the existing building in order to achieve a similarly-sized development on the site within the buildable area as prescribed by the Planning Code and Residential Design Guidelines. A thoughtful alteration of the existing building would allow for a project at the contemplated size and intensity and would provide a development that is both necessary, desirable and compatible with the neighborhood character.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The proposed replacement building's garage is designed to accommodate the three required off-street parking spaces, in addition to the three required Class 1 bicycle parking spaces.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed replacement project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The landscaping, usable open spaces, parking area and lighting of the proposed replacement building would be compatible with the surrounding neighborhood. However the demolition of the existing building is not necessary in order to retain those features, which are also compatible with the character of the surrounding neighborhood.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code, but is inconsistent with some of the Objectives and Policies of the General Plan, as detailed below, and incorporated herein by reference.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed Project is consistent with the stated purpose of RH-3 Zoning Districts which are devoted to one-family, two-family and three-family houses that are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Additionally, the Project is in conformance with the Planning Code requirements for dwellings in RH-3 Zoning District.

8. **Additional Findings pursuant to Section 317.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does not comply with said criteria in that:

- i. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.

- ii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The existing dwelling appears to be in decent, safe, and sanitary condition with no recent Code violations. Until recently, the subject property has been occupied and no evidence has been provided to suggest that the building is not structurally unsound.

- iii. Whether the property is an “historical resource” under CEQA;

Although the existing building is more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.

- iv. Whether the removal of the resource will have a substantial adverse impact under CEQA;

The structure is not an historical resource and its removal will not have a substantial adverse impact under CEQA.

- v. Whether the Project converts rental housing to other forms of tenure or occupancy;

The existing single-family dwelling was being rented until December, 2017 and is currently vacant. The project proposes one owner-occupied unit and two new rental dwelling units.

- vi. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

The existing single family dwelling was being rented until December, 2017 and is currently vacant. Although the single-family dwelling is technically subject to the Rent Stabilization and Arbitration Ordinance, the Planning Department cannot definitively determine which aspects of the Ordinance are applicable. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and it is the purview of the Rent Board to determine which specific controls apply to a building or property.

- vii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The project proposes the demolition of an existing older single-family house, a type of housing that generally tends to be more affordable than new market-rate housing. The new construction project will result in three new market-rate dwelling units, which tend to be less affordable than older dwelling units. Because the project will replace an older building with new market-rate units, the project may adversely affect the economic diversity in the neighborhood.

- viii. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

By demolishing the existing building, which exhibits a significant degree of architectural integrity, the Project would not conserve neighborhood character, which includes a number of older, architecturally diverse styles. In addition, as noted above, the project demolishes an older building to construct new market-rate units without preserving the architectural character of the neighborhood which may threaten the economic diversity in the neighborhood.

- ix. Whether the Project protects the relative affordability of existing housing;

The Project would remove an older dwelling unit from the City's housing stock. While the Project would provide an additional two dwelling units, the three new market rate units will likely be less affordable based on the Planning Department's knowledge of new market-rate rents in the neighborhood and Citywide.

- x. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project does not provide any permanently affordable units and is not subject to the provisions of Planning Code Section 415, because the project proposes fewer than ten units.

- xi. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

Infill projects in established neighborhoods are more appropriately located on vacant, underutilized sites or to replace structurally unsound or otherwise substandard buildings. The existing dwelling appears to be structurally sound and therefore does not represent an appropriate site for the proposed type of infill new construction development.

- xii. Whether the project increases the number of family-sized units on-site;

The Project proposes enhanced opportunities for family-sized housing on-site by constructing three family-sized dwelling units whereas the property currently contains only one family-sized dwelling rented to multiple individuals.

- xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

- xiv. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The overall scale, traditional design, and materials of the proposed building are consistent with the existing block-face. The removal of an existing dwelling with a significant degree of architectural integrity, however, would not enhance the existing neighborhood character.

- xv. Whether the Project increases the number of on-site dwelling units;

The Project would add two additional dwelling-units to the site.

- xvi. Whether the Project increases the number of on-site bedrooms.

The existing dwelling contains four bedrooms. The proposal includes three 3-bedroom units, a net increase of five bedrooms.

- xvii. Whether or not the replacement project would maximize density on the subject lot; and,

The Project will maximize the allowed density on-site by providing three dwelling units.

- xviii. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all the existing units with new dwelling units of a similar size and with the same number of bedrooms.

The existing single family dwelling is currently vacant and the new project will replace the existing unit with three slightly smaller dwelling units that contain one fewer bedroom each, but cumulatively would add five additional bedrooms to the subject property. The single-family dwelling is subject to the Rent Stabilization and Arbitration Ordinance. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and the Rent Board is authorized to determine which specific controls apply to a building or property.

9. **General Plan Compliance.** The Project is not consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1:

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

The existing building appears to be structurally sound, and although there would be an increase in the number of dwelling units from one to three within the replacement building, the units would be market-rate units and would not be affordable as defined in the Planning Code. Based on the Planning Department's knowledge of residential rents, newer units tend to be less affordable than older units of similar size. Furthermore, the existing building and property could accommodate an alteration that would achieve the desired density, while preserving the existing sound housing.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.4:

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The proposed demolition of the existing single-family dwelling in an older building would remove a "naturally affordable" housing type from the City's housing stock.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Additional dwelling units can be added to the existing building, which would have less of an adverse effect on existing neighborhood character, which includes a mix of older smaller buildings such as the existing building. The rehabilitation and expansion of the existing building would better respect the existing neighborhood character than would its complete demolition.

URBAN DESIGN ELEMENT

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Principle 7:

Renovation and restoration of older, well-designed buildings can preserve the character and interest of the streetscape if the original building design is respected in use of materials and details.

The renovation and restoration of the existing older building, with a vertical or horizontal rear expansion in order to accommodate additional dwelling units, would better preserve the character and interest of the streetscape.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does not comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses.

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The demolition of the existing building, which appears to have significant architectural integrity, would not conserve the neighborhood character and would not protect existing housing, which could jeopardize the economic diversity of the neighborhood.

C. That the City's supply of affordable housing be preserved and enhanced,

The existing, older dwelling would generally be considered to be more naturally affordable when compared with the three new proposed market-rate dwelling-units.

D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The replacement project meets the density, off-street parking and bicycle parking requirements of the Planning Code and is therefore not anticipated to impede transit service or overburden our streets with neighborhood parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not displace any service or industry establishment. The Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this Project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and would be constructed to conform to the structural and seismic safety requirements of the City's Building Code. This proposal would not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not adversely affect impact any existing parks and open spaces, nor their access to sunlight and vistas.

11. **California Housing Accountability Act Compliance.** When a proposed housing development project complies with objective General Plan and zoning standards and criteria, including design review standards in effect at the time, local governments may not deny the housing project or impose conditions that reduce its density or render the project infeasible without making certain findings. Accordingly, the Commission hereby finds that the Project would have a “specific adverse effect” on the public health or safety and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval, as set forth below.

- A. **Applicability.** The California Housing Accountability Act applies to proposed housing development projects that “comply with objective General Plan and zoning standards and criteria”, including design review standards in effect at the time.

The Project does not comply with several of the Objectives and Policies of the General Plan, as outlined in Subsection 9 above. Furthermore, the Commission finds that there are feasible methods to satisfactorily mitigate or avoid the adverse impact caused by the Project, since the Commission's concerns with Project are related to the demolition of the existing sound structure, not the proposed Project's density. Because an alteration to the existing building could achieve the same density while retaining the sound existing structure, the Commission finds that the Sponsor has not satisfactorily considered alternatives that lessen the adverse impact of the proposed demolition while maintaining the

proposed density. As such the California Housing Accountability Act does not apply to the Commission's disapproval of the proposed demolition..

B. Public Health and Safety. The California Housing Accountability Act requires local governments make findings relating to “specific adverse effects” on the public health or safety when disapproving certain housing projects. The Act defines a “specific adverse impact” as a “significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies or conditions” that existed on the date the application was deemed complete. Although the Housing Accountability Act does not apply for the reasons set forth above, the Planning Commission finds that the proposed project would have the following specific adverse effects on public health and safety:

- i. Affordability. The Project would have a specific adverse effect on public health and safety in that the existing, older dwelling unit proposed for demolition represents a more affordable alternative to the proposed new dwelling units, which would likely be more expensive. According to the Center for Housing Policy, affordable housing can alleviate crowding and frees up household resources to pay for health care, insurance and more nutritious food, which results in improved health outcomes.*
- ii. Stability. As a result of the demolition of the older, “naturally affordable” dwelling unit, existing neighborhood residents would have fewer opportunities to maintain a stable residence in their neighborhood. According to the Center for Housing Policy, access to stable and affordable housing supports mental health by limiting stressors related to frequent relocation and the financial burden that displacement can cause.*
- iii. Quality Neighborhoods. According to the Center for Housing Policy, when displaced from quality neighborhoods such as this one, individuals who can only access affordable housing in areas with higher poverty levels may be prone to greater psychological distress and risk being exposed to violent crime. Being able to maintain a standard of living in their established neighborhood allows residents to reduce stress, maintain their access to amenities, and to retain vital societal connections.*

12. The Commission hereby finds that disapproval of the Conditional Use Authorization request would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Application No. 2015-018150CUA**.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal the disapproval of this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 13, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 13, 2018

CONTINUED FROM: NOVEMBER 3, 2016, DECEMBER 1, 2016, AND FEBRUARY 9, 2017

Date: August 31, 2018
Case No.: **2015-018150CUA**
Project Address: **137 CLAYTON STREET**
Zoning: RH-3 (Residential, House - Three-Family)
40-X Height and Bulk District
Block/Lot: 1194 / 006
Project Sponsor: Jeremy Schaub, Schaub Ly Architects
1360 9th Avenue
San Francisco, CA 94122
Staff Contact: Christopher May – (415) 575-9087
christopher.may@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 TO DEMOLISH AN EXISTING TWO-STORY, SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW FOUR-STORY, 3-UNIT BUILDING WITHIN THE RH-3 (RESIDENTIAL, HOUSE – THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 1, 2016, Jeremy Schaub (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish an existing two-story, single-family dwelling and construct a new four-story, 3-unit building (hereinafter “Project”) within the RH-3 (Residential, House – Three-Family) Zoning District and 40-X Height and Bulk District.

On June 26, 2016, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and Class 3 Categorical Exemption under CEQA, as described in the determination contained in the Planning Department files for this Project. During the CEQA review, it was determined that the subject building is not a historic resource.

On November 3, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-018150CUA. The Commission moved an intent to disapprove the project on the basis that the proposed

demolition of the existing building and construction of a 4-story, three-unit replacement building did not meet the objectives of the General Plan. After hearing and closing public comment, the Commission indicated its intent to disapprove the project and continued the item to December 1, 2016, to allow Planning staff an opportunity to prepare a draft motion of disapproval.

On December 1, 2016, the Commission further continued Conditional Use Application No. 2015-018150CUA, to a hearing on February 9, 2017.

On February 9, 2017, the project sponsor requested an indefinite continuance of Conditional Use Application No. 2015-018150CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-018150CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the west side of Clayton Street, between Grove Street and Hayes Street, Lot 006 in Assessor's Block 1194. The property is located within the RH-3 (Residential, House – Three-Family) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on Clayton Street and is approximately 112.5 feet deep. The property is mostly flat and is currently occupied by a two-story, single-family dwelling constructed circa 1908, which covers approximately 42% of the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located midblock between Grove Street and Hayes Street in the Haight Ashbury neighborhood, north of the Panhandle and south of the University of San Francisco campus. The subject site is located in an RH-3 District and is surrounded primarily by two- and three-family dwellings ranging in height from three to four stories. Immediately adjacent to the subject property to the north is a three-and-a-half story, three-family dwelling and immediately to the south, at the northwest corner of Clayton Street and Hayes Street, is a three-story, 4-unit residential building. Also directly south of the subject property is the Asian American Recovery Services outpatient facility located in adjacent one- and two-story buildings fronting onto Hayes Street. Directly across the street are a three-story, single-family dwelling and a four-story, six-unit residential building. Immediately behind and to the west of the subject property is the New Traditions Elementary School. While the portion of Grove Street near the subject property is within the RM-1 (Residential – Mixed, Low-Density) District, the majority of the surrounding neighborhood is within the RH-3 (Residential, House – Three-

Family) District. The subject property is also within .25-miles of stops for the 7X – Noriega Express, 21 – Hayes, and 43 – Masonic MUNI transit lines.

4. **Project Description.** The project proposes the demolition of the existing two-story, single-family dwelling and the construction of a four-story, 40-foot tall, three-family residential building. Located on separate floors, the three units would range in size from approximately 1,220 square feet to 1,411 square feet and would each have three bedrooms and two bathrooms. Three independently accessible off-street parking spaces and three Class 1 bicycle parking spaces, one for each unit, are proposed in the garage on the ground floor.

The project is not seeking any exceptions or variances from the Planning Code. The proposal requires neighborhood notification, pursuant to Section 311 of the Planning Code, which was conducted in conjunction with the Conditional Use Authorization process.

5. **Public Comment.** The Department received neighborhood opposition to the project, in the form of emails leading up to and during public comment at the November 3, 2016. The opposition has been based primarily on the demolition of a seemingly sound building with a significant degree of architectural integrity. A tenant of the subject building also spoke in opposition to the project at the November 3, 2016, hearing, on the basis that she did not receive adequate notice from her landlord and property owner that the building was proposed to be demolished. That tenant has since vacated the premises voluntarily, and the building is now vacant.

In advance of the September 13, 2018, hearing, the Department has received one email in opposition to the proposed demolition of the existing building, on the basis that it appears to be a structurally sound building with a significant degree of architectural integrity.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Demolition – Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-3 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings in Subsection 8 “Additional Findings pursuant to Section 317” below.

- B. **Front Setback Requirement.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

The required front setback for the subject property, based on the average of the two adjacent buildings, is 0.75 feet. The project proposes a front setback of 1.5 feet. The proposed front bay windows on the third and fourth floors project approximately 1 foot into the required front setback. These bay windows meet the requirements of Planning Code Section 136(c), which regulates permitted obstructions into yards and over streets.

- C. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-3 Zoning Districts. Planning Code Section 134(c)(1) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley.

The subject property is approximately 112.5 feet in depth and therefore the 45 percent requirement is 50.6 feet. The subject property abuts along its south lot line a building that fronts another street (Hayes Street), therefore, that lot is disregarded in the consideration of a reduction in the rear yard requirement. The subject property abuts along its north lot line a building with a rear yard setback of approximately 38.6 feet. Accordingly, the project provides a matching rear yard of approximately 38.6 feet which complies with the rear yard requirement of the Planning Code. A one- and two-story rear portion of the proposed building, set back approximately 5 feet from each side lot line, projects into the required rear yard by approximately 10.5 feet. This structure meets the requirements of Planning Code Section 136(c)(35)(ii), which allows structures not exceeding the floor level of the second floor of occupancy, excluding the ground story, to project up to 12 feet into the required rear yard provided that they shall be no closer than five feet to any interior side lot line.

- D. **Useable Open Space.** Planning Code Section 135 requires 100 square feet of useable open space for each dwelling unit if all private, or a total of 400 square feet of common usable open space.

The Project contains three dwelling units. Each unit has access to approximately 700 square feet of common open space in the rear yard as well as private balconies and roof decks totaling approximately 456 square feet. As such, all dwelling units have access to usable open space which exceeds the minimum required by Section 135 of the Planning Code.

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

All proposed dwelling units have direct exposure onto the public street.

- F. **Street Frontages.** Section 144 of the Planning Code requires that no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is setback from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width.

The Project proposes a Code-complying garage door width of 9.75 feet.

- G. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit and a maximum of 150 percent of the required number of spaces where three or more spaces are required.

The Project will provide three (3) off-street parking spaces.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units.

The project requires three Class 1 bicycle parking spaces and no Class 2 bicycle parking spaces. The project proposes three Class 1 bicycle parking spaces, located in the garage.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. For properties in RH-3 Zoning Districts, height is measured at the center of the building starting from curb to a point 40 feet high at the required front setback.

The existing building has a height of approximately 26.5 feet, as measured from curb to the midpoint of its pitched roof. The proposed four-story, three-family dwelling will be approximately 40 feet high at the required front setback and for a building depth of approximately 62.5 feet. The remaining 20.5 feet of building depth would range in height from approximately 10 feet to 30 feet in height.

- J. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of a three-unit residential building. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

Despite the fact that the project proposes the demolition of the existing building, the project is considered to be necessary and desirable given the quality and design of the new building and the increase in the number of dwelling units. The proposal would demolish an existing single-family dwelling that contains four bedrooms and has approximately 2,158 square feet of floor area, excluding the basement level, and would replace it with a new building containing three 3-bedroom dwelling units ranging in size from approximately 1,457 square feet to 1,727 square feet. The siting of the new

building will be in conformity with the requirements of the Planning Code and consistent with the objectives of the Residential Design Guidelines.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The four-story massing at the street front is appropriate given the context of the immediate neighborhood and the proposed new construction is entirely within the buildable area as prescribed by the Planning Code and Residential Design Guidelines.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The proposed garage is designed to accommodate the three required off-street parking spaces, in addition to the three required Class 1 bicycle parking spaces.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The landscaping, usable open spaces, parking area and lighting of the proposed replacement building would be compatible with the surrounding neighborhood.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Residential District.

The proposed project is consistent with the stated purpose of RH-3 Districts which are devoted to one-family, two-family and three-family houses that are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Additionally, the project is in conformance with the Planning Code requirements for dwellings in RH-3 Zoning District.

8. **Additional Findings pursuant to Section 317.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

i. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.

ii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The existing dwelling appears to be in decent, safe, and sanitary condition with no recent Code violations. Until recently, the subject property has been occupied and no evidence has been provided to suggest that the building is not structurally unsound.

iii. Whether the property is an “historical resource” under CEQA;

Although the existing building is more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.

iv. Whether the removal of the resource will have a substantial adverse impact under CEQA;

The structure is not an historical resource and its removal will not have a substantial adverse impact.

v. Whether the Project converts rental housing to other forms of tenure or occupancy;

The existing single-family dwelling was being rented until December, 2017 and is currently vacant. The project proposes one owner-occupied unit and two new rental dwelling units.

vi. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

The existing single family dwelling was being rented until December, 2017 and is currently vacant. Although the single-family dwelling is technically subject to the Rent Stabilization and Arbitration Ordinance, the Planning Department cannot definitively determine which aspects of the Ordinance are applicable. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and it is the purview of the Rent Board to determine which specific controls apply to a building or property.

vii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Although the project proposes the demolition of an existing dwelling, the new construction project will result in three family-sized dwellings, containing more habitable square feet and bedrooms.

- viii. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by constructing three family-sized dwellings that are consistent with the RH-3 Zoning District.

- ix. Whether the Project protects the relative affordability of existing housing;

The project removes an older dwelling unit, which is generally considered more affordable than more recently constructed units. However, the project also results in two additional units, greater habitable floor area, and more bedrooms that contribute positively to the City's housing stock.

- x. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project is not subject to the provisions of Planning Code Section 415, as the project proposes fewer than ten units.

- xi. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

- xii. Whether the project increases the number of family-sized units on-site;

The Project proposes enhanced opportunities for family-sized housing on-site by constructing three family-sized dwelling units whereas the property currently contains only one family-sized dwelling.

- xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

- xiv. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The overall scale, design, and materials of the proposed building are consistent with the block-face and compliment the neighborhood character with a traditional design.

- xv. Whether the Project increases the number of on-site dwelling units;

The Project would add two additional dwelling units to the site.

- xvi. Whether the Project increases the number of on-site bedrooms.

The existing dwelling contains four bedrooms. The proposal includes three 3-bedroom units, a net increase of five bedrooms.

- xvii. Whether or not the replacement project would maximize density on the subject lot; and,

The project will maximize the allowed density on-site by providing three dwelling units.

- xviii. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all the existing units with new dwelling units of a similar size and with the same number of bedrooms.

The existing single family dwelling is proposed to be replaced by three slightly smaller dwelling units that containing one fewer bedroom each, but cumulatively would add five additional bedrooms to the subject property. The single-family dwelling is subject to the Rent Stabilization and Arbitration Ordinance. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and the Rent Board is authorized to determine which specific controls apply to a building or property.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1:

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

The project proposes demolition of a seemingly sound residential structure containing a four-bedroom single-family dwelling. However, the new building will contain three dwelling units and results in a net increase of family-sized housing.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.1:

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

Policy 3.3:

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

Policy 3.4:

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The existing single-family dwelling is currently vacant. The project will result in an increase in the number of dwelling units, two of which will be rental units, as well as the total number of bedrooms. The single-family dwelling is subject to the Rent Stabilization and Arbitration Ordinance. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and the Rent Board is authorized to determine which specific controls apply to a building or property.

**OBJECTIVE 11:
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of material, scale, proportions and massing for the surrounding neighborhood. Furthermore, the proposal results in an increase in the number of dwelling units, while maintaining general compliance with the requirements of the Planning Code.

URBAN DESIGN

**OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related topography.

The project proposes new construction that will reinforce the existing street pattern as the building scale is appropriate for the subject block's street frontage.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed façade and massing are compatible with the existing neighborhood character and development pattern, particularly by proposing a building of similar mass, width and height as the existing structures along the block-face.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses.

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project is compatible with the existing housing and neighborhood character of the immediate vicinity. The project proposes a height and scale compatible with the adjacent neighbors and is consistent with the Planning Code, while providing three family-sized dwellings.

C. That the City's supply of affordable housing be preserved and enhanced,

The proposed three-family dwelling adds appropriately scaled and family-sized units to the city's housing stock.

D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The project meets the density, off-street parking and bicycle parking requirements of the Planning Code and is therefore not anticipated to impede transit service or overburden our streets with neighborhood parking.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The replacement of a single-family dwelling with a three-unit building is consistent with the Mayor's Executive Directive aimed at delivering at least 5,000 units of new or rehabilitated housing every year for the foreseeable future.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-018150CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 21, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 13, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 13, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to demolish a two-story single-family dwelling and to construct a four-story, two-family dwelling located at 137 Clayton Street, Lot 006 in Assessor's Block 1194, pursuant to Planning Code Sections 303 and 317(d) within the RH-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated October 21, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-018150CUA and subject to conditions of approval reviewed and approved by the Commission on September 13, 2018 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 13, 2018 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly

labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

PARKING AND TRAFFIC

7. **Bicycle Parking.** The Project shall provide no fewer than three (3) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide three (3) independently accessible off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

9. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

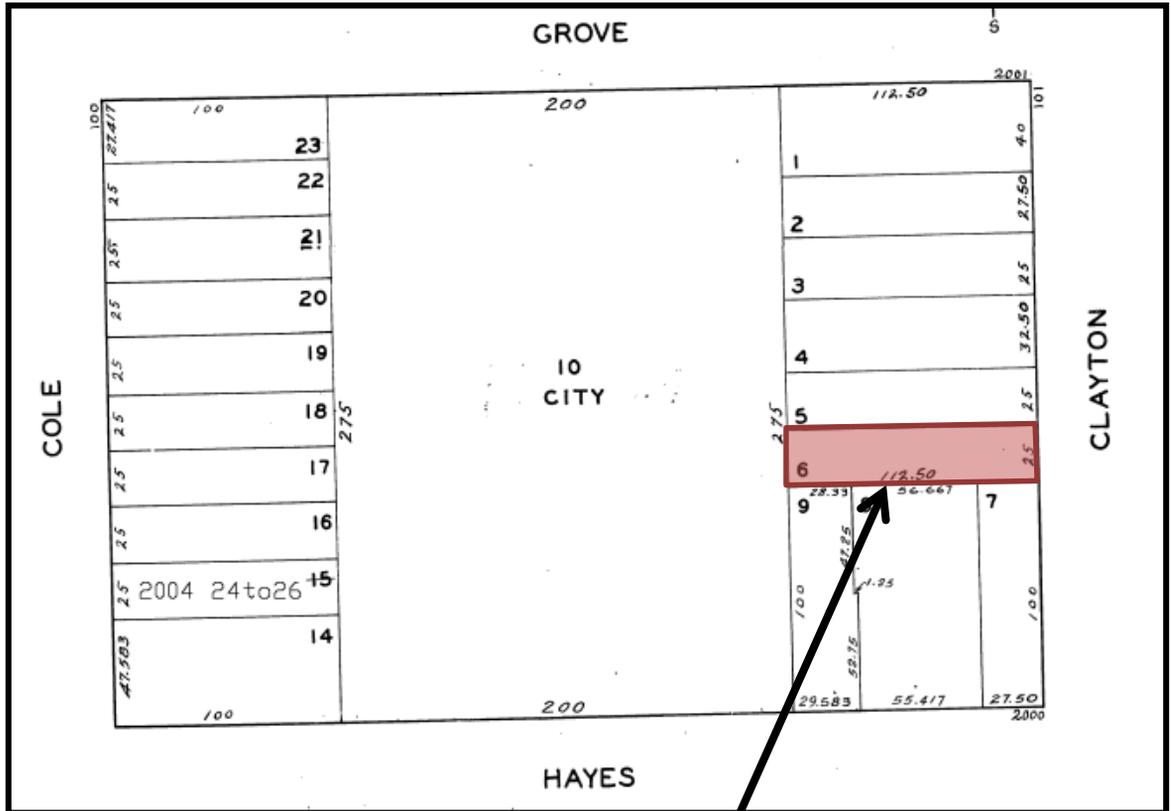
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

12. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

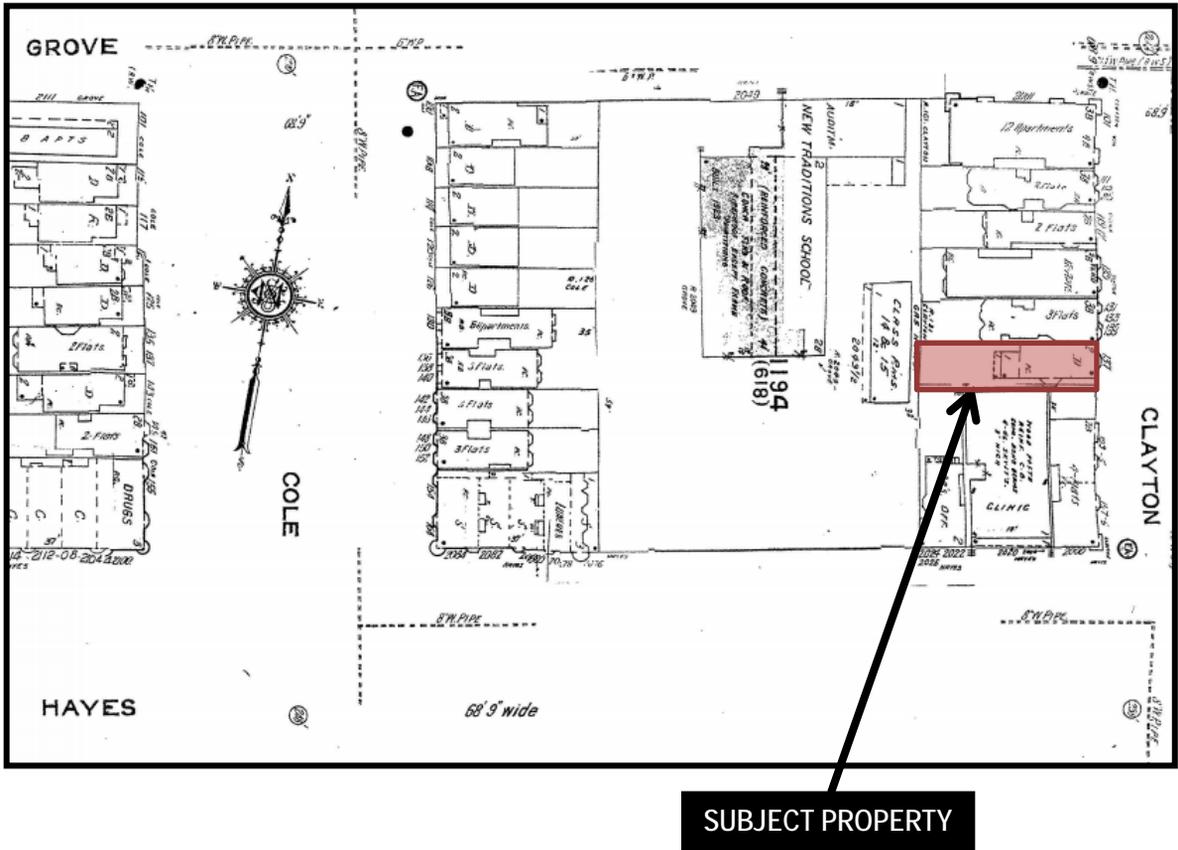
Block Book Map



SUBJECT PROPERTY



Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-018150CUA
137 Clayton Street
Block 1194 Lot 006

Zoning Map



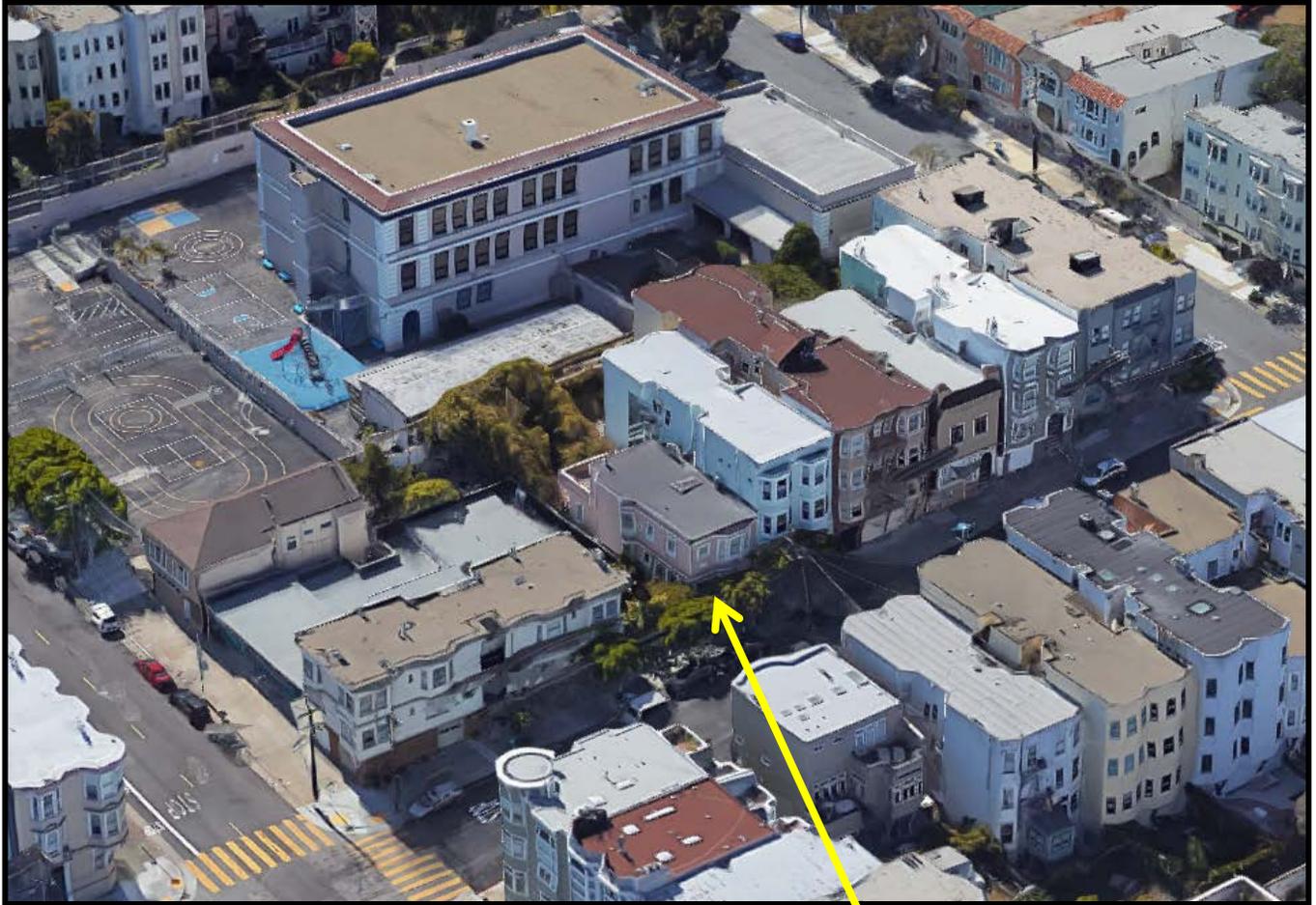
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-018150CUA
137 Clayton Street
Block 1194 Lot 006

Aerial Photo



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-018150CUA
137 Clayton Street
Block 1194 Lot 006

Site Photo



SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-018150CUA
137 Clayton Street
Block 1194 Lot 006



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
137 Clayton Street		1194/006	
Case No.	Permit No.	Plans Dated	
2015-018150ENV		12/29/2015	
<input 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. Proposed demolition of (E) SFH to construct (N) 3-family dwelling. Excavation for (N) basement/storage.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither Class 1 or 3 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"/>	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)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<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 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"/>	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 checked="" type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)</i>
<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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
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 <u>Environmental Planner</u>.	
<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 (<i>optional</i>): Jean Poling <small>Digital signed by Jean Poling DN: cn=Jean Poling, o=City and County of San Francisco, ou=City Planning, ou=Environmental Planning, email=jean.poling@sfplanning.org</small>	
No archeological effects.	

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

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel Information Map)</i>	
<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 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 checked="" 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 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 type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input checked="" type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): Per PTR form dated 3/31/2016 (attached)
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: Allison K. Vanderslice <small>Digitally signed by Allison K. Vanderslice DN: cn=Allison K. Vanderslice, ou=City Planning, ou=Environmental Planning, ou=City of San Francisco, email=avanders@sfplanning.org, c=US, o=City of San Francisco</small>	

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:	Signature: Jean Poling <small>Digitally signed by Jean Poling DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Jean Poling, email=jeanie.poling@sfgov.org Date: 2016.06.21 11:01:42 -07'00'</small>
	Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

**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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion	3/31/2016
--	--	--------------------------------	-----------

PROJECT INFORMATION:		
Planner:	Address:	
Allison Vanderslice	137 Clayton Street	
Block/Lot:	Cross Streets:	
1194/006	Hayes and Grove streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B		2015-018150ENV

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:	
------------------------------------	--

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
The proposed project consists of demolition of the existing single family home and construction of a three-unit residential building. An Historical Resource Evaluation (HRE) report by VerPlanck Historic Preservation Consulting (dated 03/2016) for 137 Clayton Street was submitted to aid this review.	

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" value="n/a"/>	Period of Significance:	<input type="text" value="n/a"/>	
		<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>Based on the HRE report completed for the subject property and additional research by Department staff, the subject property at 137 Clayton Street is not a historical resource under CEQA.</p> <p>Constructed in 1908, the building was built after the initial late 19th century development of the Panhandle area of the Haight-Ashbury neighborhood and does not appear to be associated with any other significant events or trends in the local area or San Francisco generally. Therefore, the subject property is not significant under Criterion 1.</p> <p>Based on the HRE prepared for the subject property, the building is not significant for its association with any person important to local, California, or national history. Therefore, the subject property is not significant under Criterion 2.</p> <p>The subject building is a good but not a distinctive example of the Classical Revival style that was common in San Francisco during the turn of the century. Many similar and more distinctive examples of early 20th century residential buildings in the Classical Revival style can be found in the Haight-Ashbury neighborhood, such as a row of homes at 115-135 Cole Street. While the building retains its integrity, it does not rise to the level of individual architectural significance. Based on the HRE, the subject building was constructed by Arthur T. Ehrenpfort, who does not appear to be a master architect or builder. Therefore, the subject property is not significant under Criterion 3.</p> <p>The subject building is not significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type.</p> <p>The subject property is just north of the CEQA-eligible Panhandle Historic District, currently district boundaries are Hayes Street to the north, Baker Street to the east, Page Street to the south, and Stanyan Street to the west. This residential district is eligible under Criterion 1, for its association with the initial residential development adjoining Golden Gate Park, and Criterion 3, for embodying the distinctive characteristics of a late 19th and early 20th century residential neighborhood, with a period of significance of 1870-1915 (see the HRER for 200 Clayton Street, Case No. 2012.0850E). The subject block does not directly adjoin Golden Gate Park and does not embody the distinctive characteristics of a late 19th and early 20th century residential neighborhood. The subject block is interrupted by the elementary school and many of the buildings on west side of Clayton street between Hayes and Grove Street lack architectural distinction or were constructed after the district's period of significance. Therefore, district boundaries should not be expanded to include the subject block or the subject property.</p>	

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	April 8, 2016

137 Clayton Street

San Francisco, California



March 25, 2016

Prepared by

VerPlanck
HISTORIC PRESERVATION CONSULTING

San Francisco, California

HISTORIC RESOURCE EVALUATION PART I

137 Clayton Street

San Francisco, California



December 15, 2015

Prepared by

Ver
Planck
HISTORIC PRESERVATION CONSULTING

San Francisco, California

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I. Introduction

VerPlanck Historic Preservation Consulting prepared this Historic Resource Evaluation (HRE) for an existing single-family dwelling located at 137 Clayton Street, in San Francisco's Western Addition. This HRE briefly summarizes the history of this property, which encompasses 2,812.5 square feet and includes the entirety of Assessor Parcel 1194/006 (**Figure 1**). The property, which contains a two-story, single-family dwelling designed in the Classical Revival style, was developed in 1908. The dwelling was designed by a little-known architect named Arthur T. Ehrenpfort and constructed for German immigrant insurance broker and real estate developer named Julius Thierbach. 137 Clayton Street has remained in use as a single-family property from 1908 until the present day and it has undergone very few alterations. This HRE finds the property individually ineligible for listing in the California Register of Historical Resources (California Register) under any of the eligibility criteria because the building lacks the individual historical or architectural distinction required for listing. The property is also located outside any of the California Register-eligible historic districts identified by Planning Department staff in the Western Addition. The property owner plans to demolish the single-family dwelling and replace it with a new four-story, three-family dwelling.

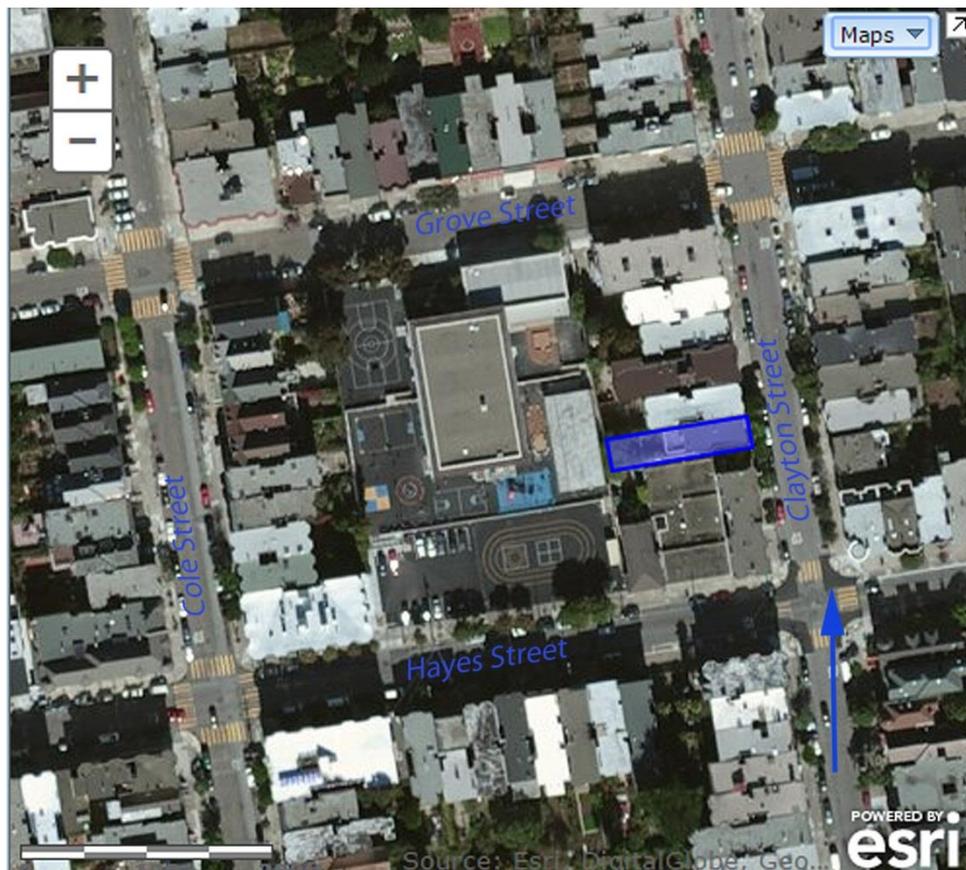


Figure 1. Map showing location of 137 Clayton Street

Source: San Francisco Property Information Map; annotated by Christopher VerPlanck

II. Methods

In compliance with the San Francisco Planning Department's *CEQA Review Procedures for Historic Resources*, this HRE provides a summary description and history of the single-family dwelling at 137 Clayton Street. Christopher VerPlanck visited the subject property on November 19, 2014 to photograph and survey the building and its surrounding context. VerPlanck, and urban planner Jonique Green, researched the building in local archives and government offices, including the completion of a chain of title at the San Francisco Office of the Assessor-Recorder, obtaining copies of building permit applications at the San Francisco Department of Building Inspection, and searching for additional information on the building and its occupants in local newspapers and building journals, including the *San Francisco Chronicle*, *Architect & Engineer*, *Building & Engineering News*, and other sources.

III. Regulatory Framework

VerPlanck Historic Preservation Consulting searched federal, state, and local records to determine if 137 Clayton Street had been previously identified in any survey or official register of historical resources. The specific surveys and registers consulted are described below.

A. *Here Today Survey*

Published in 1968 by the San Francisco Junior League, *Here Today: San Francisco's Architectural Heritage* is San Francisco's earliest comprehensive inventory of historical resources. Prepared by volunteers, the survey provides a photograph and concise historical data for approximately 2,500 properties located throughout the city. The survey was adopted in 1970 by the San Francisco Board of Supervisors under Resolution No. 268-70. The survey files are archived at the Koshland History Center, at the San Francisco Public Library.

137 Clayton Street is not included in *Here Today*, either in the published book or the survey files.

B. *Department of City Planning Architectural Quality Survey (AQS)*

Between 1974 and 1976, the San Francisco Planning Department completed an inventory of architecturally significant buildings located throughout San Francisco. An advisory committee comprising architects and architectural historians assisted in the final determination of ratings for the roughly 10,000 buildings surveyed. Planning staff assigned each surveyed building a numerical rating ranging from "0" (contextual importance) to "5" (individual significance of the highest degree). The inventory assessed only architectural significance, which was defined as a combination of the following characteristics: design features, urban design context, and overall environmental significance. When completed, the Architectural Quality Survey was believed to represent the top 10 percent of the city's building stock.¹ Furthermore, in the estimation of survey participants, buildings rated "3" or higher represent approximately the top 2 percent of the city's building stock. The survey was adopted in 1977 by the San Francisco Board of Supervisors under Resolution No. 7831. The Planning Department has been directed to use the survey, although the methodology is inconsistent with CEQA Guidelines PRC 5024.1(g).

¹ San Francisco Planning Department, *San Francisco Preservation Bulletin No. 11 – Historic Resource Surveys* (San Francisco: n.d.), 3.

137 Clayton Street is not rated in the 1976 Architectural Quality Survey. Five other properties on the subject block are rated in this survey, including the former Andrew Jackson (now New Traditions) School, at 2049 Grove Street; and four residential buildings at 100, 130, 136-40, and 144-6 Cole Street.

C. *San Francisco Architectural Heritage Surveys*

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

San Francisco Architectural Heritage has not surveyed the Western Addition and it does not have a file for 137 Clayton Street.

D. *Article 10 of the San Francisco Planning Code*

San Francisco City Landmarks are buildings, structures, sites, districts, and objects of "special character or special historical, architectural or aesthetic interest or value and (that) are an important part of the City's historical and architectural heritage."² Adopted in 1967 as Article 10 of the San Francisco Planning Code, the San Francisco City Landmark program recognizes the significance of listed buildings and protects them from inappropriate alterations and demolition through review by the San Francisco Historic Preservation Commission. As of 2015, there are 266 landmarked properties and 12 designated historic districts that are subject to Article 10. The Article 10 designation process originally used the Kalman Methodology, a qualitative and quantitative method for evaluating the significance of historic properties. In 2000 Article 10 was amended to use National Register evaluation criteria.

137 Clayton Street is not a City Landmark and it is not a contributor to any designated historic districts.

E. *California Historical Resources Information System*

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

137 Clayton Street has not been surveyed before and it is not part of any listed or "potential" historic districts. Therefore it does not have a California Register Status Code, meaning that it has a default status code of "7."

² San Francisco Planning Department, *Preservation Bulletin No. 9 – Landmarks* (San Francisco: January 2003).

IV. Property Description

A. Context

137 Clayton Street is located on the west side of Clayton Street, between Hayes and Grove streets, in a part of the Western Addition commonly known as NOPA (North of Panhandle). The property is located a little over a block north of the Panhandle – the one-block wide easterly extension of Golden Gate Park. The subject block measures 275' x 412'-6" and is fully urbanized. The topography is hilly, with the terrain sloping uphill toward the north. The subject block, which is bounded by Clayton, Hayes, Cole, and Grove streets, contains a mixture of residential and institutional buildings, with residential properties dating to the early twentieth century predominating along Clayton and Cole streets, and a large public school campus (New Traditions Elementary) located at the center of the block. Though this part of the Western Addition was largely spared in the 1906 Earthquake and Fire, nearly all of the existing dwellings on the block were built after 1906 during the post-quake Reconstruction Era (1906-1917). Of the 17 residential properties on the subject block, all were built after 1900, with 15 out of the 17 constructed during the post-quake Reconstruction Era. Most of the surrounding blocks are similar, with the occasional nineteenth-century property and more recent "infill" projects from the 1950s to the present day.

The west side of Clayton Street, where the subject property is located, is dominated by multi-family residential properties dating to the immediate post-quake era. Indeed, the subject property is the lone single-family property on the block. At the southern end of the block, next-door to 137 Clayton Street, is a four-unit Classical Revival-style building constructed in 1921, at 153-59 Clayton Street (**Figure 2**). The properties north of 137 Clayton Street are somewhat varied in terms of their height and massing, but nearly all are designed in the Classical Revival style that was popular in San Francisco during the Reconstruction Era (**Figure 3**). The adjoining property to the north contains a three-story, three-unit residential building constructed in 1909, at 131-35 Clayton Street (**Figure 4**). To the north of this property is the largest and newest building on a block, a 12-unit, three-story apartment building built in 1926, at 125 Clayton Street (**Figure 5**). The remainder of the blockface consists of a heavily altered, two-family dwelling built in 1908, at 119-21 Clayton Street; a three-unit, Classical Revival-style building built in 1911, at 111-15 Clayton Street; and a 12-unit, Mission Revival-style apartment building constructed in 1917, at 2001 Grove Street (**Figure 6**).



Figure 2. 153-59 Clayton Street
Source: Christopher VerPlanck



Figure 3. West side of Clayton Street
Source: Christopher VerPlanck



Figure 4. 131-35 Clayton Street
Source: Christopher VerPlanck



Figure 5. 125 Clayton Street
Source: Christopher VerPlanck



Figure 6. From left: 119-21 Clayton Street, 111-15 Clayton Street, and 2001 Grove Street
Source: Christopher VerPlanck

The opposite (east) side of the 100 block of Clayton Street is similar to the west side, comprising mostly wood-frame, three-story flats and apartment buildings constructed after the 1906 Earthquake and Fire. Most are designed in the Classical Revival style as well (**Figure 7**). The only exception to this pattern is the southern end of the block, which features a pair of contemporary multi-family buildings constructed in recent years (1994-98 Hayes Street and 192 Clayton Street), as well as a heavily altered five-unit building constructed in 1908, at 180-88 Clayton Street. The center of the subject block contains a large parcel measuring 200' by 375'. This parcel is the site of New Traditions Elementary School, formerly Andrew Jackson School. At the north side of the campus, which is otherwise occupied by surface parking lots and playgrounds, is a three-story, reinforced-concrete school building constructed in 1923. Finished in stucco with raised quoins at the corners, the building is designed in the Renaissance-Baroque style (**Figure 8**). West of the school is a row of residential buildings along the 100 block of Cole Street. This block was developed around the same time as the 100 block of Clayton Street and it has much the same building stock, including flats, apartment buildings, and a row of four nearly identical single-family dwellings designed in the Craftsman style, built in 1907, at 108, 114, 120, and 126 Cole Street (**Figure 9**).



Figure 7. East side of Clayton Street, looking south
Source: Christopher VerPlanck



Figure 8. New Traditions School, looking north from Hayes Street
Source: Christopher VerPlanck



Figure 9. East side Cole Street, between Hayes and Grove streets
Source: Christopher VerPlanck

B. General Description

137 Clayton Street is a two-story-over-basement, wood-frame, single-family structure with a concrete foundation and a flat roof. The dwelling occupies approximately 50 percent of its site, leaving room for a brick patio and a large, lushly landscaped yard at the west end of the lot. In regard to its footprint, the dwelling has a roughly “T”-shaped floorplan with a smaller, laundry porch at the rear. Stylistically it is designed in the Classical Revival style, which as previously mentioned, was the most popular style for residential construction during the post-1906 Earthquake reconstruction period. The primary façade and a portion of the south façade are clad in flush wood siding and the rest of the building is clad in rustic channel siding. The interior consists of one dwelling unit, with a partially finished basement, a main living floor containing an entry hall, living room, dining room, kitchen, bathroom, and laundry room; and a second floor containing three bedrooms and a bathroom. The dwelling appears to be in good condition.

C. Site

As mentioned previously, the dwelling at 137 Clayton Street occupies approximately 50 percent of its 25' by 112'-6" lot. The front of the property adjoining the public sidewalk features a very narrow belt of foundation plantings, including a hedge and two pollarded trees (**Figure 10**). Several overgrown ficus trees along the sidewalk largely obscure the building from view. Narrow light courts are located along the north and south sides of the property. The rear yard is terraced, with the rearmost portion elevated above a brick patio located between it and the house. The elevated section is planted with bamboo, various palms, at least one banana tree, and various other tropical and subtropical species. This part of the yard also contains a wooden gazebo hidden amongst the vegetation (**Figure 11**).



Figure 10. Landscaping at front
Source: Christopher VerPlanck

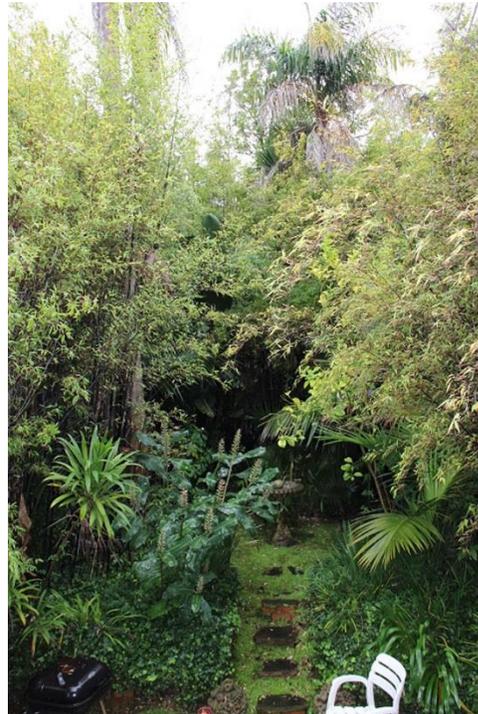


Figure 11. Rear yard
Source: Christopher VerPlanck

D. Exterior Description

Primary (East) Façade

As mentioned previously, thick tree canopies along Clayton Street make the primary façade of 137 Clayton Street almost disappear from view (**Figures 12 and 13**). The primary façade is two bays wide. The left bay features an integral porch at the first floor level. The porch, which is very deep and illuminated by fenestration along the south façade, is flanked by tapered wood pilasters with modified Tuscan capitals (**Figures 14 and 15**). The stair is finished in terrazzo and the floor of the porch is made of marble mosaic tile with a decorative quatrefoil pattern at the center. The ceiling is finished with flush boards and illuminated by a suspended incandescent fixture. The porch walls are also finished in flush wood siding with Classical Revival trim. The main entrance contains a single-panel wood door containing a large pane of glass. The door, which appears to be original, has period hardware, including the door knob, escutcheon, mail slot, and hinges. The right bay of the primary façade contains a three-sided bay window containing three double-hung wood windows at each floor level. A pilaster matching those on the porch forms the right side of the façade. Above the main entrance is an intermediate entablature that wraps across the primary façade. Above this is a plaster cartouche and a double-hung wood window. The primary façade terminates with a wooden cornice supported by modillions.



Figure 12. Primary façade from Clayton Street
Source: Christopher VerPlanck



Figure 13. Primary façade from sidewalk
Source: Christopher VerPlanck



Figure 14. Porch
Source: Christopher VerPlanck

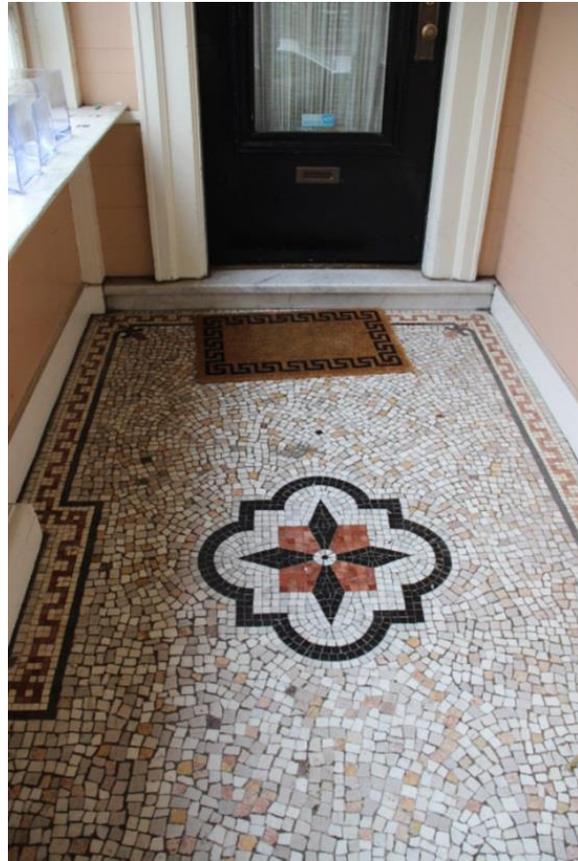


Figure 15. Porch floor
Source: Christopher VerPlanck

South Façade

The south façade of 137 Clayton Street is also largely obscured behind vegetation and not readily visible from the street (**Figure 16**). It is roughly five bays long, including the one-story rear laundry porch. The easternmost half of the south façade is clad in flush wood siding matching the primary façade. This portion is pulled back several feet from the south property line to form a generous light court/passageway which provides direct access from the street to the rear of the property. The first floor level features a band of fenestration that illuminates the porch. Above the porch, at the second floor level, are two double-hung wood windows surrounded by Classical Revival trim. A three-sided bay window separates the formal eastern half of the south façade from the utilitarian rear portion, which is clad in rustic channel siding and punctuated by a functional arrangement of double-hung wood windows without any ornamental trim (**Figure 17**).

North Façade

The north façade abuts an adjoining structure at 131-35 Clayton Street. Aside from a light court at the rear of the dwelling, the rest of the north façade is not visible (**Figure 18**).



Figure 16. South façade from Clayton Street
Source: Christopher VerPlanck



Figure 17. Rear portion of south façade
Source: Christopher VerPlanck



Figure 18. North façade
Source: Christopher VerPlanck

West Façade

The west façade of 137 Clayton Street faces the rear yard (**Figure 19**). The most readily visible portion is the one-story laundry porch, which is articulated by a door at the left and a double-hung wood window on the right. Both are sheltered beneath a flat roof. There is an enclosed roof deck atop the porch. The west façade of the main portion of the dwelling, which is visible from the extreme rear of the property, is articulated by a sliding door and a pair of windows. The lower portion of the west façade features an enclosed storage area on the left and a door accessing the basement to the right.

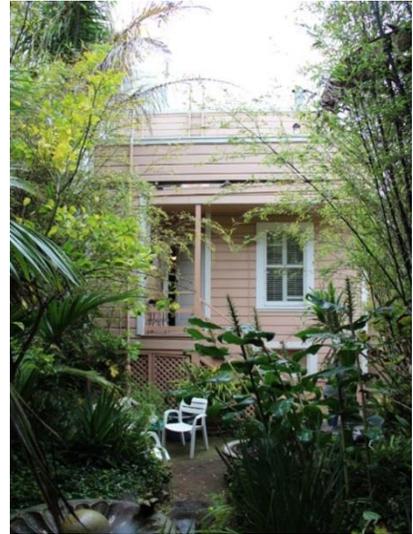


Figure 19. West façade
Source: Christopher VerPlanck

E. Interior Description

The interior of 137 Clayton is very well-preserved, with few significant alterations. As mentioned previously, the interior comprises three levels: basement, first floor, and second floor. The basement is partially finished and contains storage, a mechanical room, and what appears to be a pair of bedrooms. The first floor is the main living floor. It contains an entry hall, living room (originally the parlor), dining room, kitchen, breakfast room, laundry room, and bathroom. Most of the rooms are paneled in redwood with many built-in cabinets and two tiled fireplaces (**Figures 20 and 21**). Redwood pocket doors separate most of the rooms on the first floor level and a redwood stair leads from the entry hall to the second floor. Original light fixtures survive throughout the interior. The second floor contains three bedrooms and a bathroom.



Figure 20. Dining room
Source: Christopher VerPlanck



Figure 21. Stair
Source: Christopher VerPlanck

V. Historical Context

A. Historical Background of the Western Addition/North of Panhandle Neighborhood

137 Clayton Street is located in the Western Addition, a large swath of the city bounded by San Francisco Bay to the north, Larkin Street to the east, Duboce Avenue to the south, and Arguello Avenue to the west. Historically the term “Western Addition” referred to the entire part of San Francisco platted in 1856 as part of the city’s first westward expansion after Jasper O’Farrell’s initial 1847 survey. The Western Addition still technically encompasses a large section of the city, including neighborhoods as disparate as Hayes Valley, Alamo Square, Japantown, and Pacific Heights, but in popular usage the name is often (and mistakenly) applied only to the areas cleared and rebuilt by the Redevelopment Agency during the 1960s and 1970s. In recent years, as gentrification takes hold, realtors and newcomers have renamed various parts of the Western Addition. These “micro-neighborhoods,” some of which have some historical precedent, include Alamo Square, Hayes Valley, and Lower Pacific Heights (**Figure 22**). The subject property is in a part of the Western Addition traditionally called “The Panhandle,” in reference to its proximity to the one-block wide easterly extension of Golden Gate Park. In recent years this name has been supplanted by “North of Panhandle” or simply “NoPa.”

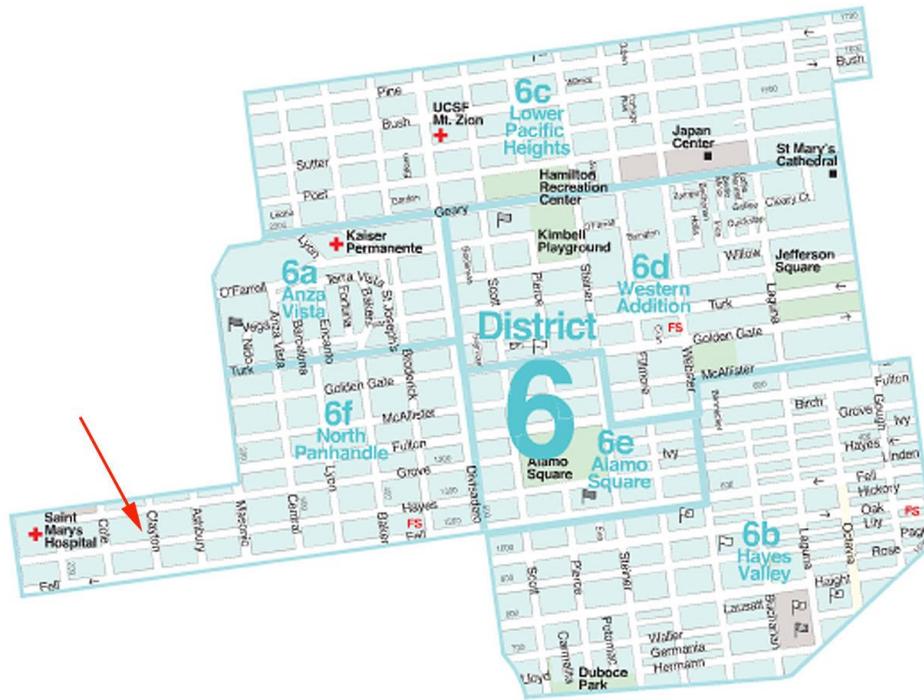


Figure 22. San Francisco Association of Realtors map of the Western Addition
Subject property indicated by blue arrow

The eastern part of the Western Addition began to develop as early as the 1850s, though its distance from downtown impeded extensive residential development until the 1860s. These conditions began to change in 1857 after Thomas Hayes built a steam railroad from Market Street to his recently completed Hayes Park Pavilion, an amusement ground and beer garden in what is now Hayes Valley.³ The railroad,

³ E.G. Fitzhamon, “Hayes Valley No. 1,” *San Francisco Chronicle* (Undated newspaper clipping on file at the San Francisco History Room), 1.

completed in 1860, was the earliest rail link between the Western Addition and downtown and it spurred on residential development in the eastern Western Addition during the 1860s.⁴ Sometime between 1863 and 1869, the area west of Divisadero Street, which was a series of larger private landholdings, was merged with the Western Addition, expanding the tract as far west as Stanyan Street and Arguello Avenue.

The completion of the Market Street Railway's Haight Street Cable Railroad in 1883 attracted a significant amount of mixed-use development along Haight Street and intersecting streets in the southern portion of the Western Addition. Over the next decade, residential development expanded farther west along Haight Street and along both sides of the Panhandle. Between 1880 and the 1906 Earthquake, much of the Western Addition had been developed with rows of two and three-story, wood-frame flats and single-family residences – many parts of tracts of identical rowhouses designed in elaborate Victorian-era styles, including the Italianate, Stick/Eastlake, and Queen Anne (**Figure 23**). In contrast to the heavily Irish and predominantly working-class South of Market Area, the Western Addition was a mostly middle-class district housing native-born whites, Jews, Protestant and Catholic Germans, Scandinavians, and English.



Figure 23. View from Buena Vista Hill north toward the Western Addition, n.d.

Source: San Francisco Public Library

The Western Addition was not as heavily devastated by the 1906 Earthquake as other close-in residential districts like the South of Market Area or the Mission district. Because it largely survived the disaster, many earthquake refugees took refuge in the district, some several thousand residing in refugee camps sponsored by the San Francisco Red Cross Relief Corporation, including one in Alamo Square.⁵ As conditions became more settled, some refugees rented apartments in the Western Addition. The crush of new residents prompted some established residents to abandon the district, with many moving to more prestigious tracts being built to the west, including the Haight-Ashbury district and Presidio Heights. As they departed, speculators converted much of the Western Addition's single-family housing stock into apartments and flats.

During the postquake era, the more heavily built-out eastern portion of the Western Addition experienced little new development. Meanwhile, the formerly remote areas west of Divisadero Street and north of the Panhandle, especially the area surrounding the Laurel Hill, Calvary, Masonic, and Odd Fellows cemeteries, continued to grow, as the many larger landholdings in the area were subdivided into house lots and developed.

⁴ William Kostura, *Hayes Valley Housing Historic Context Statement* (Unpublished manuscript on file at the San Francisco Public Library, 1995), 2.

⁵ San Francisco Relief Corporation, *Department Reports of the San Francisco Relief and Red Cross Funds* (San Francisco: Annual Report of the San Francisco Relief Corporation, March 19, 1907), 18.

Between 1906 and 1920, the eastern part of the Western Addition evolved into a dense, inner city neighborhood. In addition to new flats and apartment buildings being built on the site of previously vacant and underutilized lots, speculators continued to convert the neighborhood's remaining stock of single-family dwellings and flats into apartments.

Home to hundreds of defense industries, including shipyards, munitions factories, optical equipment works, and aircraft manufacturing plants, the Bay Area was widely known as America's "Arsenal of Democracy" during World War II. In need of labor to staff these plants, the federal government recruited tens of thousands of workers from the states of Louisiana, Arkansas, Texas, and Oklahoma. Many of these workers were African Americans seeking a way out of the dead-end sharecropping economy of the Jim Crow South. Throughout the 1940s, thousands of African American defense workers crowded into the apartment houses and converted Victorians of the Western Addition, joining the nucleus of a small black community that had developed along Fillmore Street during the 1930s. Many of the newcomers moved into an area known as "Nihonmachi," or "Japantown," especially after 1942 when tens-of-thousands of Japanese Americans were evacuated and incarcerated in remote concentration camps for the duration of the war.

The African-American population of the Western Addition continued to expand after World War II – southward along Fillmore and Webster streets into Hayes Valley, and westward toward Alamo Square and Divisadero Street.⁶ By 1960, the transformation of the Western Addition into a predominantly African-American enclave was nearly complete. Because African Americans were still restricted by law and custom from renting or buying in most of San Francisco, the Western Addition became the center of black commerce and culture in San Francisco, with dozens of black-owned businesses arrayed along Fillmore and Divisadero streets. The cultural life of "The Fillmore" thrived throughout the postwar period, with restaurants, nightclubs, music halls, and other businesses giving the area the nickname "Harlem of the West" (Figure 24).

During the later postwar era, private capitalists and their allies in city government argued that the aging Western Addition was a "blighted" district in need of complete reconstruction. The San Francisco Redevelopment Agency, founded in 1948 to remake vast areas of the city, made the redevelopment of the area a priority.⁷ Beginning in the mid-1960s, several Redevelopment Agency projects wiped out the heart of the Fillmore district, beginning with Project Area A-1, which replaced the heart of the African American commercial district with high-rise luxury towers and a Japanese-themed shopping center. Widespread opposition to redevelopment led to several lawsuits by community groups, delaying work on Project Area A-2 until the early 1970s.⁸ As the eastern part of the Western Addition was cleared of housing, many African American residents moved into adjoining areas, including the Haight-Asbury district, Duboce Triangle, and the Panhandle neighborhood.

⁶ Mark Walker and Grace H. Ziesing, eds., *The San Francisco Central Freeway Replacement Project-Alternative 8B: Archaeological Research Design and Treatment Plan* (Rohnert Park, CA: Anthropological Studies Center, Sonoma State University, May 2002,), 89.

⁷ Ibid.

⁸ David Gebhard et al, *The Guide to Architecture in San Francisco and Northern California* (Salt Lake City: Peregrine-Smith Books, 1985 ed.), 89-90.

Freeway construction was also extremely damaging to the Western Addition. Valuing the convenience of suburban commuters over the quality of life for local residents, state highway engineers designed a network of elevated freeways that would destroy much of the remaining residential fabric of the Western Addition. The Central Freeway, which was designed to connect the Bayshore Freeway (U.S. 101) with the Golden Gate Bridge, cut a wide swath through the eastern part of the neighborhood, from Market Street to Turk Street, before it was stopped in the famous Freeway Revolt of 1959.⁹ Unfortunately, by this time the damage had already been done, shadowing the Hayes Valley neighborhood beneath a double-decked concrete viaduct. Heavily damaged in the Loma Prieta Earthquake of 1989, this viaduct was demolished in the 1990s and later replaced by Octavia Boulevard.



Figure 24. 1800 block of Fillmore Street, looking south, 1964
Source: San Francisco Public Library

By the early 1970s, the gentrification of the Western Addition, particularly the area around Alamo Square, had gotten underway.¹⁰ Young whites, many of them gay men, began buying and renovating Victorians spared by the Redevelopment Agency. In 1977, a federally sponsored, low-interest loan program called Federally Assisted Code Enforcement, or FACE, began targeting absentee property owners to pressure them to rehabilitate their properties.¹¹ By the late 1980s, the Western Addition had become an increasingly desirable place to live, causing real estate prices to escalate, especially in areas with intact Victorians. Increasingly, more African American households (especially renters) were forced out of the neighborhood by the higher rents that accompanied rising real estate prices.¹²

In the late 1990s, the A-2 Project Area finally came to a close with the construction of the Fillmore Center – a series of high-rise buildings containing apartments and commercial space – on long-vacant land that had been cleared by the Redevelopment Agency almost two decades earlier. In 2000, the San Francisco Redevelopment agency created the Fillmore "Jazz Preservation District" with upscale jazz-themed restaurants and nightclubs in an attempt to revive the culture and spirit of the old Fillmore district. By the mid-2000s, the demolition of the remaining stub of the Central Freeway ushered in a new wave of gentrification in the Western Addition. Presently the Divisadero corridor, which had lagged behind the rest of the neighborhood, is evolving into an increasingly gentrified area catering to young, high-paid tech workers. The area west of Divisadero Street, an area now widely known as "NoPa," also continues to gentrify.

⁹ Chris Carlsson, "The Freeway Revolt," *Shaping San Francisco* www.shapingsf.org (accessed February 28, 2007).

¹⁰ Peter Booth Wiley, *National Trust Guide to San Francisco* (New York: John Wiley & Sons, 2000), 292.

¹¹ *Ibid.*

¹² Arlo H. Nimmo, *Good Times and Bad Times in a San Francisco Neighborhood* (San Francisco: 2007), 37.

B. History of 137 Clayton Street

Pre-construction History

According to the 1894 San Francisco Block Book, the subject property was part of a large estate belonging to James P. Treadwell, Jr., a son of pioneer mining executive James P. Treadwell, Sr. Treadwell Sr., owner of the famous Treadwell Mine in Alaska, died in 1884, leaving his large estate to his children, including Maud (Treadwell) Nolan, Thalia Treadwell, Ivan Treadwell, and James P. Treadwell. The elder Treadwell had acquired the land, which included seven Western Addition blocks: 666, 667, 668, 669, 670; and part of Western Addition Block 685, which encompasses what is now 137 Clayton Street, before 1866.¹³ The 1894 Block Books indicates that James P. Treadwell owned all of Western Addition Block 685 except for an irregularly shaped strip along the south side of the block, which belonged to another major landowner in this area, Leopold Seligman (Figure 25).¹⁴

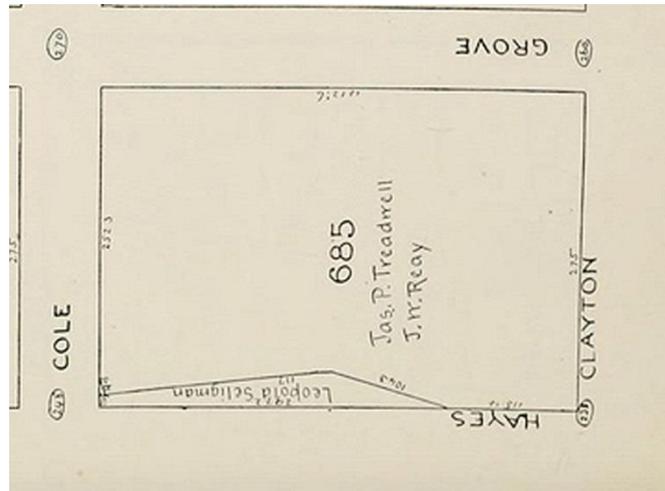


Figure 25. Western Addition Block 685
Source: Hicks-Judd Co. 1894 San Francisco Block Book

The strip was the remnant of an older landholding that predated the subdivision of the Western Addition in 1855-6. A second name appears on the property belonging to Treadwell in the 1894: J.W. Reay. Reay, a longtime foe of the Treadwell family, had repeatedly sued them for the Western Addition property, claiming that he held an older deed from the Masonic Cemetery Association. Competing claims to San Francisco property were far from unusual in nineteenth-century San Francisco, due mainly to the large number of squatters and fraudulent land titles in existence.

The 1899 Sanborn maps, published five years after the 1894 Block Book, indicate that there were no structures on Western Addition Block 685. The only marks on the block are lines indicating property lines (Figure 26).

The 1901 San Francisco Block Book shows great changes had taken place since 1894. Except for the sliver of land owned by Leopold Seligman, the Treadwell heirs had subdivided the subject block into 10 lots belonging to all four children of James Treadwell, Sr., as well as Maud's husband, Joseph T. Nolan. Because Seligman's property cut off access from Hayes Street, the center of the block was divided into long rectangular strips so that each lot would have access to Grove Street. James P. Treadwell, Jr. controlled two lots on the block, including a large rectangular lot measuring 112'-6" by 125' at the southeast corner of the block. What would become 137 Clayton Street was part of this property (Figure 27).¹⁵

¹³ "Treadwell Heirs Again in Court," *San Francisco Chronicle* (March 22, 1903), 28.

¹⁴ Hicks-Judd Co., *Handy San Francisco Block Book* (San Francisco: 1894).

¹⁵ Hicks-Judd Co., *Handy San Francisco Block Book* (San Francisco: 1901).

James P. Treadwell had a reputation for caddish and occasionally violent behavior toward women. San Francisco and San Jose newspapers were full of accounts of incidents in which he had assaulted various girlfriends and acquaintances. In June 1902, he married Abbie Montrose Driver, formerly the wife of his best friend. In October of that same year, James and Abbie Treadwell traveled to Pasadena, California to vacation. Following several days of heavy drinking Mr. Treadwell attempted to murder his wife during a walk in Rubio Canyon. After she successfully fought him off he turned the gun on himself and committed suicide.¹⁶ In his will Treadwell left his property, which included all of his holdings in the Western Addition, to his widow, Abbie M. Treadwell.

Less than a year after James P. Treadwell, Jr.'s death, J.W. Reay revived his lawsuit against the remaining Treadwell heirs, claiming the family's Western Addition properties for himself.¹⁷ The lawsuit remained active for a year or so but it appears to have been dropped, because according to the 1906 Block Book the subject block appeared much as it had in 1901, with various members of the Treadwell family still owning most of it and Reay's name no longer on the map.¹⁸

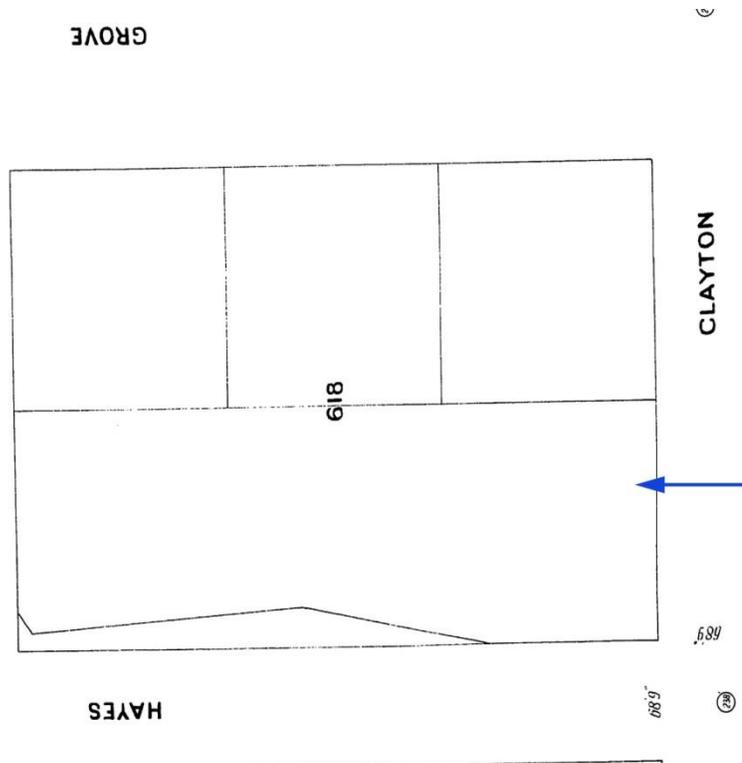


Figure 26. 1899 Sanborn map showing the subject block; future location of 137 Clayton Street indicated by blue arrow

Source: San Francisco Public Library; annotated by Christopher VerPlanck

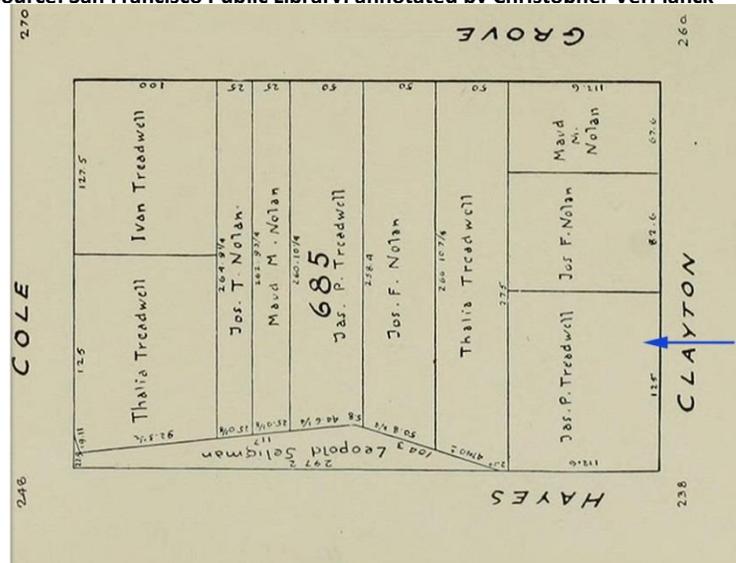


Figure 27. Western Addition Block 685

Source: Hicks-Judd Co. 1901 San Francisco Block Book

¹⁶ "Ends his Life with a Bullet: James P. Treadwell of San Jose Attacks Wife and Kills Himself," *San Francisco Chronicle* (October 9, 1902), 1.

¹⁷ "Treadwell Heirs Again in Court: J.W. Reay Sues Them for Property of Great Value in the Western Addition," *San Francisco Chronicle* (March 22, 1903), 28.

¹⁸ Hicks-Judd Co., *Handy San Francisco Block Book* (San Francisco: 1894).

On June 21, 1904, Abbie Montrose Treadwell married Dr. Walter Carry Hall of Petaluma.¹⁹ Hall was a dentist but he also owned real estate in San Francisco. Within two years the couple had separated and Mrs. Hall filed for divorce. The couple reconciled during the aftermath of the 1906 Earthquake, which reputedly wiped out much of their real estate holdings in San Francisco.²⁰ The disaster also appears to have inspired Abbie Treadwell Hall to sell off some of her holdings. According to the October 1906 San Francisco Block Book, she still owned the 112'-6" by 125' lot at the southeast corner of the subject block, which encompasses 137 Clayton Street. However, within a year she had subdivided this property into house lots and began selling them. By the time the 1909 Block Book was published, Abbie Treadwell-Hall still owned a parcel at 2020 Hayes Street, as well as a much larger property at the center of the block, but she had sold off the rest of her holdings in the area, including 137 Clayton Street (**Figure 28**).

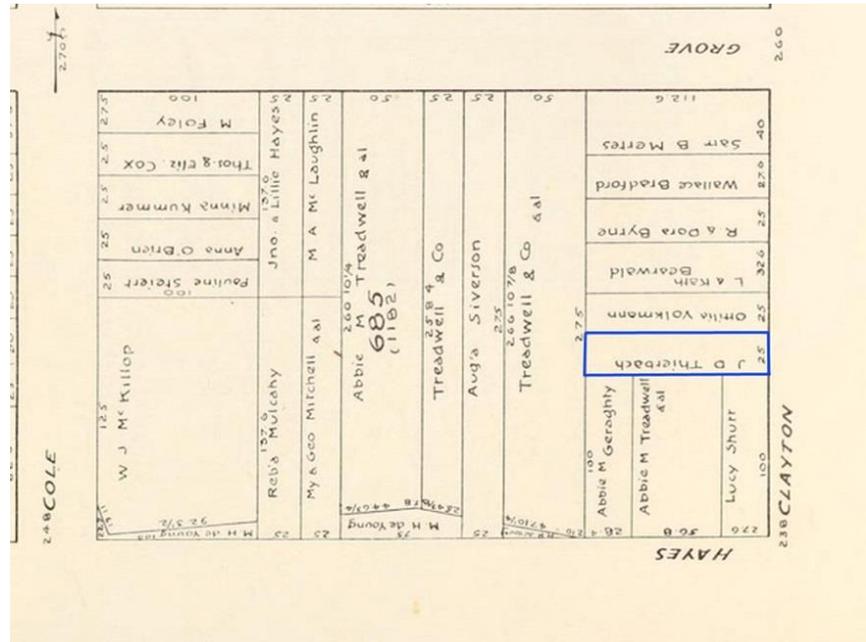


Figure 28. Western Addition Block 685; subject property indicated by blue rectangle
Source: Hicks-Judd Co. 1901 San Francisco Block Book

Original Construction

In late 1907 or early 1908, Abbie Treadwell-Hall sold a 25' by 112'-6" lot on the west side of Clayton Street to a German-born insurance broker named Julius Thierbach. Thierbach was also a real estate investor who built and owned several rental properties throughout the Western Addition. The original building permit application for 137 Clayton Street, which dates to September 1908, describes the proposed structure as a "two-story, frame building with basement" costing \$4,700. The foundation was to be concrete and the flat roof covered in tar and gravel. The architect was a man named A.T. Ehrenpfort, a fellow German immigrant.²¹ Filed on September 21, 1908, the Spring Valley Water Company water service application describes the proposed dwelling as being two stories and containing 1,230 square feet of space. It originally had one bath and two "water closets," or toilets. The owners were listed as J. Thierbach and A.W. Volkmann.²²

¹⁹ "Mrs. Abbie M. Treadwell of This City Becomes the Bride of a Dentist of Petaluma," *San Francisco Chronicle* (June 22, 1904), 11.

²⁰ "Were Reunited by Earthquake: Mrs. Treadwell-Hall and her Husband Reconciled by Misfortune," *San Francisco Chronicle* (April 27, 1906), 1.

²¹ San Francisco Department of Building Inspection, "Permit applications on file for 137 Clayton Street."

²² San Francisco Water Department, "Spring Valley Water Company water tap applications for 137 Clayton Street."

Thierbach and Volkmann Families: 1908-1952

Upon its completion, Julius Thierbach moved into 137 Clayton Street with his family. According to the 1910 Census, the Thierbach household consisted of Julius (born 1839), his wife, Anna (born 1839); their daughter, Dora M. Schwerin (born 1869); Dora’s husband, Adolph Schwerin (born 1864); and Dora’s sister, Emma J. Thierbach (born 1878). The elder Thierbachs were both born in what is now Germany. Julius, a native of Hanover, had immigrated to the United States in 1856, and Anna in 1862. Their daughters and their son-in-law were both born in California to German parents. Julius was an insurance broker and Adolph was the manager of a livery stable. None of the women worked outside the home.²³

The 1913 Sanborn maps, the first to illustrate the subject property, indicate that 137 Clayton Street probably looked much as it is now – a two-story, wood-frame dwelling with a one-story laundry porch at the rear (Figure 29). The map indicates that the subject block was mostly developed, with the 100 block of Cole Street built out, the Andrew Jackson School at 2048 Hayes Street, and several three-family buildings on Clayton Street. Still, several vacant house lots remained along Clayton Street and Hayes Street. Regardless, this formerly remote part of the Western Addition was fast filling in with dense rows of flats, apartment buildings, and houses like the older parts of the neighborhood east of Divisadero Street.

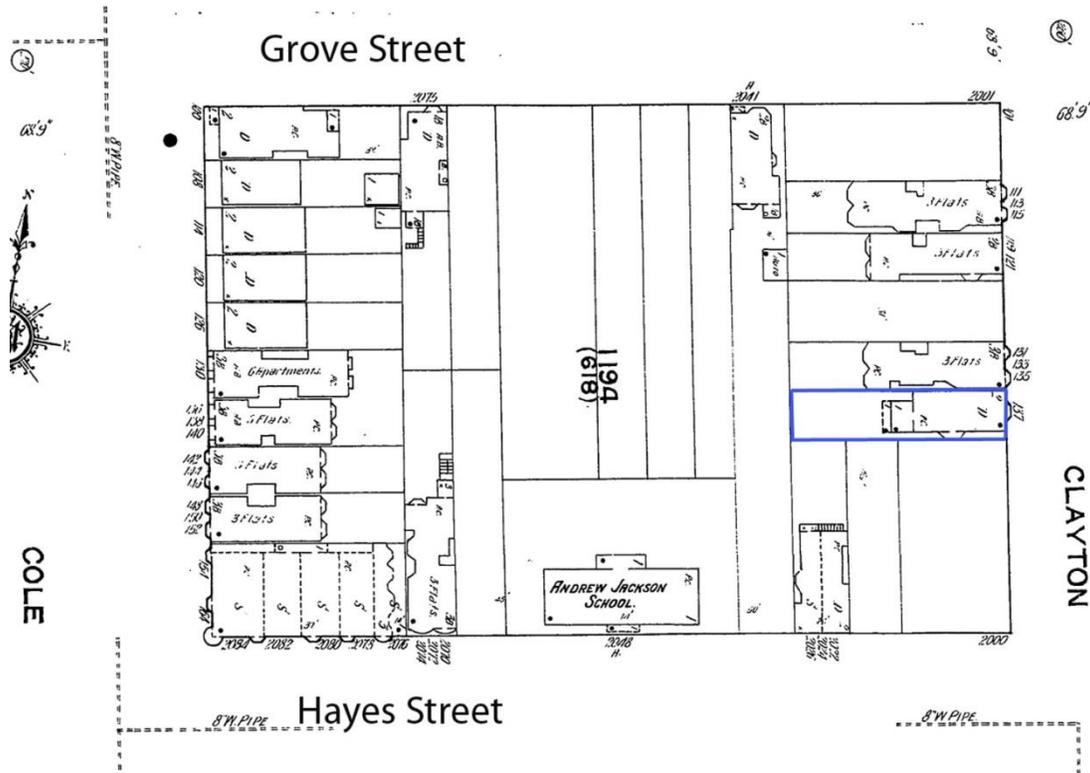


Figure 29. 1913 Sanborn map showing the subject block; 137 Clayton Street indicated by blue rectangle
 Source: San Francisco Public Library; annotated by Christopher VerPlanck

²³ U.S. Department of Commerce, Bureau of the Census, 1910 United States Federal Census, San Francisco City, Enumeration District 175, Sheet 9B.

The 1920 Census also records the Thierbach family living at 137 Clayton Street. By this year the household consisted of Julius Thierbach (age 81), and his two daughters: Dora Schwerin (age 52) and Anna Thierbach (age 42). Julius was still employed as an insurance broker. Living next-door to the Thierbachs, at 135 Clayton Street, were the Volkmanns. Alwine Volkman, a 76-year-old German-born woman, was the head of this household. She appears to have been a relative of Julius' – possibly his sister. In addition to Alwine, the Volkman household consisted of her son, Alexander (age 48) and her daughter, Ottilie (age 46). Alexander was employed as a plumber.²⁴

Julius Thierbach died on March 22, 1921. In his will he left 137 Clayton Street to Alwine Volkman. On August 4, 1922, Alwine Volkman gave the property to her children: Alexander and Ottilie Volkman.²⁵ Alexander Volkman married and left his family's home, settling at 1665 McAllister Street with his wife Agnes, and opening his own plumbing business. Meanwhile, Alwine and Ottilie Volkman continued living at 135 Clayton Street. Dora Schwerin, Julius' daughter, continued living at 137 Clayton Street. The 1930 Census describes her as being 50 years old and the owner of the property, which was then valued at \$10,000.²⁶ Ottilie Volkman died on November 26, 1936, leaving her share in the property to Alexander. Based on the Census it seems that Dora Schwerin was at least a part-owner of 137 Clayton Street, though this does not appear in property records. The 1940 Census continued to record Dora Schwerin (age 62) as the sole resident of 137 Clayton Street.

Dora Schwerin and Alexander Volkman both died in early 1951. By the terms of their wills, 137 Clayton Street was left to Adolph F. Dettmer, Bernice D. Mohr, and George C. Thierbach in a deed recorded on October 26, 1951.²⁷ These individuals then sold the property to Joseph G. Lehner on May 6, 1952. The 1950 Sanborn maps illustrate 137 Clayton Street before the Thierbach/Volkman family sold it to Mr. Lehner (**Figure 30**). The image shows few changes since the base map was made in 1913.

Dr. Joseph G. Lehner and Family: 1952-1985

Joseph G. Lehner was born February 2, 1884 in Germany.²⁸ It is not known when he immigrated to the United States but he had lived in California since 1913 and in San Francisco since 1918. He was a practicing Catholic and he was married to a woman named Marguerite (sometimes spelled Margaret) Edminister Lehner. According to San Francisco City Directories, Dr. Joseph Lehner was employed as a physician specializing in physical therapy and chiropractic health. He had his own office near Union Square. Joseph and Marguerite lived at 137 Clayton Street from 1952 until Joseph's death on August 29, 1968.²⁹ In his will, Dr. Lehner left 137 Clayton Street to Marguerite. Despite rising crime and the deterioration of the Panhandle neighborhood during the 1970s, Marguerite continued to live at 137 Clayton Street after her husband's death. She finally moved out in 1976. In 1977, Mrs. Linda J. Eldredge, a renter, moved in. Over the next five years, before city directories ceased publication, a series of tenants lived at 137 Clayton Street, including James Hillard (1978-79), Robert Hillard (1980-81), and Doris Lanier (1982).³⁰ Marguerite Lehner died on November 16, 1979, apparently without issue.³¹

²⁴ U.S. Department of Commerce, Bureau of the Census, 1920 United States Federal Census, San Francisco City, Enumeration District 329, Sheet 5B.

²⁵ San Francisco Office of the Assessor-Recorder, "Property records for 137 Clayton Street."

²⁶ U.S. Department of Commerce, Bureau of the Census, 1930 United States Federal Census, San Francisco City, Enumeration District 38-165, Sheet 13B.

²⁷ San Francisco Office of the Assessor-Recorder, "Property records for 137 Clayton Street."

²⁸ U.S. Social Security Death Index, 1935-2014.

²⁹ San Francisco Area Funeral Home Records, 1895-1985.

³⁰ San Francisco City Directories.

³¹ California Death Index, 1940-1997.

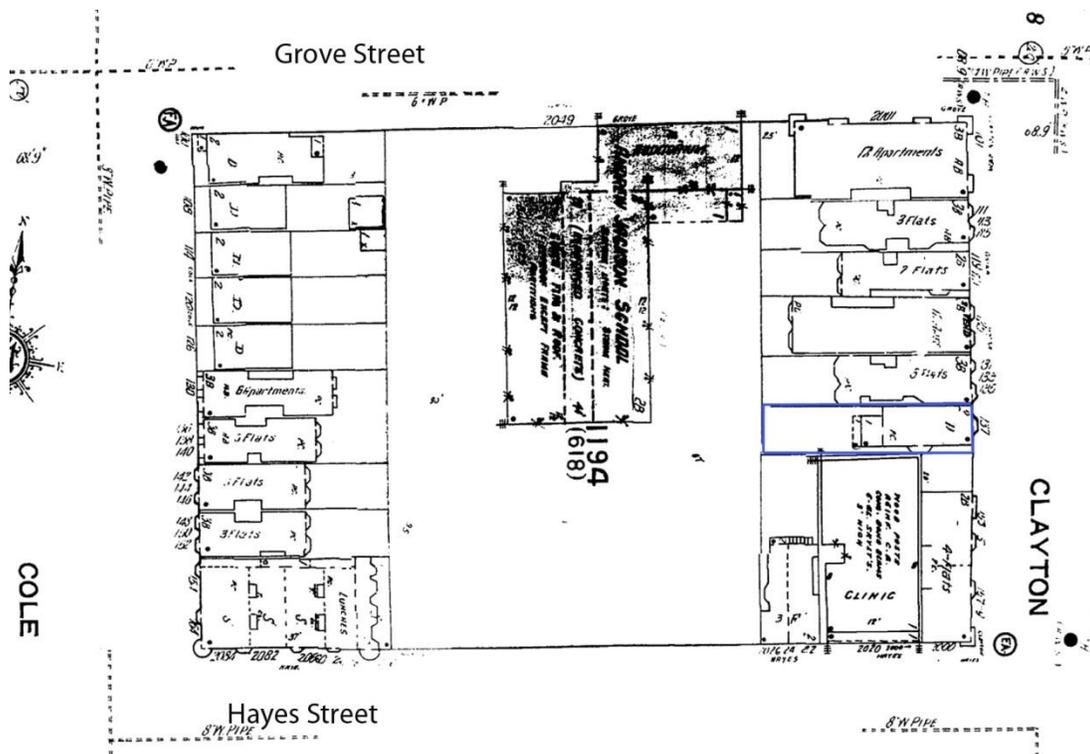


Figure 30. 1950 Sanborn map showing the subject block; 137 Clayton Street indicated by blue rectangle
Source: San Francisco Public Library; annotated by Christopher VerPlanck

Matt and Lisa Williams: 1985-

On July 7, 1985, George L. Cadwalader, an attorney and the executor of the Estate of Marguerite A. Lehner, sold 137 Clayton Street to Matthew J. and Lisa A. Williams, a married couple and residents of the Panhandle since 1980. Matthew Williams was born in 1955 and Lisa in 1953. Natives of Reno, Nevada, the couple moved to San Francisco in 1980. Matthew graduated from the University of Nevada, Reno, in 1977 with a Bachelor's Degree in Business Administration. He was employed as a real estate broker while the couple lived in San Francisco. Matthew and Lisa lived at 137 Clayton Street, where they raised a family, from 1985 until 2000. In 2001, they moved to San Diego and have rented the property to various tenants ever since.³²

The subject property appears on the ca. 1995 Sanborn maps maintained by the San Francisco Planning Department. These maps show very few changes on the block since 1950 aside from the school at the center of the block. Named the Andrew Jackson School in 1950, it was subsequently renamed New Traditions Elementary School in the early 1990s. The ca. 1995 Sanborn maps show a temporary classroom building on the site which no longer exists (**Figure 31**).

³² Email correspondence with Mr. Matthew Williams, January 15, 2015.

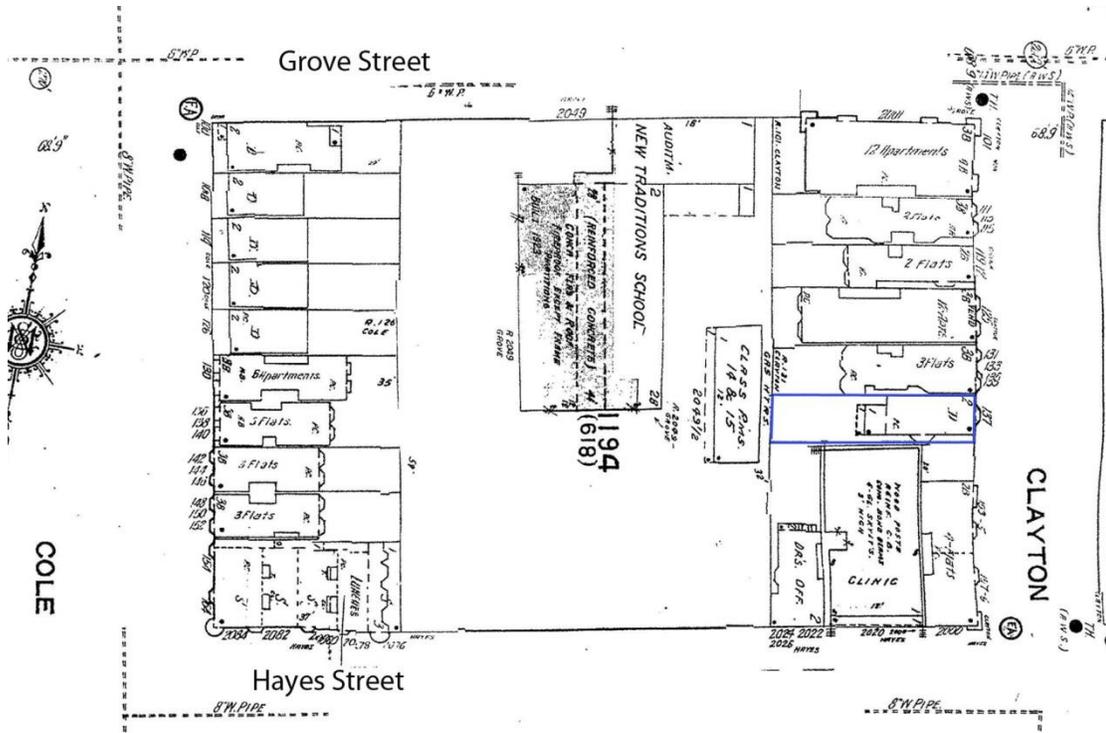


Figure 31. 1995 Sanborn map showing the subject block; 137 Clayton Street indicated by blue rectangle
 Source: San Francisco Public Library; annotated by Christopher VerPlanck

C. Alterations

137 Clayton Street has undergone very few alterations. Since it was built in 1908 only two permit applications have been made. The first application, which dates to April 1984, entailed the following scope of work: tightening all plumbing fixtures, rebuilding the back stairs on the laundry porch, and constructing a handrail to said porch. A second permit application dating to October 1985 entailed correcting several unspecified building code violations. The cost of the work was \$2,500.³³

D. Chain of Title

Document Reference	Date	Grantor	Grantee
Spring Valley Water Company Tap Records	1908	Abbie Treadwell-Hall	Julius Thierbach
Final Distribution	1921	Estate of Julius Thierbach, deceased	Alwine Volkmann
Grant Deed	August 4, 1922	Alwine Volkmann	Ottillie and Alexander Volkmann (50 percent each)
Final Distribution	November 26, 1936	Estate of Ottillie Volkmann, deceased (50 percent)	Alexander Volkmann

³³ San Francisco Department of Building Inspection, "Permit applications on file for 137 Clayton Street."

Document Reference	Date	Grantor	Grantee
Final Distribution	October 26, 1951	Estate of Alexander Volkmann, deceased	Adolph F. Dettmer, Bernice D. Mohr, and George C. Thierbach
Grant Deed	May 6, 1952	Adolph F. Dettmer, Bernice D. Mohr, and George C. Thierbach	Joseph G. Lehner
Final Distribution	June 13, 1969	Estate of Joseph G. Lehner, deceased	Marguerite (Margaret) A. Lehner
Grant Deed	November 4, 1985	Estate of Marguerite (Margaret) A. Lehner	Matthew J. and Lisa A. Williams

E. Arthur T. Ehrenpfort

Arthur Theodore (A.T.) Ehrenpfort was born on December 12, 1876 to German immigrant parents. Little is known of his early schooling or training, but he grew up in San Francisco's Western Addition and he probably attended local schools. Like most architects of his day Ehrenpfort likely learned his trade by working in the offices of established architects and/or training at local technical schools and architecture clubs. He first appears in San Francisco City Directories in 1898 as a draughtsman living at 926 Eddy Street, near Jefferson Square Park. In the 1905 San Francisco Directory he was listed as an architect who lived and worked out of his house at 970 Eddy Street. Following the 1906 Earthquake Ehrenpfort departed for Oakland, where he lived for the rest of his life. According to the 1920 Census, Arthur Ehrenpfort (age 43) lived at 675 Alcatraz Avenue in Oakland with his brother Paul (age 41) and their mother Emma (age 77).³⁴ By 1930, Arthur (age 52) was living at 671 Alcatraz Avenue with his wife, Johanna (age 61), a California-born woman of German heritage.³⁵

Throughout his long career, Arthur Ehrenpfort kept his office in San Francisco, working out of a number of buildings, including the Russ Building on Montgomery Street, and 251 Kearny, where many architects kept their offices. Ehrenpfort was a versatile if little-known architect. His oeuvre consisted of a variety of building types, including houses, apartment buildings, commercial buildings, institutional buildings, and recreational facilities. Some of his more notable works include Dreamland, a skating rink on the northwest corner of Post and Steiner streets (1906-demolished); Hotel Eddy, a residential hotel at 640-46 Eddy Street in the Tenderloin; and a Masonic Temple for the East Bay Masonic Building Association on the north side of Alcatraz Avenue, east of Adeline Street, in Berkeley. Very little else is known about Ehrenpfort's career. In 1941, Oakland City Directories listed his occupation as an engineer, suggesting a career change that may explain the apparent scarcity of built projects after this date.³⁶ Arthur T. Ehrenpfort died in San Francisco on November 14, 1957.³⁷

³⁴ U.S. Department of Commerce, Bureau of the Census, 1920 United States Federal Census, Oakland City, Enumeration District 59, Sheet 8A.

³⁵ U.S. Department of Commerce, Bureau of the Census, 1930 United States Federal Census, Oakland City, Enumeration District 1-45, Sheet 3.

³⁶ Oakland City Directories.

³⁷ California Death Index, 1940-1997.

F. Classical Revival Style

The Classical Revival style was popular in the United States from the mid-1890s until roughly 1920. The style began to emerge during the last quarter of the nineteenth century as a reaction to the excesses of the Victorian era. The style was pioneered in large part by the nationally prominent firm of McKim, Mead & White, which began to use eighteenth-century American Colonial architecture as a source for its residential commissions. The Classical Revival style first emerged in the 1880s on the East Coast as the Shingle Style. This style was characterized, as its name suggests, by an extensive use of wood shingles and very little ornament; it was inspired by the earliest vernacular architecture of New England. The fully developed Classical Revival style, which was based on the mature Colonial architecture of New England and the Mid-Atlantic colonies, emerged in the early 1890s. The style gained widespread exposure in the 1893 Columbian Exposition in Chicago, which made Classical architecture popular among all sectors.

The Classical Revival style arrived in San Francisco in the early 1900s, somewhat later than the East Coast or the Midwest. The new style took off with the reconstruction of San Francisco after the great 1906 Earthquake. Neighborhoods where the Classical Revival remains common today include areas that were built or rebuilt after 1906, including North Beach, Russian Hill, the South of Market Area, the Mission District, and the Western Addition. Larger and more elaborate examples of the style were also built as freestanding mansions in many wealthier neighborhoods, including Pacific Heights, Presidio Heights, and Sea Cliff.

In San Francisco, the Classical Revival style dwelling comes in two basic types: a freestanding single-family dwelling, or a single-family or multiple-family rowhouse. The former type, which is limited to the city's most prestigious neighborhoods where large lots are available, is often massed as a rectangular volume with its longer axis oriented parallel to the street. The freestanding type often has a gabled or a hipped roof and a bold entrance located at the center of the primary façade. The primary façade is often three or five bays wide and the openings are typically organized in a symmetrical fashion. Prominent architectural features include bold neoclassical porticos supported by Corinthian, Ionic, or Tuscan columns; Palladian or oval accent windows; porticos and "broken" entablatures above the main entrance; curved or gabled dormers; shutters and other domestic accents; and monumental cornices composed of dentils and egg-and-dart moldings and supported by acanthus-leaf brackets or simple modillions. Ornamental plaster cartouches are often used as accents in the spandrel panels of bay windows or above the main entrance. Occasionally the roof is capped by a balustrade.



Figure 32. 1834-38 and 1840-44 Golden Gate Avenue
Source: Christopher VerPlanck

In San Francisco, the urban rowhouse version of the Classical Revival style usually ranges from two-to-four stories in height and most examples are two bays wide, with the main entrance occupying one bay of the primary façade and a continuous bay window in the other. Frequently finished and detailed like their freestanding brethren, the typical Classical Revival rowhouse has clapboard or flush wood siding, plaster garlands or cartouches, and Corinthian, Ionic, or Tuscan pilasters bracketing the main entrance or

embellishing the corners of the house. The bay windows can either be angled or curved. In contrast to the freestanding version, the rowhouse type usually has a raised parapet concealing a flat or a gable roof behind. This parapet is often outlined by a bold cornice supported by scrolled brackets or modillions. Windows on both the freestanding and the rowhouse types are typically double-hung with a profile of one-over-one, though the upper sash is often divided into two smaller panes. A good example of the rowhouse type is a pair of three-family flats at 1834-38 and 1840-44 Golden Gate Avenue – both built in 1907 (**Figure 32**).

VI. Determination of Eligibility

VerPlanck Historic Preservation Consulting evaluated 137 Clayton Street to determine if it is eligible for listing in the California Register of Historical Resources (California Register), which is the threshold for determining whether a property is a historical resource under Section 21084.1 of the California Environmental Quality Act (CEQA).

A. California Register of Historical Resources: Individual Eligibility

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

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

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

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

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

Criterion 1

137 Clayton Street is broadly associated with the recovery of San Francisco in the years immediately following the 1906 Earthquake and Fire. Though this part of the Western Addition was not destroyed in the disaster, it was developed by individuals and families whose previous residences had been destroyed in other parts of the city. However, this is a context shared by thousands of properties in San Francisco and it would be difficult to argue that 137 Clayton is individually significant for this broad association. Furthermore, the property does not appear to be associated with any other events that have made a significant

contribution to the broad patterns of local or regional history, or the cultural heritage of California, or the United States.

Criterion 2

137 Clayton Street does not appear eligible for listing in the California Register under Criterion 2 (Persons). None of the prior owners or occupants of the property have any important associations with historical events and none appear to have many any lasting contributions to local, state, or national history.

Criterion 3

137 Clayton Street is a good and very well-preserved example of an immediate, post-quake, single-family dwelling designed in the Classical Revival style. Features of the style embodied in the design of 137 Clayton Street include its flush wood siding; Tuscan pilasters; plaster cartouche above the main entrance; angled bay window containing double-hung, one-over-one, wood-sash windows; intermediate cornice; and bold projecting cornice supported by wood modillions. Though it is a good and well-preserved example of the style, 137 Clayton Street does not rise to the level of individual distinction. There are many intact examples of the Classical Revival style in San Francisco. The style was widely used during the reconstruction of San Francisco after the 1906 Earthquake and Fire.

Criterion 4

Analysis of 137 Clayton Street for eligibility under Criterion 4 (Information Potential) is beyond the scope of this report.

Integrity

137 Clayton Street retains a very high degree of integrity. Of the seven aspects used by the California Register to assess integrity – location, design, setting, materials, workmanship, feeling, and association – the property retains all seven. It has never been moved and it retains virtually all of its original materials, ornamental detailing, interior features, and examples of workmanship. It continues to embody the characteristics of a nearly twentieth century rowhouse built in San Francisco after the 1906 Earthquake and Fire.

B. California Register of Historical Resources: Potential Historic District

137 Clayton Street is located in the North of Panhandle neighborhood. This area, once a remote, rural corner of the Western Addition, began to develop during the last decade of the nineteenth century. However, it did not truly urbanize until after the 1906 Earthquake and Fire when the demand for new housing convinced several large property owners to subdivide their holdings and sell house lots to willing buyers. Because the area was developed within such a brief period of time, the North of Panhandle area has a cohesive architectural character. Because of this, the Planning Department has identified and documented four potential historic districts in this part of the Western Addition, including the Panhandle, the NOPA, the Southern Pacific Company Hospital, and the Buena Vista North historic districts. The Panhandle Historic District, which is the closest to 137 Clayton Street, spans the Panhandle by a block to either side, with Page Street marking the southern boundary and Hayes Street the northern boundary. Its western boundary is Stanyan Street and its eastern boundary appears to be Masonic Street, where it appears to adjoin the NOPA and Buena Vista North historic districts. In addition, the National Register-listed Golden Gate Park Historic District encompasses the Panhandle proper. 137 Clayton Street is not located inside

any of these historic districts. As mentioned, the closest district is the California Register-eligible Panhandle Historic District, whose northern boundary is located less than a half-block south of the subject property.

VII. Evaluation of Project-specific Impacts

A. Status of Existing Property as a Historical Resource

According to Section 15064.5 (a) of the California Environmental Quality Act (CEQA), a “historical resource” is defined as belonging to at least one of the following three categories:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.);
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).

137 Clayton Street does not fall into any of the three categories outlined above. In addition, as a property that has not been identified in any previous surveys and that does not appear eligible for individual listing in the California Register, 137 Clayton Street is not a historical resource under Section 15064.5 of CEQA. As such, the proposed project, which entails the demolition of the existing two-story, single-family dwelling and its replacement with a new four-story, three-family residential building does not need to be evaluated for compliance with the Secretary of the Interior’s Standards.

VIII. Conclusion

137 Clayton Street is a two-story, single-family dwelling designed by Arthur T. Ehrenpfort and constructed in 1908 for Julius Thierbach, a German-born insurance broker and real estate speculator. Designed in the Classical Revival style, the dwelling is representative of a common property type and architectural vocabulary popular in the wake of the 1906 Earthquake and Fire. 137 Clayton Street was the first building erected on the property and was part of a wave of construction that transformed this formerly semi-rural corner of the Western Addition into a densely developed urban neighborhood between 1906 and 1917. The dwelling has undergone very few changes since it was built. The property remained in the extended Thierbach/Volkman families until 1952 when it was purchased by Joseph G. and Marguerite Lehner. It remained in the Lehner family until 1985, when it was purchased by the current owners. For most of its 107 years 137 Clayton Street was a bit of an anomaly – a smaller, single-family, owner-occupied property on a block and within a neighborhood dominated by larger flats and apartment buildings. 137 Clayton Street appears ineligible for listing in the California Register either individually or a contributor to a listed or potential historic district. Although this part of the Western Addition has several California Register-eligible historic districts, including the nearby Panhandle Historic District, 137 Clayton Street is not part of any of them. The property owner plans to demolish the existing dwelling and construct a new four-story, three-family building in its place. Because 137 Clayton Street does not appear to be a historical resource under CEQA, neither its demolition nor the proposed replacement building have been evaluated for compliance with the Secretary of the Interior’s Standards.

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X. Appendix

- A. *Water Tap Application for 137 Clayton Street*
- B. *Building Permit Applications for 137 Clayton Street*

Water Tap

The following Regulations have been duly adopted by resolution of the Board of Trustees of the Spring Valley Water Co. to be strictly observed by consumers of Spring Valley Water, and considered a part of this agreement.

1. In all cases of non-payment of the water rent within three days after the presentation of the bill the supply will be cut off, and the same shall be let on, either for the present, or any subsequent occupant, except upon the payment of the amount due, together with the sum of two dollars, that in case of specific supplies, or for the fractional parts of the month, where the water has been let on, it may be cut off immediately, after the place that the rent is not paid, and may be let on again upon the condition before mentioned.
2. No person or family supplied with Spring Valley Water will be permitted to use the water for any other purpose than that stated in the contract to supply water in any way to other persons or families.
3. The Company does not guarantee pressure.
4. Consumers shall prevent all unnecessary waste of water, and shall make no concealment of the purposes for which it is used.
5. No alteration shall be made in any water pipe or fixture without first giving notice of the intended alteration at the office of the Company.
6. In all cases where water is to be supplied to several parties or tenants from one connection or tap, the Company contracts only with one party, and on his default to abide by these regulations and pay the rates, will cut off the connection.
7. Whenever any of these regulations shall be violated, the supply of water will be discontinued, and not resumed until all charges and expenses are paid.
8. All persons taking water shall keep the service pipes in good repair, at their own expense, and they will be held liable for all damages which may result from their failure to do so.
9. **Street Sprinkling with Hose and Standing Irrigators will not be allowed under any circumstances.**
10. The Inspector, or other properly authorized officer of the Company, shall be admitted at all reasonable hours to all parts of any premises supplied with water, to see that these regulations are observed.

No.

Date of Supply,

APPLICATION AND AGREEMENT

I hereby agree to take water from the Spring Valley Water Co., at the rate of per month, payable monthly in advance, in U. S. Gold Coin. For

1 Family
 137 Clayton A. 100 N. Hayes

and in default of such payment punctually made in advance, or if the above regulations are in any respect violated, the said Spring Valley Water Co. may disconnect the water at my own cost and charges, according to the above regulations, of which I have been duly notified.

GENERAL RATE ..	76	Size Building . 1700 .. Sq. Ft.	2	Stories
" ..		" ..		"
" ..		" ..		"
" ..		" ..		"
SPECIAL RATES				
Stores @ ..				
Wash Trays ..				
Wash Basins ..	10			
Boarders and Lodgers ..				
Baths ..	32			
Water Closets ..	44			
Urinals ..				
Cows ..				
Horses ..				
Horse Trough ..				
Sq. Yds. Irrigation ..	15			
Total ..	177			

Bill, \$ 1.75

And I hereby covenant and agree that I will protect and save harmless the said corporation from all claims for damage occasioned by the bursting of any of the pipes used for the supply of water under this application.

J. Thirbach

per A. W. Volkman

San Francisco, Sept 21/88

To be tapped on end of main 104 N Hayes

Service Connection 104 N Hayes

Application for Service Installation

137 *Wheaton* STREET

San Francisco,

149-3520

TO THE SPRING VALLEY WATER COMPANY:

578-2746466

You are hereby requested and authorized to make service installation for water supply at _____

for account of _____

(Signed) _____ Owner



By _____ Architect-Plumber-Agent

NOTE: This order covers service installation only; a separate order is required for supply.

APP. NO.

16816

No. 15511

APPLICATION OF

J. THIERBACK, Owner

For Permit to Erect a
137 Clayton

Two story and

basement frame bldg

Location West line of Clayton

100 ft. North of Hayes.

MAY 1st 1908

Filed

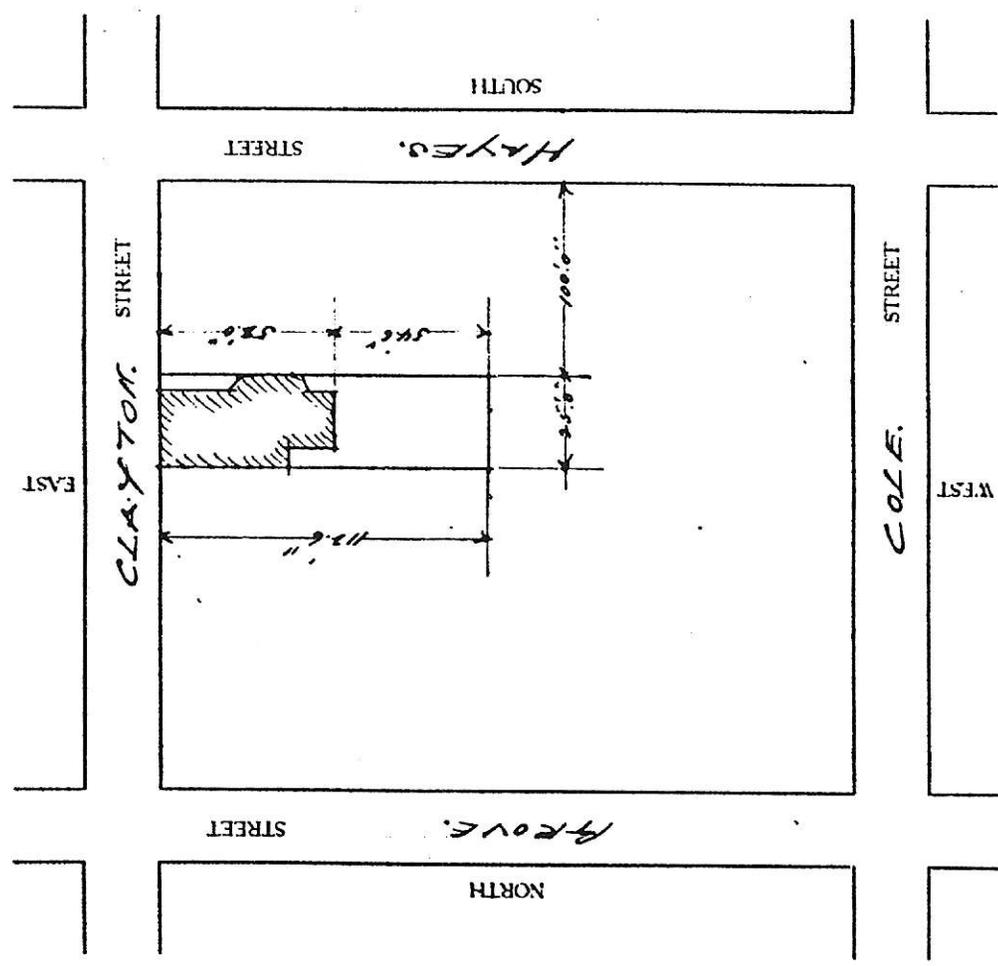
MAY 19 1908

APPROVED:

Chief Building Inspector



OFFICIAL COPY





MARK STREET LINE ON FOUNDATION OR FIRST FLOOR PLAN

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

APPLICATION FOR BUILDING PERMIT
FRAME BUILDING

Application is hereby made to the Board of Public Works of the City and County of San Francisco for permission to build a two story frame building with basement on the lot situated on the west line of Clayton St. 100 ft. North of Hayes St. in accordance with the plans and specifications submitted herewith

All provisions of the building laws shall be complied with in the erection of said building, whether specified herein or not. Estimated cost of building \$ 4700

Building to be occupied as residence by (No.) one family
Size of lot 25.0 feet front 25.0 feet rear 117.6 feet deep

Size of proposed building 21.0 feet by 58.0 feet. Extreme height of building 31.0 feet

Height in clear of cellar 7.6 feet Height in clear of first story 4.3 feet

Height in clear of second story 4.3 feet Height in clear of third story

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

Foundation to be of concrete (thickness) 10 inches with 16 on bottom height 2:0 feet

Width of footings 16 inches

Size of studs in basement 2 by 6 inches 16 inches on centers.

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

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

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

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

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

Outside wall covering to be of rustic Light Coat Walls of

First floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 17 ft.

Second floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 17 ft.

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

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

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

Rafters 2 by 6 inches 32 inches on centers. Longest span between supports 17 ft.

Roof covered with five ply asphalt & gravel. Steep or Flat Flat.

Studs in bearing partitions 2 by 4 inches 16 inches on centers

Chimneys of patent flues lined with Terra cotta

Any gas grates? yes. Any patent flues? yes Is the building to be heated, and how?

Any openings to basement in sidewalk? Any elevator (freight, passage or dumb)?

There are to be one stairways 3:6 ft. wide, located where shown on plans.

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

Name of Architect A.T. Ehrenpfort.
Address 110 E. 13th St.
Name of Builder L.A. Scott
Address 214 Gough St.

Mrs. J. D. ... Owner
Address 460 ...
By A.T. Ehrenpfort

NOTE The owner's name must be signed by himself, or by his Architect or authorized Agent.

OFFICIAL COPY

SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

APPROVED APR 13 1984

Richard C. Long SUPERINTENDENT

FILMED

APR 12 1984 APPROVED FOR ISSUANCE

BLDG. FORM 3 7-22-83

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

FORM 3 PRE-APPROVAL SITE INSPECTION REQUIRED FORM 8 OVER-THE-COUNTER ISSUANCE

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF PUBLIC WORKS OF THE CITY AND COUNTY OF SAN FRANCISCO FOR PERMIT TO BUILD...

DATE FILED 4/4/84 PERMIT NO. 514164 PLUMBING PERMIT NO. 127999

INFORMATION TO BE FURNISHED BY ALL APPLICANTS (A) TYPE OF CONSTR. (B) TYPE OF CONSTR. (C) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION (1) TIGHTEN ALL PLUMBING CONNECTIONS - REPAIRING FITTINGS WHERE NECESSARY

ADDITIONAL INFORMATION - FORM 3 APPLICANTS ONLY (17) DOES THIS ALTERATION CREATE ADDITIONAL STORY TO BUILDING?

IMPORTANT NOTICES No change shall be made in the character of the occupancy or use without first obtaining a Building Permit...

NOTICE TO APPLICANT HOLD HARMLESS CLAUSE: The Permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco...

APPLICANT'S CERTIFICATION I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION...

Richard C. Long 4/4/84

OFFICIAL COPY

SAN FRANCISCO

DEPARTMENT OF BUILDING INSPECTION

CONTACT DISTRICT INSPECTOR NAMED ON FACE OF APPLICATION AT START OF WORK (TELEPHONE NO. 693-3883). THIS APPLICATION IS APPROVED WITHOUT FIELD INSPECTION AND DOES NOT CONSTITUTE AN APPROVAL OF THE BUILDING WORK AUTHORIZED MUST BE DONE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODE.

APPROVED
Dept. Public Works
OCT 23 1985

APPROVED FOR ISSUANCE
OCT 9 2 1985

BLDG. FORM 318
APPLICATION NUMBER 06511946

OSHA APPROVAL NEEDED
APPROVAL NUMBER:

OK - Form 8 Leong P. Rubin

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

FORM 3 PRE-APPROVAL SITE INSPECTION REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS: 0

APPLICANT'S SIGNATURE: *Matthew Williams*

DATE: 10/22/85

DATE FILED: 10/22/85

PERMIT NO.: 538399

ISSUED: 10/22/85

ESTIMATED COST OF JOB: \$2500

REVISOR COST: \$

STREET ADDRESS: 137 Clayton St.

BLOCK & LOT: 1194-6

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. SN (5A) NO. OF STORES OF OCCUPANCY: 2 (6A) NO. OF BASEMENTS AND CELLARS: 1 (7A) PRESENT USE: dwelling (8A) OCCUP. CLASS: R3 (9A) NO. OF DWELLING UNITS: 1

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. SN (5) NO. OF STORES OF OCCUPANCY: 2 (6) NO. OF BASEMENTS AND CELLARS: 1 (7) PROPOSED USE: dwelling (8) OCCUP. CLASS: R3 (9) NO. OF DWELLING UNITS: 1

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES NO (11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES NO (12) ELECTRICAL WORK TO BE PERFORMED? YES NO (13) PLUMBING WORK TO BE PERFORMED? YES NO

(14) GENERAL CONTRACTOR: *Arco Constructors Co. 550-1975* ADDRESS: *2085 Hayes St. S.F. 94117* PHONE: *727-9498*

(15) OWNER - LESSEE (CROSS OUT ONE): *Matthew Williams 2085 Hayes St. S.F. 94117* ADDRESS: *2085 Hayes St. S.F. 94117* PHONE (FOR CONTACT BY BUREAU): *727-9498*

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT): *Comply with violations as stated in PCO Report # D21203*

ADDITIONAL INFORMATION - FORM 3 APPLICANTS ONLY

(17) DOES THIS ALTERATION CREATE ADDITIONAL STORY TO BUILDING? YES NO (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT. (19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES NO (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES NO (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES NO (23) ANY OTHER EXISTING BLDG. ON LOT (YES, SHOW ON LOT PLAN)? YES NO (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES NO

(25) ARCHITECT OR ENGINEER (DESIGN CONSTRUCTION ADDRESS: _____ CALIF. CERTIFICATE NO. _____

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN"). ADDRESS: _____

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approval plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this bureau for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) or (24). THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT ENGINEER
 LESSEE AGENT WITH POWER OF ATTORNEY
 CONTRACTOR ATTORNEY IN FACT

APPLICANT'S CERTIFICATION

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

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The Permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands and actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have on file, or file with the Central Permit Bureau, either Certificate (I) or (II) or (III) designated below or shall indicate item (VI) or (V) below, whichever is applicable. If however, item (VI) is checked then item (V) must be checked as well. Mark the appropriate item of compliance below:

() I. Certificate of Consent to Self-insure issued by the Director of Industrial Relations.
 () II. Certificate of Workman's Compensation Insurance issued by an admitted insurer.
 () III. An exact copy or duplicate of (I) certified by the Director or (II) certified by the insurer.
 X IV. The cost of the work to be performed is \$100 or less.
 V. I certify that in the performance of the work for which this Permit is issued, I shall not employ any person in any manner so as to become subject to the workman's compensation laws of California. I further acknowledge that I understand, in the event that I should become subject to the workman's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the Permit herein applied for shall be deemed revoked.
 VI. I certify as the owner (or the agent of the owner) that in the performance of the work for which this Permit is issued, I will employ a contractor who complies with the workman's compensation laws of California and who has on file, or prior to the commencement of any work will file, with the Central Permit Bureau evidence that workman's compensation insurance is carried.

Applicant's Signature: *Matthew Williams* Date: 10/21/85

OFFICIAL COPY

SAN FRANCISCO

DEPARTMENT OF BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

DATE: _____

REASON: _____

CORRECT ALL VIOLATIONS LISTED ON
BBI COMPLAINT: D-21203

[Handwritten signature]
DEPARTMENT OF BUILDING INSPECTION

NOTIFIED MR. _____

CO APPROVED:

Not reviewed by the Department of City
Planning. Issuance of the requested permit
constitutes no finding that use of this
property does or does not conform to the
City Planning Code.

[Handwritten signature]
DEPARTMENT OF CITY PLANNING

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

CIVIL ENGINEER, BUREAU OF BLDG. INSPECTION

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

BUREAU OF ENGINEERING

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

DEPARTMENT OF PUBLIC HEALTH

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

REDEVELOPMENT AGENCY

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

RESIDENTIAL INSPECTOR, DIV. OF APT. & HOTEL W-SP, B & S

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

DATE: _____

REASON: _____

NOTIFIED MR. _____

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

052113



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Request for Eviction History Search

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

September 22, 2016

Van Lam
Citizen Complaint Officer
Rent Stabilization and Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102-6033

RE: 137 Clayton Street	(Address of Permit Work)
137 Clayton Street	(Unit Number – if applicable)
1194 / 006	(Assessor’s Block/Lot)
2015-018150CUA	(Building Permit Application Number and/or Case No.)

Project Type:

- Merger – Planning Code §317(e)(4)
- Enlargement/Alteration/Reconstruction – Planning Code §181(c)(3)
- Legalization of Existing Dwelling Unit – Planning Code §§207.3, et seq.

Pursuant to the Planning Code Section indicated above, please provide all information from the Rent Board’s records regarding possible evictions at the above-referenced unit(s) on or after:

- 12/10/13: [for projects pursuant to PC §317(e)(4) or §181(c)(3)]
- 03/13/14: [for projects pursuant to PC §§207.3, et seq.]

Sincerely,

Christopher
May

Digitally signed by Christopher May
DN: cn=org, o=sfplanning, ou=CityPlanning, ou=CityPlanning, ou=CityPlanning, ou=Christopher May
email=Christopher.May@sfplanning.org
Date: 2016.09.22 14:20:30 -0700

Planner

Rent Board Response to Request from Planning Department for Eviction History Search

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its records pertaining to the above-referenced unit(s) to determine whether there is any evidence of no-fault evictions pursuant to Rent Ordinance §§37.9(a)(8) through 37.9(a)(14) on or after the date specified.

No no-fault eviction notices have been filed at the Rent Board after:

12/10/13

03/13/14

Yes, a no-fault eviction notice has been filed at the Rent Board after:

12/10/13

03/13/14

- See attached documents.

There are no other Rent Board records evidencing a no-fault eviction after:

12/10/13

03/13/14

Yes, there are other Rent Board records evidencing a no-fault eviction after:

12/10/13

03/13/14

- See attached documents.

** An Alleged Wrongful Eviction
was filed 12/2/14.*

Dated:

Date of Rent Board Signature

Signed:

 9-22-16

Van Lam
Citizen Complaint Officer



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 12/8/14

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

Notice of Receipt of Report Of Alleged Wrongful Eviction

IN RE: 137 CLAYTON STREET
CASE NO. E142318

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

Jacob M. Heath
Attorney at Law
344 Treasure Island Drive
Belmont, CA 94002
(Tenant Attorney)

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117
(Master Tenant)

RECEIVED
2014 DEC 18 PM 1:13
S.F. RESIDENTIAL RENT
STABILIZATION AND
ARBITRATION BOARD

Matthew Williams
10653 Amberglades Lane
San Diego, CA 92130
(Landlord Respondent)

This notice acknowledges receipt of a Report of Alleged Wrongful Eviction.

Under the San Francisco Residential Rent Stabilization and Arbitration Ordinance landlords are required, when they are attempting to evict a tenant, to state a reason for the eviction. The reason must be one of the sixteen (16) "just causes" stated in the Ordinance. The notice to vacate must be in writing, state the grounds under which possession is sought, and that advice regarding the notice to vacate is available from the Residential Rent Stabilization and Arbitration Board.

This Report of Alleged Wrongful Eviction indicates that:

The notice to vacate is defective and therefore invalid as it fails to comply with the requirements of the San Francisco Rent Board's Rules and Regulations Section 6.15C. The notice to vacate must include a "just cause" reason for the eviction unless, prior to commencement of the tenancy, the Master Tenant informs the subtenant in writing that the subtenancy is not subject to the just cause provisions of Ordinance Section 37.9.

MASTER TENANT/LANDLORD: Please complete the enclosed form(s) and return within seven (7) days of receipt of this notice.

WARNING TO MASTER TENANT/LANDLORD:

Whenever the master tenant/landlord seeks to recover, or actually recovers, possession of a rental unit in violation of the Rent Ordinance, that master tenant/landlord may be found guilty of a misdemeanor, and the tenant, or the Rent Board, may bring a civil action (lawsuit) for an injunction or treble damages (money), or both, and attorney fees. If the master tenant/landlord is found guilty of a misdemeanor, he may be punished by a fine of not more than \$2000 or by imprisonment in the County jail for a period of not more than six months, or both.

WARNING TO TENANT:

If the master tenant/landlord is seeking to evict you, he must give written notice. Additionally, the notice must contain a "just cause" for the eviction unless, prior to Commencement of the tenancy, the master tenant informed the tenant in writing that the tenancy is not subject to the just cause provisions of Ordinance Section 37.9(a). Furthermore, if you do not vacate at the end of the notice period, the master tenant/landlord must start an Unlawful Detainer Action against you in order to remove you from the rental unit. A copy of the Unlawful Detainer Complaint and Summons must be served on the tenant, after which the tenant has the right, and the opportunity, to file a response within 5 days. The case will be set for a hearing at which time the tenant can present defense. If a response is not filed, the master tenant/landlord may obtain a default. Only after this hearing, if the tenant loses, can the Court order that the tenant vacate the rental unit. If the Court orders the tenant to vacate, the Sheriff may evict him or her. **IT IS STRONGLY RECOMMENDED THAT THE TENANT SEEK LEGAL ASSISTANCE IN DEFENDING ANY EVICTION PROCEEDING.**

*If you have any questions regarding this case, please contact Rod Wong at 252-4630.
Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.*



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

page 1
Date: 12/8/14

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

ATTACHMENT

IN RE: 137 CLAYTON STREET
CASE NO. E142318

The tenant, TATIANA R. LANG, avers that the sublease agreement does not contain language that complies with the requirements of 6.15C of the Rules of the Board, and did not suffice to provide her notice of the 6.15C exemption from the just cause provisions of the Rent Ordinance. You stated in the subject eviction notice that you notified the subtenant on 1/31/2014 (prior to the 2/1//2014 move in date) with a 6.15C Notice. Please provide this Board with a copy of this notice.

WARNING: "SELF-HELP" EVICTION IS ILLEGAL ANYWHERE IN CALIFORNIA. A tenant may be evicted only by the Sheriff, only after the court process has been invoked, and only if the tenant has lost the case. The landlord or "master tenant" are forbidden by law to themselves eject a tenant. Additionally, Rent Ordinance § 37.9(e) and (f) provide for substantial criminal and civil penalties for ANY person who endeavors to recover possession or recovers possession in violation of Rent Ordinance § 37.9(a). In addition, distinct civil and/or criminal liability may also attach when a landlord and/or "master tenant" unlawfully enters a tenant's unit and/or retains or attempts to retain a tenant's property without due process. of law.



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 12/8/14

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Response to Receipt of Report Of Alleged Wrongful Eviction

IN RE: 137 CLAYTON STREET
CASE NO. E142318

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

Jacob M. Heath
Attorney at Law
344 Treasure Island Drive
Belmont, CA 94002
(Tenant Attorney)

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117
(Master Tenant)

Matthew Williams
10653 Amberglades Lane
San Diego, CA 92130
(Landlord Respondent)

1. I agree [] or disagree [X] with the allegations contained in the Notice of Receipt of Report of Alleged Wrongful Eviction for the following reasons (continue on separate sheet if necessary):

Please see attachments

2. The Rent Ordinance requires under §37.9(c) that a landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) is the landlord's dominant motive for recovering possession and that the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the ground upon which possession is sought.

Please sign, date and return the following affidavit:

I hereby declare under penalty of perjury under the laws of the State of California that the ground stated in the Notice to Vacate is my dominant motive for seeking recovery of possession of the rental unit.

Handwritten signature of Jennifer H. Lewis
Jennifer H. Lewis
Executed on 12/18/14 at San Francisco, CA

Please complete this form, make a copy of it, send the copy to the tenant, and return the original to the Rent Board office. Thank you. Due Date: 12/20/2014

If you wish us to contact your attorney or other designated agent/representative regarding this case, please so indicate by providing his/her address below:

Four horizontal lines for providing an address.

If you have any questions regarding this case, please contact Rod Wong at 252-4630. Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

page 1
Date: 12/8/14

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ATTACHMENT

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CASE NO. E142318

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Response to Receipt of Report of Alleged Wrongful Eviction

Case No. E142318

As the master tenant residing at 137 Clayton St, I fully complied with the San Francisco Rent Board's Rules and Regulations Section 6.15C, which states, "prior to commencement of the tenancy, the Master Tenant informs the tenant in writing that the tenancy is not subject to the just cause provisions of Section 37.9." Tatiana Lang's sublease explicitly included the required notification about just cause, and I have enclosed the page from her sublease with that notification. As the enclosed emails show, I twice sent the proper just cause notification to Tatiana Lang on two separate occasions, 1/25/14 and again on 1/31/14, which was before her 2/1/14 move in date. Her response to my 1/31/14 email proves that she received the legal notification about just cause.

In addition, my eviction notice told Tatiana Lang that she had 30 days to vacate 137 Clayton St leaving by 12/31/14, but she voluntarily chose to vacate 137 Clayton St on 12/14/14. She completed the removal of all of her personal possessions from 137 Clayton St, returned her key to me, and I gave her a full refund of her security deposit on 12/14/14.

JUST CAUSE. The Subtenant's subtenancy is not subject to the just cause provisions of Section 37.9 of Chapter 37 of the San Francisco Administrative Code.

NOTICE. Notices under this Sublease shall not be deemed valid unless given or served in writing and delivered to Subtenant at the Premises and addressed as follows to Tenant and Landlord:

TENANT:

Jennifer Lewis
137 Clayton St
San Francisco, CA 94117

LANDLORD:

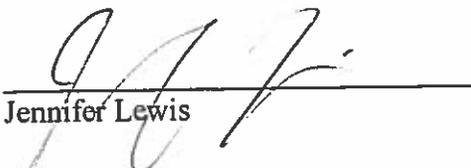
Matthew and Lisa Williams
10653 Amberglades Ln
San Diego, CA 92130-4841

Such addresses may be changed from time to time by any party by providing notice to the other interested parties as described above.

GOVERNING LAW. This Sublease shall be construed in accordance with the laws of the State of California. Venue for any dispute arising out of or related to this Sublease Agreement shall be located in County of San Francisco.

INCORPORATION OF PRIME LEASE. This Sublease is subject to all of the terms of the Prime Lease with the same force and effect as if each provision of the Prime Lease were included in this Sublease, except as otherwise provided in this Sublease. Subtenant may request a copy of the Prime Lease. All of the obligations of Tenant under the Prime Lease shall be binding upon Subtenant. All of the obligations of Landlord under the Prime Lease shall inure to the benefit of Subtenant. It is the intent of the parties that, except as otherwise provided in this Sublease, the relationship between Tenant and Subtenant shall be governed by the various provisions of the Prime Lease as if those provisions were included in this Sublease in full, except that the terms "Owner," "Tenant" and "Agreement" as used in the Prime Lease, shall instead refer to, respectively, "Tenant," "Subtenant" and "Sublease."

TENANT



Jennifer Lewis

SUBTENANT

Tatiana Lang



Jenny Lewis <jenlewis701@gmail.com>

Moving In

8 messages

Fri, Jan 31, 2014 at 10:04 AM

Jenny Lewis <jenlewis701@gmail.com>
To: Tatiana Lang <tati.lang09@gmail.com>

Hey Tatiana, I just wanted to check-in with you and see what your plans were for moving in? Just want to make sure someone is around to let you in. I have a conference I am presenting at on Saturday from 10-5 and Ryan is out of town this weekend. That being said, we can try and meet around 9 if that is not too early? Need to be out of the house by 9:30 at the latest. Or I can attempt to hide a key. Just let me know. Also, please find attached a subtenant lease for your review. Since I am the only lease holder, I created a subtenant lease just as an extra safeguard in case someone jumped ship. Pretty straightforward. Thanks, Jenny

Jenny Lewis
(410) 703-2955

2 attachments

 Tatiana Lang Subtenant Agreement.doc
35K

 EPA Lead Brochure.pdf
1351K

Fri, Jan 31, 2014 at 11:57 AM

Tatiana Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Hi,

Im not sure that I will be able to make it by 9am. Can you hide a key for me? It wont be hidden for too long cause I am aiming to get there by 10-11. Also, I havent had a chance to look over the lease, but will do so shortly. Is the room Im moving into going to be cleaned and everything? Or do i have to clean it before i put my things in?

-Tatiana
[Quoted text hidden]



Jenny Lewis <jenlewis701@gmail.com>

Lease

3 messages

Sat, Jan 25, 2014 at 12:35 PM

Jenny Lewis <jenlewis701@gmail.com>
To: Tatiana Lang <tati.lang09@gmail.com>

Hey Tatiana,
Since going forward I am the only person on the lease, I created a subtenant lease for you and the new roommate to review and sign. Basically, it's just making sure if one of you skipped town, I wouldn't be completely screwed! When you get a chance please review and if you have any questions, let me know!
Thanks,
Jenny

Jenny Lewis
(410) 703-2955

2 attachments

 Tatiana Lang Subtenant Lease.doc
35K

 EPA Lead Brochure.pdf
1352K

Fri, Dec 12, 2014 at 8:55 PM

Jenny Lewis <jenlewis701@gmail.com>
To: Steve Lewis <lewissn@hotmail.com>

sent it before too...
[Quoted text hidden]

2 attachments

 Tatiana Lang Subtenant Lease.doc
35K

 EPA Lead Brochure.pdf
1352K



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

TENANT RESPONSE FORM

TO:

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

FROM: Rod Wong, Eviction Unit (252-4630)

DATE: 2/4/2015

CASE NO: E142318

PROPERTY: 137 Clayton Street

Enclosed please find a copy of your landlord's *Response to Report of Alleged Wrongful Eviction*.

The landlord's response is being provided to you for informational purposes.

Please submit a written reply to the landlord's response within the next 10 days. It is important that you address every issue raised by the landlord so that we can promptly and accurately evaluate the case. If you do not submit a reply, the Rent Board may decide to close your case without taking further action.

Based on the landlord's response, the Rent Board is taking no further action on your case at this time.

In order to evict you, the landlord must first file an unlawful detainer (eviction) lawsuit and have someone serve you with a court Summons and Complaint. You must file a timely response to the lawsuit in order to have an opportunity to present your defense to the eviction in court. **IT IS IMPERATIVE THAT YOU ACT IMMEDIATELY UPON BEING SERVED AN UNLAWFUL DETAINER LAWSUIT OR ANY SUBSEQUENT PAPERWORK.**

The Rent Board cannot provide legal advice or represent you in the eviction lawsuit. You may wish to contact the Eviction Defense Collaborative (415-947-0797) for assistance in preparing your defense. Please be aware that **you have only five (5) calendar days, including weekends, to respond** in proper form to the court after you are served papers in the unlawful detainer lawsuit. If you do not respond on time, you could automatically lose the case and be evicted by the Sheriff without an opportunity to present your case in court.

If you have any questions regarding this case, please contact me at the number listed above between 8:00 AM - 5:00 PM Monday through Friday.



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 12/8/14

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本項公告可能會影響您身為房東或房客的權利。如果您需要協助來了解本項公告,請致電 415-252-4602。

Response to Receipt of Report Of Alleged Wrongful Eviction

IN RE: 137 CLAYTON STREET
CASE NO. E142318

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

Jacob M. Heath
Attorney at Law
344 Treasure Island Drive
Belmont, CA 94002
(Tenant Attorney)

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117
(Master Tenant)

Matthew Williams
10653 Amberglades Lane
San Diego, CA 92130
(Landlord Respondent)

1. I agree [] or disagree [] with the allegations contained in the Notice of Receipt of Report of Alleged Wrongful Eviction for the following reasons (continue on separate sheet if necessary):

Handwritten response: I DO NOT HAVE ANY KNOWLEDGE OF THIS MATTER - I HAVE NOT SEEN ANY NOTICES.

2. The Rent Ordinance requires under §37.9(c) that a landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) is the landlord's dominant motive for recovering possession and that the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the ground upon which possession is sought.

Please sign, date and return the following affidavit:

I hereby declare under penalty of perjury under the laws of the State of California that the ground stated in the Notice to Vacate is my dominant motive for seeking recovery of possession of the rental unit.

Signature of Matthew Williams, dated 12/15/14, at San Diego, CA.

Please complete this form, make a copy of it, send the copy to the tenant, and return the original to the Rent Board office. Thank you. Due Date: 12/20/2014

If you wish us to contact your attorney or other designated agent/representative regarding this case, please so indicate by providing his/her address below:

Three horizontal lines for providing an address.

If you have any questions regarding this case, please contact Rod Wong at 252-4630. Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.

RECEIVED
2014 DEC 22 PM 4:23
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 12/8/14

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

Notice of Receipt of Report Of Alleged Wrongful Eviction

IN RE: 137 CLAYTON STREET
CASE NO. E142318

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

Jacob M. Heath
Attorney at Law
344 Treasure Island Drive
Belmont, CA 94002
(Tenant Attorney)

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117
(Master Tenant)

Matthew Williams
10653 Amberglades Lane
San Diego, CA 92130
(Landlord Respondent)

This notice acknowledges receipt of a Report of Alleged Wrongful Eviction.

Under the San Francisco Residential Rent Stabilization and Arbitration Ordinance landlords are required, when they are attempting to evict a tenant, to state a reason for the eviction. The reason must be one of the sixteen (16) "just causes" stated in the Ordinance. The notice to vacate must be in writing, state the grounds under which possession is sought, and that advice regarding the notice to vacate is available from the Residential Rent Stabilization and Arbitration Board.

This Report of Alleged Wrongful Eviction indicates that:

The notice to vacate is defective and therefore invalid as it fails to comply with the requirements of the San Francisco Rent Board's Rules and Regulations Section 6.15C. The notice to vacate must include a "just cause" reason for the eviction unless, prior to commencement of the tenancy, the Master Tenant informs the subtenant in writing that the subtenancy is not subject to the just cause provisions of Ordinance Section 37.9.

MASTER TENANT/LANDLORD: Please complete the enclosed form(s) and return within seven (7) days of receipt of this notice.

WARNING TO MASTER TENANT/LANDLORD:

Whenever the master tenant/landlord seeks to recover, or actually recovers, possession of a rental unit in violation of the Rent Ordinance, that master tenant/landlord may be found guilty of a misdemeanor, and the tenant, or the Rent Board, may bring a civil action (lawsuit) for an injunction or treble damages (money), or both, and attorney fees. If the master tenant/landlord is found guilty of a misdemeanor, he may be punished by a fine of not more than \$2000 or by imprisonment in the County jail for a period of not more than six months, or both.

WARNING TO TENANT:

If the master tenant/landlord is seeking to evict you, he must give written notice. Additionally, the notice must contain a "just cause" for the eviction unless, prior to Commencement of the tenancy, the master tenant informed the tenant in writing that the tenancy is not subject to the just cause provisions of Ordinance Section 37.9(a). Furthermore, if you do not vacate at the end of the notice period, the master tenant/landlord must start an Unlawful Detainer Action against you in order to remove you from the rental unit. A copy of the Unlawful Detainer Complaint and Summons must be served on the tenant, after which the tenant has the right, and the opportunity, to file a response within 5 days. The case will be set for a hearing at which time the tenant can present defense. If a response is not filed, the master tenant/landlord may obtain a default. Only after this hearing, if the tenant loses, can the Court order that the tenant vacate the rental unit. If the Court orders the tenant to vacate, the Sheriff may evict him or her. **IT IS STRONGLY RECOMMENDED THAT THE TENANT SEEK LEGAL ASSISTANCE IN DEFENDING ANY EVICTION PROCEEDING.**

*If you have any questions regarding this case, please contact Rod Wong at 252-4630.
Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.*



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

page 1
Date: 12/8/14

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ATTACHMENT

IN RE: 137 CLAYTON STREET
CASE NO. E142318

The tenant, TATIANA R. LANG, avers that the sublease agreement does not contain language that complies with the requirements of 6.15C of the Rules of the Board, and did not suffice to provide her notice of the 6.15C exemption from the just cause provisions of the Rent Ordinance. You stated in the subject eviction notice that you notified the subtenant on 1/31/2014 (prior to the 2/1//2014 move in date) with a 6.15C Notice. Please provide this Board with a copy of this notice.

WARNING: "SELF-HELP" EVICTION IS ILLEGAL ANYWHERE IN CALIFORNIA. A tenant may be evicted only by the Sheriff, only after the court process has been invoked, and only if the tenant has lost the case. The landlord or "master tenant" are forbidden by law to themselves eject a tenant. Additionally, Rent Ordinance § 37.9(e) and (f) provide for substantial criminal and civil penalties for ANY person who endeavors to recover possession or recovers possession in violation of Rent Ordinance § 37.9(a). In addition, distinct civil and/or criminal liability may also attach when a landlord and/or "master tenant" unlawfully enters a tenant's unit and/or retains or attempts to retain a tenant's property without due process. of law.



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 12/8/14

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Response to Receipt of Report Of Alleged Wrongful Eviction

IN RE: 137 CLAYTON STREET
CASE NO. E142318

Tatiana R. Lang
137 Clayton Street
San Francisco, CA 94117
(Tenant Petitioner)

Jacob M. Heath
Attorney at Law
344 Treasure Island Drive
Belmont, CA 94002
(Tenant Attorney)

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117
(Master Tenant)

Matthew Williams
10653 Amberglades Lane
San Diego, CA 92130
(Landlord Respondent)

1. I agree [] or disagree [] with the allegations contained in the Notice of Receipt of Report of Alleged Wrongful Eviction for the following reasons (continue on separate sheet if necessary):

2. The Rent Ordinance requires under §37.9(c) that a landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) is the landlord's dominant motive for recovering possession and that the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the ground upon which possession is sought.

Please sign, date and return the following affidavit:

I hereby declare under penalty of perjury under the laws of the State of California that the ground stated in the Notice to Vacate is my dominant motive for seeking recovery of possession of the rental unit.

(signature of landlord)

(print name)

Executed on (date), at (city and state)

Please complete this form, make a copy of it, send the copy to the tenant, and return the original to the Rent Board office. Thank you. Due Date: 12/20/2014

If you wish us to contact your attorney or other designated agent/representative regarding this case, please so indicate by providing his/her address below:

Four horizontal lines for providing an address.

If you have any questions regarding this case, please contact Rod Wong at 252-4630. Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.

Red



San Francisco Residential Rent Stabilization and Arbitration Board

RECEIVED E142318
 2014 DEC -2 AM 10:55
 RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
 Rent Board Date Stamp

NOTE: If your building was constructed after June 13, 1979, the rental unit is not subject to just cause eviction unless 37.9D (foreclosure eviction) applies.

REPORT OF ALLEGED WRONGFUL EVICTION

↓ Rental Unit Information ↓

Street Number of Unit: 137 Street Name: Clayton Street Unit Number: _____ San Francisco, CA 941 17 Zip Code
 Name of Building Complex (If Applicable): _____ Entire Building Address (lowest & highest numbers): _____ # of Units in Building: _____
 Was the building constructed before June 13, 1979? Yes No Don't Know Foreclosure on property? Yes No
 Move-in Date: 2/1/2014 At move-in, this was a vacant unit part of existing tenancy Section 8 voucher? Yes No
 The rent is paid to (select one): Owner Property Manager Master Tenant Other _____
 This household includes children under 18. Yes No The number of school aged children (grades K-12) is: _____
 Please list the case numbers of prior relevant Rent Board petitions: N/A

↓ Tenant Information ↓ Please provide contact information for every tenant who wishes to be included in this report. Attach additional sheet if necessary.

First Name: Tatiana Middle Initial: R. Last Name: Lang
 Mailing Address: Street Number: 91 Street Name: Borica Way Unit Number: _____ City: San Francisco State: CA Zip Code: 94127
(be specific, e.g. 1, 2, A, B, upper/lower/rear/front)
 Primary Phone Number: 415-757-8404 Other Phone Number: 415-445-7406

If you share the same residential address as the owner or master tenant, please provide a second address where you can be reached.

2nd Mailing Address: Street Number _____ Street Name _____ Unit Number _____ City _____ State _____ Zip Code _____

↓ Tenant Representative Information ↓ Attorney Non-attorney Representative Interpreter

First Name: Jacob Middle Initial: M. Last Name: Heath
 Mailing Address: Street Number: 344 Street Name: Treasure Island Drive Unit Number: _____ City: Belmont State: CA Zip Code: 94002
 Primary Phone Number: 650-353-8076 Other Phone Number: _____

San Francisco Residential Rent Stabilization and Arbitration Board

REPORT OF ALLEGED WRONGFUL EVICTION

Please provide the following information for all parties who should receive notice of this report.

Owner Information

Matthew Williams
First Name Middle Initial Last Name
10653 Amberglades Lane San Diego, CA 92130
Mailing Address: Street Number Street Name Unit Number City State Zip Code

Primary Phone Number Other Phone Number

Master Tenant Information (if applicable)

Jenny Lewis
First Name Middle Initial Last Name
137 Clayton Street San Francisco, CA 94117
Mailing Address: Street Number Street Name Unit Number City State Zip Code

Primary Phone Number Other Phone Number

Property Manager Information (if applicable)

Name of Company First Name of Manager Middle Initial Last Name
Mailing Address: Street Number Street Name Unit Number City State Zip Code

Primary Phone Number Other Phone Number

Other Landlord Representative Information (if applicable) Attorney Non-attorney Representative

First Name Middle Initial Last Name
Mailing Address: Street Number Street Name Unit Number City State Zip Code

Primary Phone Number Other Phone Number

WARNING TO TENANTS: The filing of this report will not prevent the landlord from filing an unlawful detainer (eviction) lawsuit against you in court. IF YOU RECEIVE COURT PAPERS, YOU SHOULD SEEK LEGAL ASSISTANCE IMMEDIATELY.

REPORT OF ALLEGED WRONGFUL EVICTION

I am filing this petition for the following reason(s):

1. I received a written Notice to Quit or Vacate my rental unit (an eviction notice) on 12/1/2014 from Jenny Lewis
(Date of Receipt of Notice) (First Name) (Last Name)
The eviction notice requires me to vacate my rental unit by: 12/31/2014
(Date)

Yes, I have included a copy of the Notice to Quit or Vacate with this report.

2. On _____, the landlord orally told me to vacate my rental unit and/or
(Date(s) of Receipt of Notice)
through conduct has tried to make me move out by: _____
(Date)

Yes, I have included a true statement fully describing the basis for my claim on page 4.

Please complete the following:

My rent is due on the following date: 1/1/2015 My current rent is \$ 1,225

I offered to pay rent. Yes No If Yes, state amount \$ _____ and date of offer: _____

Did the landlord accept the rent? Yes No If No, please explain briefly: _____

I have vacated my rental unit. Yes No If Yes, state date of move-out: _____

An Unlawful Detainer (eviction) action has been filed in Superior Court: Yes No

If Yes, I understand that the Rent Board will not carry out an investigation on eviction cases filed in Superior Court. I am responsible for filing my own response in Superior Court within 5 day of receiving the unlawful detainer summons and complaint.

Do you live in the same unit with the owner? Yes No

If Yes, use the space provided on page 4 to describe the unit and state whether there are other occupants in the unit.

Do you live in the same unit with a master tenant? Yes No

If Yes, did the master tenant give you written notice prior to commencement of your tenancy, that your tenancy is not subject to the "just cause" eviction provisions of the Rent Ordinance? Yes No
(Please attach a copy of the notice.)

REPORT OF ALLEGED WRONGFUL EVICTION

I believe this eviction is wrongful because:

- | | | |
|--|---|--|
| <input type="checkbox"/> I have been locked out of my apartment. | <input checked="" type="checkbox"/> "Just cause" reason stated in notice is not true. | <input type="checkbox"/> Landlord has refused to accept rent payment. |
| <input type="checkbox"/> Utilities have been turned off. | <input type="checkbox"/> No advice clause given on eviction notice. | <input type="checkbox"/> Landlord has attempted to recover possession of my unit through harassment. |
| <input type="checkbox"/> No "just cause" reason stated on the eviction notice. | <input type="checkbox"/> The landlord paid me incorrect relocation amounts. | <input type="checkbox"/> Other: _____ |

(Use additional sheets if necessary to provide a complete description of your claim of wrongful eviction.)

I was sent a Sublease Agreement on January 31, 2014. I never signed the agreement or agreed to its terms, written or orally. Therefore, I did not agree to my subtenancy as not being subject to just cause provisions. The eviction notice states just cause eviction provisions are not subject to my subtenancy because of a "signed subtenant lease". There is no "signed subtenant lease."

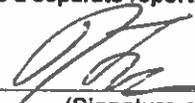
DECLARATION OF TENANT(S)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THIS INFORMATION AND EVERY ATTACHED DOCUMENT, STATEMENT AND FORM IS TRUE AND CORRECT.

NOTE: Every tenant of the rental unit who wishes to be included in this report must sign this declaration. Any tenant who lives in a different rental unit must file a separate report.

Tatiana Lang

 (Print Name)



 (Signature of Tenant)

12/2/2014

 (Date)

 (Print Name)

 (Signature of Tenant)

 (Date)

 (Print Name)

 (Signature of Tenant)

 (Date)

EVICTON NOTICE – (30) THIRTY DAYS TO VACATE PREMISES

The Sublease Agreement (the "Sublease") was made effective as of February 01, 2014, by and between Jennifer Lewis ("Master Tenant")*, and Tatiana Lang ("Subtenant")**. Master Tenant has previously entered into a lease agreement with Matthew and Lisa Williams ("Landlord") dated October 01, 2011 (the "Prime Lease").

Therefore, as stated in the original sublease agreement, subtenant agreed to the following:

- The term of this Sublease will begin on February 01, 2014 and shall be **month-to-month**.
- Pursuant to the original subtenant lease, subtenant waived her right to just cause*** protection and agreed to be evicted for any reason including reasons other than evictable causes so long as the master tenants provide 30 days' notice to vacate the premises.

TERMINATION

A master tenant who resides in the same rental unit with his or her subtenant may evict the subtenant if the master tenant disclosed in writing to the subtenant that the tenancy is not subject to the just cause eviction provisions of the Ordinance prior to the commencement of the tenancy (stated in signed subtenant lease 2.01.14.) {Rules and Regulations Section 6 15C(1)} Subtenant was notified on 1.31.14, prior to 2.1.14 move in date. =Since a master tenant is considered a landlord in relation to his or her subtenant, a master tenant is able to evict a subtenant. Subtenants do not have the right to evict their master tenant or other subtenants or roommates. Similarly, roommates who are co-tenants cannot evict their fellow co-tenants.

TERMS OF EVICTION

Upon termination, tenant shall completely vacate the premises and any parking or storage areas, give written notice of Tenant's forwarding address, and deliver all keys, furnishings, if any, and the premises to owner in the same condition as received excepting normal wear and tear. Rent shall be due and payable through the end of the notice period.

Thereafter, if tenant fails to vacate the premises on or before the date set forth in tenant's notice (December 31, 2014), tenant shall be liable for any costs incurred by owner or any third parties who relied upon tenant's notice terminating the tenancy, and failure to do so is a substantial violation of the terms of the tenancy AND is a just cause for eviction.

Subtenant's security deposit will be returned within (30) thirty days of vacating premises, after master tenant has inspected unit for damages. Money may be withheld for damages to the premises, unpaid rent, or unpaid utilities.

Jennifer Lewis
Master Tenant

Jennifer Lewis
Signature

December 1, 2014
Date

***Master Tenant:** A master tenant is a person who signed the original lease or agreement with the property owner or property manager. All people on the original lease are master tenants, and they are also cotenants to each other.

****Subtenant:** A subtenant is a person who is subletting or renting space from one or all of the master tenants. A subtenant does not necessarily have any kind of agreement with the property owner or property manager (though most owners require approval for any and all subtenants on their property). If master tenants sublet to more than one subtenant, those subtenants are also cotenants to each other.

*****JUST CAUSE:** The Subtenant's subtenancy is not subject to the just cause provisions of Section 37.9 of Chapter 37 of the San Francisco Administrative Code

Advice is available from the Residential Rent Stabilization and Arbitration Board.



Tatiana Lang <tati.lang09@gmail.com>

Hey

11 messages

Jenny Lewis <jenlewis701@gmail.com>
To: Tatiana Lang <tati.lang09@gmail.com>

Mon, Dec 1, 2014 at 9:47 PM

Hey Tatiana,

I just wanted to followup the November 2, 2014 house meeting where we discussed the need for you or Ryan to look into alternate living situations. You vocalized to me that you were looking for other housing and that you weren't happy in the current living setup. Since that meeting, I have not heard anything from you about moving out. In the interest of making the living situation better for everyone, please consider this a written email notifying of your 30 day notice to move out, effective today, December 1, 2014.

Thanks,

Jenny

 **Notice.pdf**
93K

Tati Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Tue, Dec 2, 2014 at 12:21 AM

Real nice Jenny. You know I won't even be here in 30 days. I can't believe you. To think I looked up to you and trusted you.

[Quoted text hidden]
> <Notice.pdf>

Tati Lang <tati.lang09@gmail.com>
To: Jake Heath <jakehea@gmail.com>

Tue, Dec 2, 2014 at 12:53 AM

Begin forwarded message:

From: Jenny Lewis <jenlewis701@gmail.com>
Date: December 1, 2014 at 9:47:47 PM PST
To: Tatiana Lang <tati.lang09@gmail.com>
Subject: Hey

[Quoted text hidden]

<Notice.pdf>

Jenny Lewis <jenlewis701@gmail.com>
To: Tati Lang <tati.lang09@gmail.com>

Tue, Dec 2, 2014 at 6:33 AM

As I said a couple weeks ago this is not personal it is business. I state when it comes to matters of the house, I can't let friendships dictate what's best for house dynamics. At the time you appeared to understand this. I understand that you are upset, but I am not going to make this personal or say anything about your character—to me that's completely unrelated. As I mentioned earlier, you have expressed to me numerous times that you are unhappy at the house and you hate your living situation. In response to these statements I have offered on more than one occasion to help you look for alternate housing, you never took me up on the offer.

I wanted to have this conversation in person, but after texting you at 9pm yesterday and getting no response, I had no other choice.

[Quoted text hidden]

—
Jenny Lewis
(410) 703-2955

Tati Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Tue, Dec 2, 2014 at 7:35 AM

Texting me at 9 pm, you " had no other choice". Haha. If this is "business" to you, then you would have given ample notice of your intent for a conversation and tried to schedule time that is mutually available with advanced notice. Not a text at 9 pm at night, as if I'm all of a sudden supposed to drop everything for you because you texted me at 9pm.

As you know, I'm looking into the legality of you giving me 30 days notice. Based on my research and what I find, I may or may not move within your obligatory 30 day timeline.

Strikes me as odd after how much you do not like Ryan, you choose to remain with him. I suppose the two of you are a lot more alike in character than I had imagined.

Telling someone to move out during Christmas and New Years when you are aware that they will be out of the country is a dick move. I don't care if it's business or personal, but that is a fucked up thing to do.

I will apprise you of my research and let you know when I decide to move.

[Quoted text hidden]

Tati Lang <tati.lang09@gmail.com>
To: Jake Heath <jakehea@gmail.com>

Tue, Dec 2, 2014 at 7:40 AM

Fyi. I am not on a lease. I never signed anything when I moved in. We all pay Jenny rent and she pays one check to the landlord. She is the only one that communicates with him. I have always paid rent to her on or before the first of the month. Please help me look into if this is legal. I feel as though it's not.

Begin forwarded message:

From: Tati Lang <tati.lang09@gmail.com>
Date: December 2, 2014 at 7:35:18 AM PST
To: Jenny Lewis <jenlewis701@gmail.com>
Subject: Re: Hey

[Quoted text hidden]

Jenny Lewis <jenlewis701@gmail.com>
To: Tati Lang <tati.lang09@gmail.com>

Tue, Dec 2, 2014 at 7:57 AM

Refusing to pay utilities, slamming doors, screaming profanities, creating a living environment where people have to get locks put on their doors, hacking into accounts, sending aggressive and threatening emails—does not

classify as a hospitable room. e.

[Quoted text hidden]

Tati Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Tue, Dec 2, 2014 at 8:06 AM

Corrections: I've always paid utilities. Ryan screams profanities at me too and his have been the most recent. I don't slam doors. Doors are old and heavy and make noise. I can hear when anyone opens/closes a door and I don't make accusations of slamming doors. I wanted a lock on my door as well since he demanded to come in my room. Never sent an email containing a threat. I have proof if you'd like it.

I'm not here to argue with you. I want out of this negativity. I will be out whether or not it's within 30 days has yet to remain.

[Quoted text hidden]

jakehea@gmail.com <jakehea@gmail.com>
To: Tati Lang <tati.lang09@gmail.com>

Tue, Dec 2, 2014 at 9:03 AM

Do you have anything in writing from her? Emails specifically about the terms of you staying there? What about the advertisement she placed?

[Quoted text hidden]

Tatiana Lang <tati.lang09@gmail.com>
To: Jake Heath <jakehea@gmail.com>

Tue, Dec 2, 2014 at 9:43 AM

I sent you some past emails, but nothing really states the terms of my staying there. The ad is expired and no longer online.

[Quoted text hidden]

—

Tatiana Lang
408-230-3973 | tati.lang09@gmail.com

Tatiana Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Tue, Dec 2, 2014 at 9:50 AM

I read your eviction notice. It states "Pursuant to the original subtenant lease, subtenant waived her right to just cause protection". I never signed the Sublease Agreement. I am filing an Alleged Wrongful Eviction Notice with the San Francisco Residential Rent Stabilization and Arbitration Board. They will be contacting you.

[Quoted text hidden]

—

Tatiana Lang
408-230-3973 | tati.lang09@gmail.com

SUBLEASE AGREEMENT

This Sublease Agreement (the "Sublease") is made effective as of February 01, 2014, by and between Jennifer Lewis ("Tenant"), and Tatiana Lang ("Subtenant"). Tenant has previously entered into a lease agreement with Matthew and Lisa Williams ("Landlord") dated October 01, 2011 (the "Prime Lease"). The Tenant now desires to sublet the leased property to the Subtenant and the Subtenant desires to sublet the leased property from the Tenant. Therefore, the parties agree as follows:

PREMISES. Tenant, in consideration of the sublease payments provided in this Agreement, sublets to Subtenant one bedroom in a four-bedroom house located at 137 Clayton St, San Francisco, California 94117 (the "Premises") and use of the common areas.

TERM AND POSSESSION. The term of this Sublease will begin on February 01, 2014 and shall be month-to-month. Subtenant shall be entitled to possession on the first day of the term of this Sublease.

SUBLEASE PAYMENTS. Subtenant shall pay to Tenant sublease payments of \$1,225.00 per month, payable five (5) days before the first day of each month. Sublease payments shall be made to Tenant at 137 Clayton St, San Francisco, CA 94117, which may be changed from time to time by Tenant.

SECURITY DEPOSIT. At the time of the signing of this Sublease, Subtenant shall pay to Tenant a security deposit of \$1,025.00 to be held and disbursed for Subtenant damages to the Premises or other defaults under this Sublease (if any) as provided by law.

JUST CAUSE. The Subtenant's subtenancy is not subject to the just cause provisions of Section 37.9 of Chapter 37 of the San Francisco Administrative Code.

NOTICE. Notices under this Sublease shall not be deemed valid unless given or served in writing and delivered to Subtenant at the Premises and addressed as follows to Tenant and Landlord:

TENANT:

Jennifer Lewis
137 Clayton St
San Francisco, CA 94117

LANDLORD:

Matthew and Lisa Williams
10653 Amberglades Ln

San Diego, CA 92130-4841

Such addresses may be changed from time to time by any party by providing notice to the other interested parties as described above.

GOVERNING LAW. This Sublease shall be construed in accordance with the laws of the State of California. Venue for any dispute arising out of or related to this Sublease Agreement shall be located in County of San Francisco.

INCORPORATION OF PRIME LEASE. This Sublease is subject to all of the terms of the Prime Lease with the same force and effect as if each provision of the Prime Lease were included in this Sublease, except as otherwise provided in this Sublease. Subtenant may request a copy of the Prime Lease. All of the obligations of Tenant under the Prime Lease shall be binding upon Subtenant. All of the obligations of Landlord under the Prime Lease shall inure to the benefit of Subtenant. It is the intent of the parties that, except as otherwise provided in this Sublease, the relationship between Tenant and Subtenant shall be governed by the various provisions of the Prime Lease as if those provisions were included in this Sublease in full, except that the terms "Owner," "Tenant" and "Agreement" as used in the Prime Lease, shall instead refer to, respectively, "Tenant," "Subtenant" and "Sublease."

TENANT

Jennifer Lewis

SUBTENANT

Tatiana Lang

**RESIDENTIAL SUBLEASE
INSPECTION CHECKLIST**

Subtenant has inspected the Premises and states that the Premises are in satisfactory condition, free of defects, except as noted below:

SATISFACTORY	COMMENTS
Bathrooms _____	_____
Carpeting _____	_____
Ceilings _____	_____
Closets _____	_____
Dishwasher _____	_____
Disposal _____	_____
Doors _____	_____
Fireplace _____	_____
Lights _____	_____
Locks _____	_____
Refrigerator _____	_____
Screens _____	_____
Stove _____	_____
Walls _____	_____
Windows _____	_____
Window coverings _____	_____
_____	_____
_____	_____

_____ Date

Subtenant:

_____ Tatiana Lang

Acknowledged by Tenant:

_____ Jennifer Lewis

**RESIDENTIAL SUBLEASE
DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT
OR LEAD-BASED PAINT HAZARDS**

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on poisoning prevention.

Landlord's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

(i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain): _____

(ii) Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the landlord (Check (i) or (ii) below):

(i) Landlord has provided the Tenant with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents): _____

(ii) Landlord has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Subtenant's Acknowledgment (initial)

(c) Subtenant has received copies of all information listed above.

(d) Subtenant has received the pamphlet Protect Your Family From Lead In Your Home.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Jennifer Lewis

Date

Tatiana Lang

Date



Tatiana Lang <tati.lang09@gmail.com>

Moving In

4 messages

Jenny Lewis <jenlewis701@gmail.com>
To: Tatiana Lang <tati.lang09@gmail.com>

Fri, Jan 31, 2014 at 10:04 AM

Hey Tatiana,

I just wanted to check-in with you and see what your plans were for moving in? Just want to make sure someone is around to let you in. I have a conference I am presenting at on Saturday from 10-5 and Ryan is out of town this weekend. That being said, we can try and meet around 9 if that is not too early? Need to be out of the house by 9:30 at the latest. Or I can attempt to hide a key. Just let me know. Also, please find attached a subtenant lease for your review. Since I am the only lease holder, I created a subtenant lease just as an extra safeguard in case someone jumped ship. Pretty straightforward.

Thanks,

Jenny

—

Jenny Lewis
(410) 703-2955

2 attachments

 Tatiana Lang Subtenant Agreement.doc
35K

 EPA Lead Brochure.pdf
1351K

Tatiana Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Fri, Jan 31, 2014 at 11:57 AM

Hi,

Im not sure that I will be able to make it by 9am. Can you hide a key for me? It wont be hidden for too long cause I am aiming to get there by 10-11.

Also, I havent had a chance to look over the lease, but will do so shortly. Is the room Im moving into going to be cleaned and everything? Or do i have to clean it before i put my things in?

-Tatiana

[Quoted text hidden]

—

Tatiana Lang
408-230-3973 | tati.lang09@gmail.com

Jenny Lewis <jenlewis701@gmail.com>
To: Tatiana Lang <tati.lang09@gmail.com>

Fri, Jan 31, 2014 at 12:13 PM

Room is vacuumed and empty, so ready for move in. What's your cell phone number? I'll text you tomorrow where I end up hiding the key. Heads up, Ian the other roommate should be at the house tomorrow moving in as well.

[Quoted text hidden]

Tatiana Lang <tati.lang09@gmail.com>
To: Jenny Lewis <jenlewis701@gmail.com>

Fri, Jan 31, 2014 at 2:04 PM

Sounds good. My cell is 408-230-3973

[Quoted text hidden]

Matthew & Lisa Williams
10653 Amberglades Lane
San Diego, CA 92130

August 30, 2018

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 137 Clayton Street
Planning Department Case No. 2015018150CUA
Hearing Date: September 13, 2018**

Dear President Hillis and Commissioners:

The purpose of this letter is to provide the Commission with updates about significant changes (since the November 3, 2016 hearing) that are important in understanding this housing development opportunity. And, to urge this Commission to approve the above referenced Agenda Item.

- The master tenant, Jennifer Lewis, gave two 30-day Notices dated November 2, 2017 (one via email and one via certified US Mail) and moved out on December 2, 2017. This house has now been vacant for several months. (See Exhibit A)
- The website Zillow and shows the value of 137 Clayton Street at \$2,980,777. And the rent value at \$6,950. So, even if we take off \$1,000,000. of value, this house is not (and will never be) “naturally affordable” or “affordable” housing.
- In acceptance of and in compliance with the Housing Accountability Act (HAA), there have been three projects (that I am aware of) in San Francisco for which the SF Planning

Commission has approved complete demolitions of sound structure single-family dwellings to create additional housing. These three projects are all very similar to the Clayton and their approvals for complete demolition have now set a precedent in San Francisco:

- 218 27th Avenue
- 792 Capp Street
- 714 Rhode Island Street

It was asserted for each of these three projects that with an alteration or renovation, adding units that must integrate with the existing structure, is much more expensive than building a new multi-unit building.

The costs associated with the "alteration alternative" would not be limited to the additional cost of construction and the loss of square footage. The costs would also include the loss of utility and livability of family sized units, and the loss of architectural integrity and curb appeal, which would result in a reduction of value for this Project by using an "alteration" **three** unit configuration.

The constraints and limitations dictated by a "alteration alternative" would result in an awkward out of context facade and scale that would have very little resemblance to the original design. And thus, the altered building would appear more out of character with the neighborhood, whereas the current new construction design of this project is an enhancement to the neighborhood character. Also, the constraints and limitations dictated by a "alteration alternative" would result in an awkward configuration (and loss of family livable square footage) on each floor.

After considering the "alteration alternative", a re-evaluation of the highest and best use of this property would indicate that it would be preferable to develop only two larger family size units or a single family luxury home.

As a result, the "alteration alternative", would be considered a loss of opportunity for the developer and the City of San Francisco, to maximize the number of units allowed (and needed) by the City. And, under the applicability of the Housing Accountability Act (HAA), the "alteration alternative" would constitute the City "making infeasible" and "reducing the density" (units) of this housing project (The HAA prohibits a local agency from taking actions to impair or deny such project except under specific statutory requirements).

- Since the November 3, 2106 Hearing of the project, it is important to recognize that the State of California Legislature has found it necessary to regularly reform the HAA thereby continuously strengthening statutory protections for housing projects in California.

Over the last year and a half, the Legislature tightened the definition of "objective standards" (and jurisdictions can apply only those standards in effect at the time the application was deemed complete), increased the burden of proof standards on jurisdictions that reject housing, increased the availability of attorney fees, increased fines and increased the authority for court ordered approvals.

I believe the Legislature will continue to pass laws that will significantly increase the ability of housing developers and housing advocates secure approvals of much-needed housing projects throughout the State.

And, as long as the City of San Francisco is in the State of California these laws will be the "law of the land" here.

Rather than trying to find "wiggle room" or "loop holes" in this law, it would be beneficial to the City of San Francisco to not only accept this law, but also to embrace it.

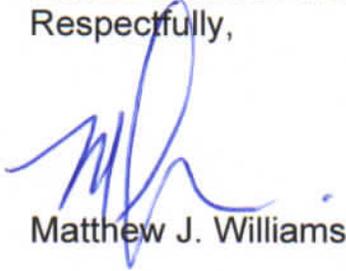
I feel that Mayor Breed was embracing the State's housing laws when she said: "The politics of 'no' has plagued our city for far too long." "Not on my block. Not in my backyard". "We have made mistakes in the past by not moving housing production forward all over this city".

- It is as simple as this: It should be accepted that the HAA applies to this project (see Exhibit B, letter sent by Tuija Catalano, Esq. (Reuben, Junius & Rose Ilc) to the Commission on January 30, 2017, wherein she asserted the applicability of the HAA for this project on page 7 at "C") and as such the Commission has the opportunity to do what is right, and approve this housing project.

- An approval vote would be tethered to this projects compliance with all of San Francisco's "applicable, objective standards".
- An approval vote would comply with the State's statutory requirements and housing goals.
- An approval vote would be in line with the SF Mayor's new perspective and fresh inspiration in accomplishing the City's housing goals.

Please embrace the spirit of this law and approve this project.

Respectfully,



Matthew J. Williams



Lisa A. Williams

Exhibit A



From: Jenny Lewis jenlewis701@gmail.com
Subject: Thirty Day Notice Of Tenant(s) Intent to Vacate
Date: November 2, 2017 at 11:45 AM
To: Matthew & Lisa Williams ALOHACAROLINE2@aol.com

You are hereby given notice today on November 2, 2017, that I, Jennifer Lewis, tenant of [137 Clayton Street, San Francisco, CA 94117](#), am giving you my 30-days notice that I am terminating my tenancy and vacating the house, and I will move out of the house by December 2, 2017.

Certified notice is in the mail.

--

Jenny Lewis
(415) 755-3673

November 2, 2017

Matthew and Lisa Williams
10653 Amberglades Lane
San Diego, CA 92130

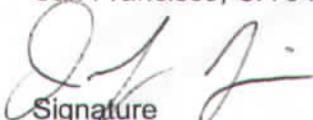
30-DAY NOTICE OF TENANT INTENT TO VACATE

Dear Mr. and Mrs. Williams,

You are hereby given notice today on November 2, 2017, that I, Jennifer Lewis, tenant of 137 Clayton Street, San Francisco, CA 94117, am giving you 30-days notice that I am terminating my tenancy and vacating the 137 Clayton Street premises by December 2, 2017.

FORWARDING ADDRESS:

563 Andover Street
San Francisco, CA 94110


Signature
Jennifer Lewis

Date 11/2/17

Jenny Lewis
137 Clayton Street
San Francisco, CA 94117



1000



92130

SAN FRANCISCO CA 94110

U.S. POSTAGE

PAID

SAN FRANCISCO, CA

NOV 03 17

AMOUNT

\$3.35

R2305K132491-09



Barn Swallow

To:

Matt and Lisa Williams
10653 Amteglades Lane
San Diego, CA 92130

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



7017 1450 0001 5775 0701

92130-484153



~~RECEIVED~~
RECEIVED
4/15/17
1:50 PM

Exhibit B

REUBEN, JUNIUS & ROSE, LLP

January 30, 2017

Delivered via E-Mail

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 137 Clayton Street
Planning Department Case No. 2015-018150CUA
Hearing Date: February 9, 2017
Our File No.: 10566.01**

Dear President Hillis and Commissioners:

Our office represents Matthew and Lisa Williams, the owners of a single-family residence at 137 Clayton Street (Block 1194, Lot 006) (“**Property**”) and the project sponsors (“**Project Sponsor**”) for a proposal to allow the construction of a three-unit building at the Property after demolition of the existing building (“**Project**”). On November 3, 2016, the Commission heard the request for a conditional use (“**CU**”) authorization for the Project, and at the conclusion of the hearing it moved to continue the item with a motion of intent to deny. We respectfully ask the Commission to reconsider its November 3, 2016 motion and instead of proceeding with a denial approve the CU and the Project for the following reasons:

- The Project will replace an existing larger, approx. 2,160-sf, 4-bedroom single-family residence with three (3) smaller, 1,220 - 1,410 sf units with a total of 9 bedrooms, and thereby will result in more housing units, more bedrooms, and more modestly sized housing;
- The Project will have no impact on historically significant buildings since the Property is not historically significant as has been concluded by a qualified preservation consultant and by Planning Department staff;
- The proposed density, height and building volume are fully consistent with the applicable RH-3 zoning and 40-X height designations, the Project is in compliance with all Planning Code requirements and is consistent with existing context;
- Denial of the Project would conflict with California Government Code Section 65589.5 (the “**Housing Accountability Act**”);
- Denial of the Project would conflict with the City's housing policies and the applicable Section 317 demolition and Section 303 CU criteria; and
- Denial of the Project would conflict with the Commission's actions on other similar projects.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Chloe V. Angelis
Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman^{2,3} | John McInerney III²

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

A. Project Description

Matthew and Lisa Williams, the Project Sponsors, have owned the Property since 1985 and lived at the Property with their family until 2000 when a move to San Diego became relevant for family reasons in order to allow Matthew and Lisa to be closer to their daughter during her college and subsequent years. During the last approx. 16 years while the owners have lived in San Diego, the Property has been a rental. Matthew and Lisa are now planning to move back to San Francisco and to the Property they have owned for approx. 28 years. Prior to moving back, they are planning to renovate the Property and instead of enlarging the existing single-family unit, they are planning to add two (2) new units and to make all of the units relatively smaller than the existing unit.

B. Project complies with all applicable criteria

1. Project is Code compliant and from density perspective more consistent with current and neighborhood context than current improvements

The permitted density in RH-3 zoning districts is 3 units, and thus with only one (1) existing unit, the Property is underutilized with respect to its ability to contribute to the City's housing supply. As shown in the images below, the surrounding context is made up of larger, mostly up to 40-foot tall buildings with multiple units.

137 and other buildings on the same side of street:



153-159 Clayton
(4 units)

137 Clayton
(1 unit)

131-135 Clayton
(3 units)

125 Clayton
(12 units)

119 Clayton
(2 units)

111-115 Cl.
(3 units)

2001 Grove
(12 units)

Source: Google maps. Not to scale; illustrative only.

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LLP

www.reubenlaw.com

Clayton Street across the street from 137 Clayton:



1985 Grove (10 units)	110-14 Cl. (3 units)	116-120 Cl. (2 units)	122-126 Cl. (3 units)	130-134 Cl. (3 units)	180-188 Cl. (6 units)	192 Clayton (1 unit) Built in 1997	1994-1998 Hayes (3 units) Built in 1996
--------------------------	-------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--	---

As examined in detail in the Planning Department's staff report, dated October 24, 2016 and attached hereto as Exhibit A, the Project is fully Code compliant with respect to all Code requirements, from height to setbacks and beyond.

2. Project complies with Section 317 criteria

Demolition of a residential unit, even if the same unit is proposed to be replaced by another unit, or in this case by several units, is subject to evaluation against Section 317 criteria. According to the City's Housing Element, applicants "...must meet a majority of the criteria for dwelling loss to be approved, in order to retain the city's existing sound housing stock."¹ The Project complies with more than a majority of Section 317 criteria, and as concluded by the Department's original October 24, 2016 draft approval motion, the Project, on balance, complies with the applicable criteria.

It should also be noted that the Project Sponsor did not attempt to circumvent Section 317 evaluation by submitting the project as an alteration that could have turned into a de facto demolition during the course of construction. Instead, the Project Sponsor proceeded in accordance with the applicable requirements and submitted the Project as a demolition, without unnecessarily increasing the Project construction costs (and thereby decreasing their affordability), and without being limited by existing inefficiencies, which could result the proposed, already moderately sized three (3) units to become even smaller (thereby reducing the Project's ability to provide three (3), approx. 1,220-1,410-sf units and decreasing their overall per sf affordability).

¹ General Plan, Housing Element, Discussion under Objective 2.

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Even if the Project were submitted as an alteration, it would still be deemed a "demolition"² under Section 317, and thus the Project would still require Planning Commission approval as a demolition. In sum, beyond the fact that the Project is fully consistent and compliant with Section 317 criteria, the Project as the proposed demolition and new construction is the most cost-effective and most feasible way to allow the Project to add two (2) new, relatively smaller and more affordable units than could be accomplished via an alteration project that does not have any benefits beyond keeping portions of an existing building that has not been deemed to be historically significant warranting preservation.

Section 317 compliance is evaluated in the Department's October 24, 2016 draft approval motion and is also summarized below:

Section 317 criteria	Project compliance
(A) whether the property is free of a history of serious, continuing Code violations;	<u>Project complies</u> ; there is no such history of violations.
(B) whether the housing has been maintained in a decent, safe, and sanitary condition;	<u>Project complies</u> ; the existing Property has been properly maintained.
(C) whether the property is an "historical resource" under CEQA;	<u>Project complies</u> ; a full Historic Resource Evaluation ³ ("HRE") was prepared by Chris VerPlanck (a respected consultant with long history of evaluating San Francisco properties), Planning staff concurred with HRE findings, and <u>no</u> historic significance was found. More specifically, the HRE concluded that the Property was "...ineligible for listing in the California Register ... because the building lacks the individual historical or architectural distinction required for listing." Furthermore, the Property "...is also located outside any of the California Register-eligible historic districts..." Planning staff concurred in concluding that the Property is "not a historical resource under CEQA." ⁴
(D) whether the removal of the resource will have a substantial adverse impact under CEQA;	<u>n/a</u> ; Property is not a resource. (See HRE and Department's CEQA determination.)

² Demolition under Section 317(b)(2) means: "(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or (B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or (C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area."

³ See Historic Resource Evaluation Part I, by VerPlanck Historic Preservation Consulting, dated December 15, 2015.

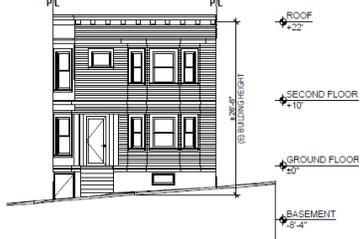
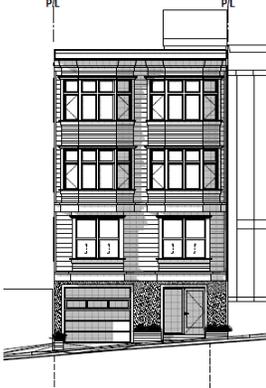
⁴ See Planning Department's Preservation Team Review Form, dated March 31, 2016, and executed on April 8, 2016, attached to the CEQA Categorical Exemption Determination, dated June 21, 2016.

<p>(E) whether the project converts rental housing to other forms of tenure or occupancy;</p>	<p><u>Project complies</u>; the property owner intends to move back to San Francisco and to the Property, and thus the occupancy of one of the units will become owner-occupied. However, with the addition of two (2) new units that are intended as rental units, the Project will have a positive contribution to the City's rental housing stock.</p>
<p>(F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;</p>	<p><u>Project complies</u>; the Property is not affordable based on the current \$4,296 monthly rent or the rent that could be charged had the Project Sponsor priced the unit according to market conditions.⁵</p>
<p>(G) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;</p>	<p><u>Project complies</u>; while the Project does not retain the existing unit, the Project will not have a negative impact on cultural and/or economic neighborhood diversity. Instead of one (1) 4-bedroom unit, the Project will result in three (3) 3-bedroom units, all of which are relatively smaller than the existing unit allowing new occupants at the Property and thereby contributing to neighborhood diversity.</p>
<p>(H) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;</p>	<p><u>Project complies</u>; Residential Design Guidelines ("RDG") are "intended to promote design that will protect neighborhood character, enhancing the attractiveness and quality of life in the City. The Guidelines address basic principles of urban design that will result in residential development that maintains cohesive neighborhood identity, preserve historic resources, and enhances the unique setting and character of the City and its residential neighborhoods."⁶ help ensure that new residential development respects the unique character of many of San Francisco's neighborhoods. The Project was reviewed by the Department's RDT, incorporated changes in order to comply with the comments provided by RDT, and is supported by RDT as being consistent with the RDG. As can be seen from the exterior front elevations, the Project as currently proposed will have no negative impact on neighborhood character.</p>

⁵ E.g. according to zillow.com (checked on January 30, 2017), the estimated rent for the Property would be \$5,800 per month, far in excess of the current \$4,296 monthly rent.

⁶ See Residential Design Guidelines, Introduction, p. 3 (December 2003).

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 www.reubenlaw.com

 <p style="text-align: center;">EXISTING FRONT</p>	 <p style="text-align: center;">PROPOSED</p>	 <p style="text-align: center;">POTENTIAL ALTERATION</p>
(I) whether the project protects the relative affordability of existing housing;	<u>Project complies</u> ; although the Project removes an older unit, it removes an approx. 2,160-sf unit, and replaces it with 1,220-sf, 1,390-sf and 1,410-sf units, increasing the overall floor area and bedroom count.	
(J) whether the project increases the number of permanently affordable units as governed by Section 415;	<u>n/a</u> ; The Property does not contain any affordable units.	
(K) whether the project locates in-fill housing on appropriate sites in established neighborhoods;	<u>Project complies</u> ; Project involves an underutilized site in an existing residential neighborhood and proposes a density of 3 units per lot, consistent with zoning and neighboring properties. Between 2007-2013, almost 3,100 housing units, or 17% of all housing production, were developed in existing residential neighborhoods According to the Housing Element, the "City has been able to locate this substantial amount of new housing in existing residential areas without significant adverse impacts to prevailing neighborhood character." ⁷ Thus,	
(L) whether the project increases the number of family-sized units on- site;	<u>Project complies</u> ; Project will add two (2) new housing units for a total of three (3) units all with 3 bedrooms.	
(M) whether the project creates new supportive housing;	<u>n/a</u> .	
(N) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;	<u>Project complies</u> ; as noted above and in the Department's October 24, 2016 staff report and draft approval motion, the Project "meets all applicable requirements of the Planning Code and Residential Design Guidelines" and was recommended for approval by the Department.	

⁷ General Plan, Housing Element, discussion under Objective 11 (Support and respect the diverse and distinct character of San Francisco's neighborhoods).

(O) whether the project increases the number of on-site Dwelling Units;	<u>Project complies</u> ; Project will result in the net addition of two (2) units.
(P) whether the project increases the number of on-site bedrooms;	<u>Project complies</u> ; Project will result in the net addition of five (5) bedrooms.
(Q) whether or not the replacement project would maximize density on the subject lot; and	<u>Project complies</u> ; Property is currently underutilizes as a single-unit building in an RH-3 district. The Project will maximize density by proposing a 3-unit building.
(R) if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.	<u>Project complies</u> ; although the proposed units will be smaller than the existing approx. 2,160-sf, 4-bedroom unit, the Project will increase the total number of units and the total number of bedrooms.

3. Project complies with Section 303 criteria

Per Section 317(d)(2), "...the Commission shall consider the replacement structure as part of its decision on the Conditional Use application." The Project is necessary and desirable because it adds two (2) new housing units and a total of five (5) new bedrooms at the Property. It is not necessary or desirable to deny a project that adds housing. It is also not necessary or desirable to disapprove demolition of an existing house that has not been found to be historically significant. The Planning Department's October 24, 2016 staff report and draft approval motion included a thorough analysis of the ways in which the Project complies with the CU criteria and how the Project is necessary or desirable and compatible with the neighborhood. The Project Sponsor concurs with those initial findings.

C. Housing Accountability Act

The Housing Accountability Act was adopted by State legislature because "...lack of housing ... is a critical problem that threatens the economic, environmental, and social quality of life in California."⁸ Housing Accountability Act prohibits local governments from rejecting or making housing development infeasible unless certain analysis and findings pursuant to the Act are made. Such findings must be based on substantial evidence in the record, and require written findings that:

- 1) The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
- 2) there is not feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

⁸ Cal. Gov't Code, Sec. 65589.5(a)(1).

“A ‘specific, adverse impact’ impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”⁹ The applicable standard is incredibly high standard, and the Project does not violate any existing public health and safety standards to the extent of causing significant, quantifiable, direct and unavoidable impacts, and thus the denial of the Project does not satisfy the requirements under the Housing Accountability Act.

The termination of the existing tenancy is not a significant adverse impact on public health and safety, and is unavoidable whether or not the Project is approved. The owners of the Property are planning to move back to San Francisco and to the Property they have owned for approx. 28 years. Irrespective of whether the Project is a demolition or alteration, or whether the Project even occurs, the existing tenancy will come to an end. The existing tenant has known about the Project at least since November 10, 2014, when the Project Sponsor informed her of the need for Mr. VerPlanck to access the house for HRE research purposes.

Denial of the Project as a demolition and potential willingness to entertain it as an alteration project is also not consistent with the Housing Accountability Act. Although an alteration project is physically possible, it would increase the constructions costs by approx. 10-20%, making the project more expensive, thus translating to less affordable pricing for its occupants. An alteration would also limit the project's ability to deliver three (3) moderately sized units ranging from 1,220 sf to 1,410 sf, and would likely result in less overall square footage, potential loss of bedroom(s) and overall decrease in affordability. An alteration project may make more sense as a two-unit project, instead of the proposed three-unit project, thus resulting in the potential loss of a unit. None of consequences resulting from an alteration project outweigh the benefits, which is primarily comprised of the partial retention of the existing house, which is not historically significant, warranting its preservation per with the City's policies. Therefore the "benefits" of retaining the existing building are very minimal, and certainly on balance are not superior to the Project and benefits that can be delivered as a demolition and new construction, and most certainly do not meet the threshold from the Housing Accountability Act that is necessary to disapprove the Project.

The City's Board of Appeals ("**BOA**") has previously examined the applicability of the Housing Accountability Act in the 2013-2014 evaluation of an appeal of five-story residential-over-commercial building at 1050-1058 Valencia Street ("**1050 Valencia Appeal**"). In that case, at issue was the removal of the top, approx. 2,600-sf floor of a 12-unit project. After a closed session between the BOA and the City Attorney, the BOA

⁹ Cal. Gov't Code, Sec. 65589.5(j).

decided base a 4-0 vote to allow the top floor to remain citing the Housing Accountability Act as the reason for its decision.

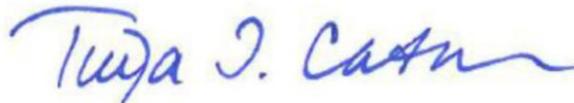
There is no case law to support a conclusion either that the required findings under the Housing Accountability Act could be satisfied by denying a housing Project that complies with objective general plan and zoning standards.¹⁰ There are a number of important reasons why the Housing Accountability Act exists and why the standard for denial of housing projects is high. Simply stated, there is a real need for more housing in California and in San Francisco. It is also no secret that San Francisco's demographics include less and less families with underage kids. The Planning Department recently initiated a task, in cooperation with Supervisor Yee, to create more family-friendly housing policies. Relatively affordability of and bedroom count within units matters. Instead of asking to enlarge the existing 2,160-sf single unit, the Project is asking to create three (3) new, more moderately sized units ranging from 1,220 sf to 1,410 sf, all containing three (3) bedrooms. Denial of the Project is not consistent with the City's housing policies, and cannot be justified in light of the Housing Accountability Act requirements.

D. Conclusion

For all of the reasons noted above, we respectfully request that the Planning Commission disregard its prior motion of intent to deny and instead approve the Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija I. Catalano

Exh. A - October 24 ,2016 Planning staff report and draft approval motion

¹⁰ In *Honchariw v. County of Stanislaus*, 200 Cal.App.4th 1066 (2011), the court stated that “On the issue of whether approval of the appellant's project would have a specific, adverse impact upon the public health or safety, the Board may consider any evidence any interested person may wish to present in accordance with the Board's usual and customary procedures.” (At 1082.) In other case, *Sequoyah Hills Homeowners Assn. v. City of Oakland*, 23 Cal. App. 4th 704 (1993), the court wrote: “In this case, the city council found that the Oak Knoll project complied with all general plan, zoning, and development policies. As discussed in part B, post, we believe that these findings are supported by substantial evidence. Thus, the only way appellant can avoid the impact of section 65589.5, subdivision (j)(1), is by establishing that the project, at the approved density, will have a “specific, adverse impact upon the public health or safety.” This they cannot do. There is no evidence to support such a conclusion, and the city specifically found that no such impact would result from the project. We conclude that the city did not abuse its discretion when it found that any decreased density alternative would be legally infeasible and approved the mitigated alternative.”

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President Hillis
Planning Commission
January 30, 2017
Page 10

cc: Vice President Dennis Richards
Commissioner Rodney Fong
Commissioner Christine Johnson
Commissioner Joel Koppel
Commissioner Myrna Melgar
Commissioner Kathrin Moore
Jonas Ionin – Commission Secretary
John Rahaim - Planning Director
Christopher May – Project Planner
Jeremy Schaub, Schaub Ly Architects
Matthew and Lisa Williams - Project Sponsor

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PROPOSED SUBJECT SITE RENDERING

PROJECT DATA

EXISTING PROPERTY INFORMATION	
ADDRESS	137 CLAYTON ST
BLOCK / LOT	1194 / 006
LOT WIDTH x DEPTH	112.50' x 25.00'
LOT AREA	2,812.5 S.F.
# OF RESIDENTIAL UNITS	1

PROPOSED PROJECT INFORMATION	
ADDRESS	137-41 CLAYTON ST
LOT AREA	2,812.5 S.F.
# OF RESIDENTIAL UNITS	3
BUILDING HEIGHT	40'-0"

ZONING INFORMATION	
ZONING	RH-3
HEIGHT & BULK LIMIT	40-X
RESIDENTIAL DENSITY	3 UNITS PER LOT
CONDITIONAL USE REQUESTED	DWELLING UNIT REMOVAL (SECTION 317)

Open space calculation (in square feet) per §135(d):

	Required	Proposed
Common	399 (100 X 3)	790 (REAR YARD)
Private	300 (100 X 3)	459 (TOTAL)
Total		1249

Off-street Parking Requirement per §151:

	Required	Proposed
Car	3 total	3 total
	(1 per each residential unit)	

Bicycle Parking Requirement per §155.5:

	Required	Proposed
Class 1	3 total	3 total
	(1 per each residential unit)	

AREA CALCULATION (IN SQUARE FEET):

	#137	#139	#141	COMMON AREA**	GARAGE / STORAGE	TOTAL
4 TH FLOOR			1,220	237		1,457
3 RD FLOOR		1,411		316		1,727
2 ND FLOOR	1,393			316		1,709
GROUND FLOOR				479	1,416	1,895
BASEMENT					988	988
TOTAL	1,393	1,411	1,220	1,348	2,404	7,776

TOTAL LIVING AREA FOR ALL UNITS= 4,024 S.F.

TOTAL COMMON & GARAGE AREA = 3,752 S.F.

TOTAL GROSS AREA = 7,776 S.F.

NOTE:

AREA CALCULATION AS SHOWN IS INTENDED FOR PERMIT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR SELLING OR LEASING PURPOSES. FINAL SQUARE FOOTAGE AND FINISHED DIMENSIONS MAY VARY FROM THESE PLANS DUE TO CONSTRUCTION VARIABLES.

* UNIT AREA INCLUDES NET AREA INSIDE OF UNIT ONLY

** COMMON AREA INCLUDES ALL AREAS OUTSIDE OF UNIT (COMMON STAIR/HALLWAY, EXTERIOR WALLS, ETC.)

SHEET INDEX

- A-0.1 RENDERING & PROJECT DATA
- A-0.2 CONTEXT PHOTOS
- A-0.3 CONTEXT PHOTOS
- A-0.4 SITE PLANS
- A-1.0 EXISTING / DEMOLITION PLANS
- A-2.0 BASEMENT & GROUND FLOOR PLANS
- A-2.1 SECOND & THIRD FLOOR PLANS
- A-2.2 FOURTH FLOOR & ROOF PLANS
- A-3.0 FRONT ELEVATION
- A-3.1 REAR ELEVATION
- A-3.2 FRONT ELEVATION CONTEXT & SIDE ELEVATIONS
- A-3.3 LONGITUDINAL SECTION
- A-3.4 CROSS SECTION

SCOPE OF WORK

- DEMOLISH EXISTING SINGLE FAMILY DWELLING
- CONSTRUCT NEW 4 STORY, 3 FAMILY DWELLING
- TOTAL OF 7 BEDROOMS, 6 BATHROOMS & 3 PARKING SPACES
- SEEKING CONDITIONAL USE AUTHORIZATION FOR DWELLING UNIT REMOVAL

VICINITY MAP



GABRIEL NG + ARCHITECTS INC.

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415-682-8060 eFax 510-281-1359

**NEW 4-STORY 3-UNIT DWELLING
137-39-41 CLAYTON ST**

BLOCK 1194, LOT 006
SAN FRANCISCO, CA 94117

RENDERING & PROJECT DATA

SCALE: N.T.S.



10/21/16

J.S.

A-0.1



SUBJECT AND ADJACENT BUILDINGS ON CLAYTON ST.



BUILDINGS ACROSS THE STREET ON CLAYTON ST.



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CONTEXT PHOTOS

SCALE: N.T.S.

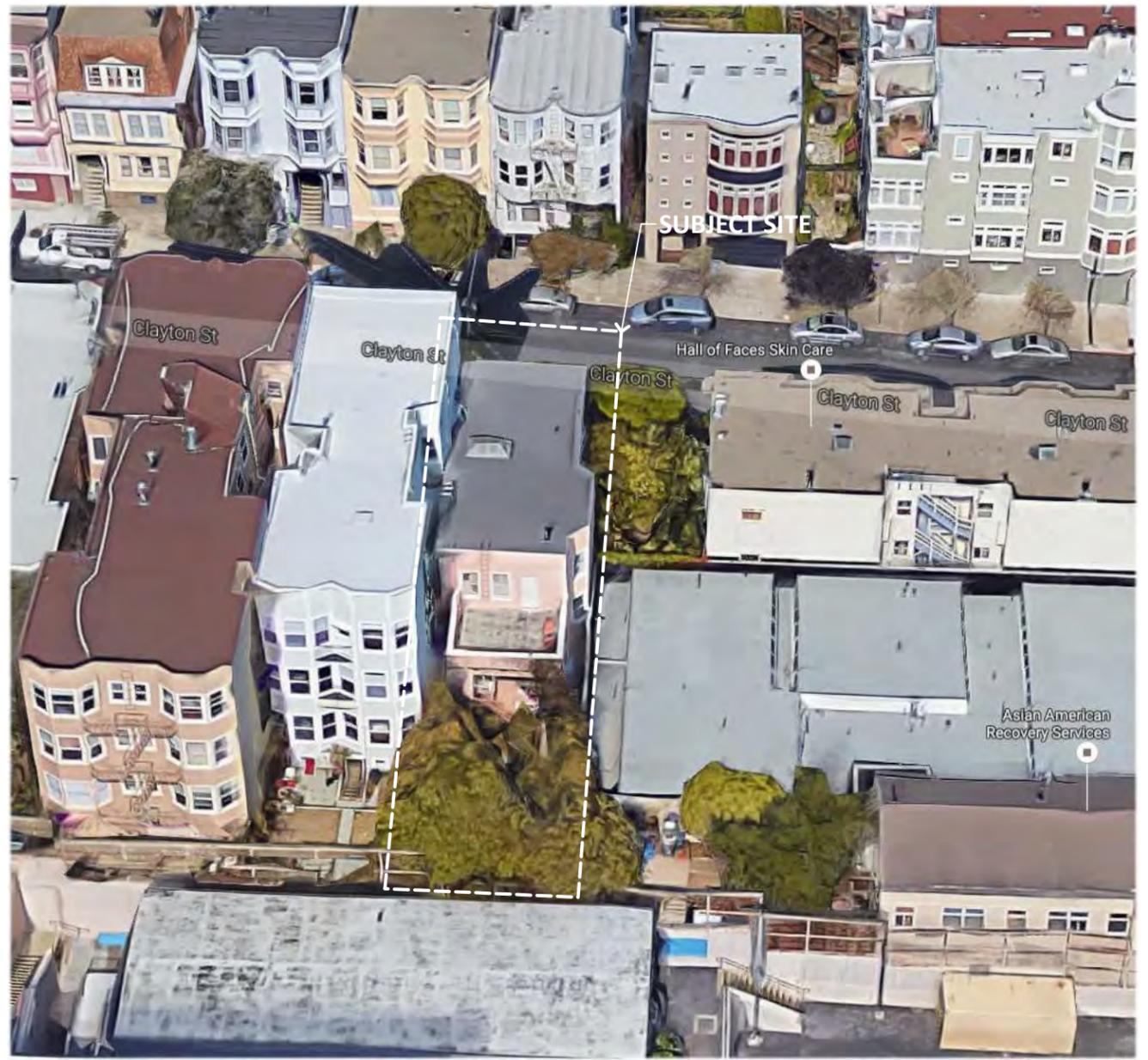
10/21/16

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A-0.2



REAR FACADE OF SUBJECT BUILDING



REAR FACADE AERIAL VIEW



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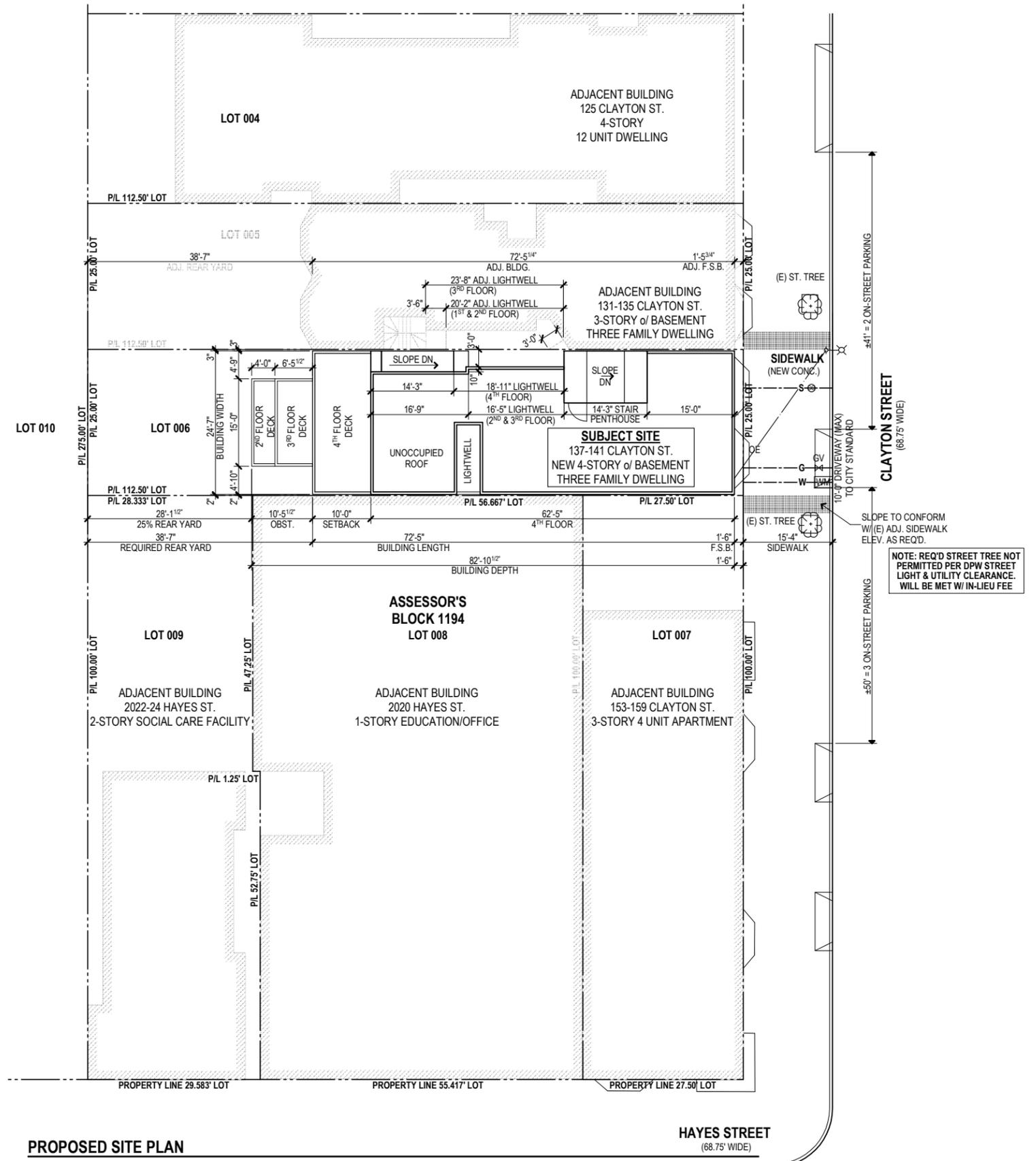
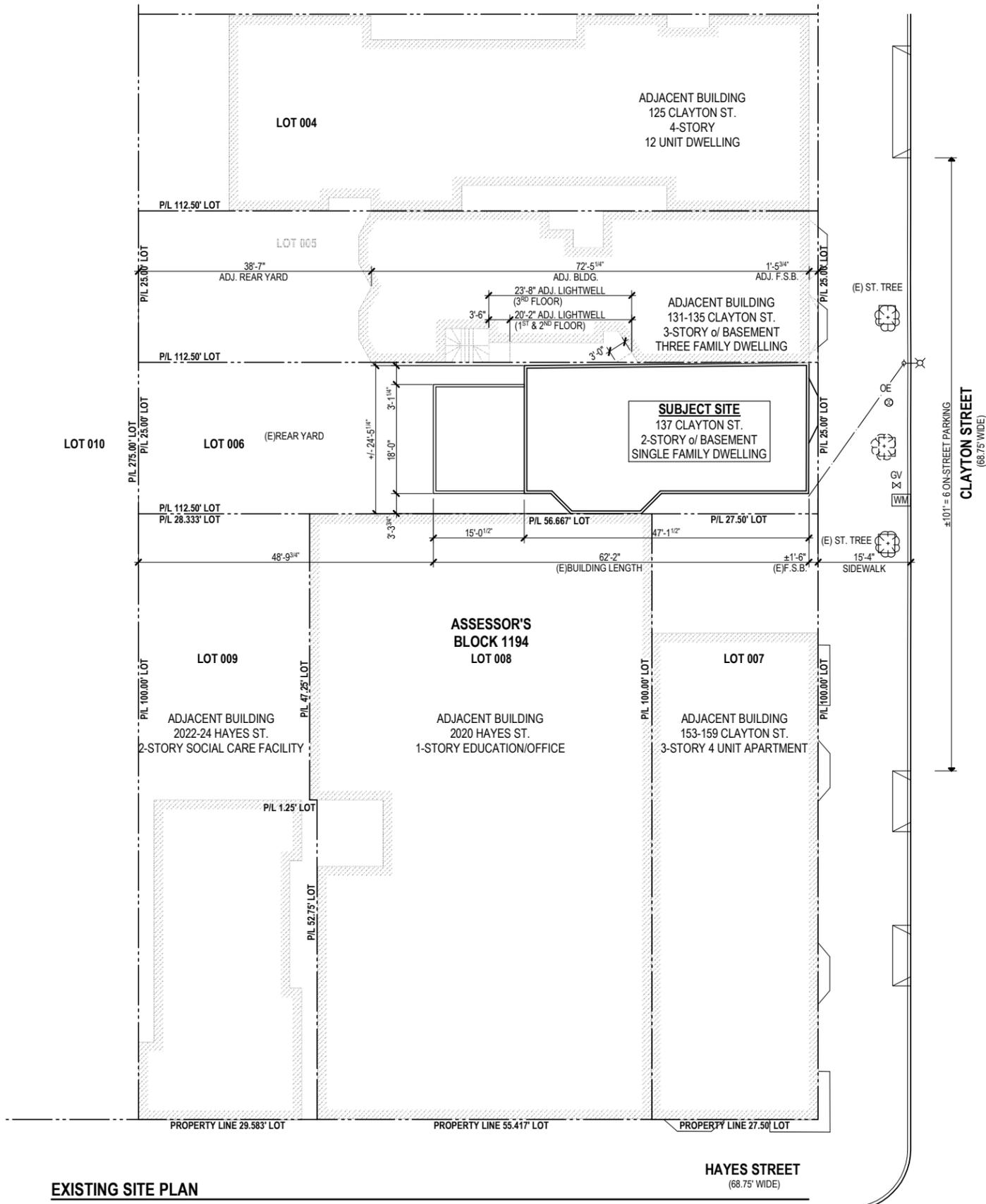
CONTEXT PHOTOS

SCALE: N.T.S.

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A-0.3



EXISTING SITE PLAN

PROPOSED SITE PLAN



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SITE PLANS

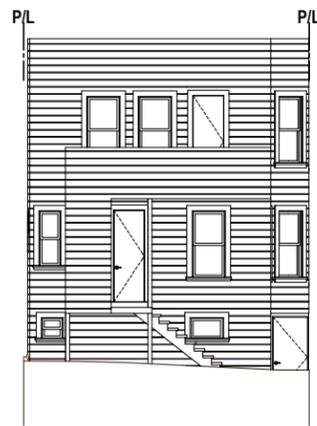
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J.S.



A-0.4



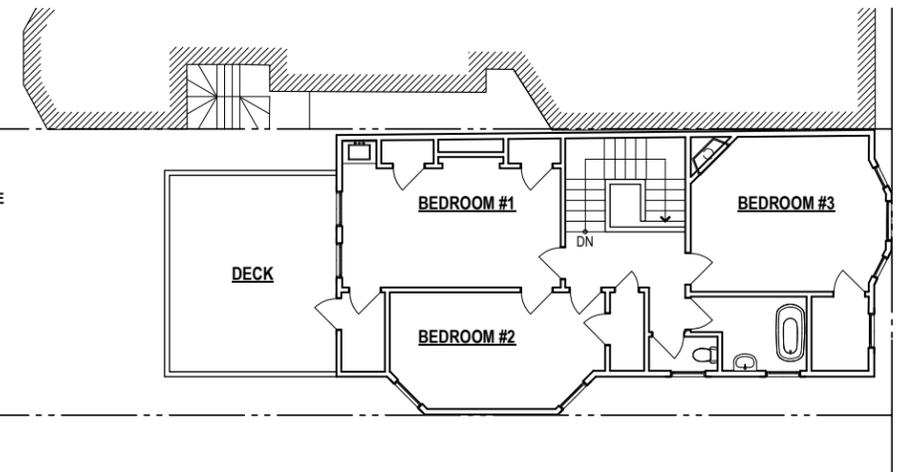
(E) REAR ELEVATION



(E) FRONT ELEVATION

EXISTING GROSS SQUARE FOOTAGE
CALCULATION (IN SQUARE FEET):

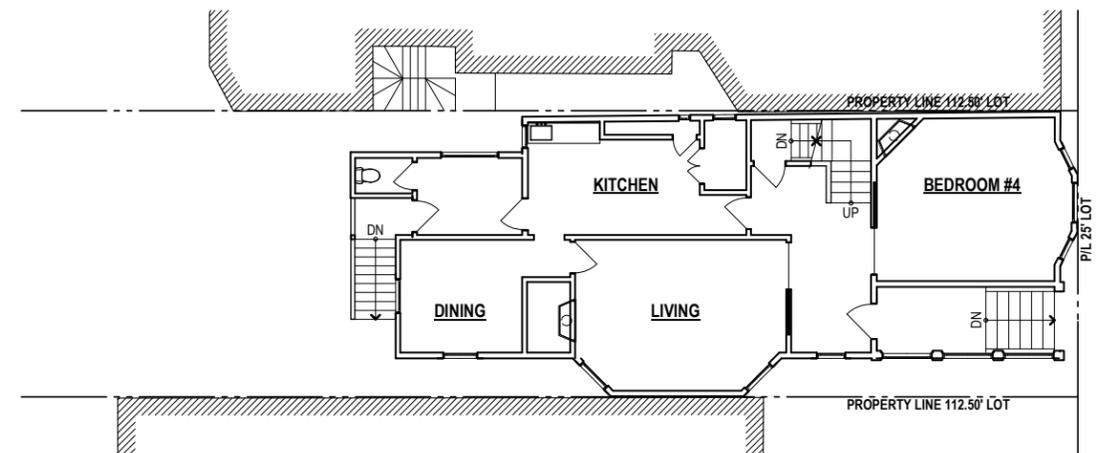
	#137
2 ND FLOOR	981
GROUND FLOOR	1,177
BASEMENT	1,184
TOTAL	3,342



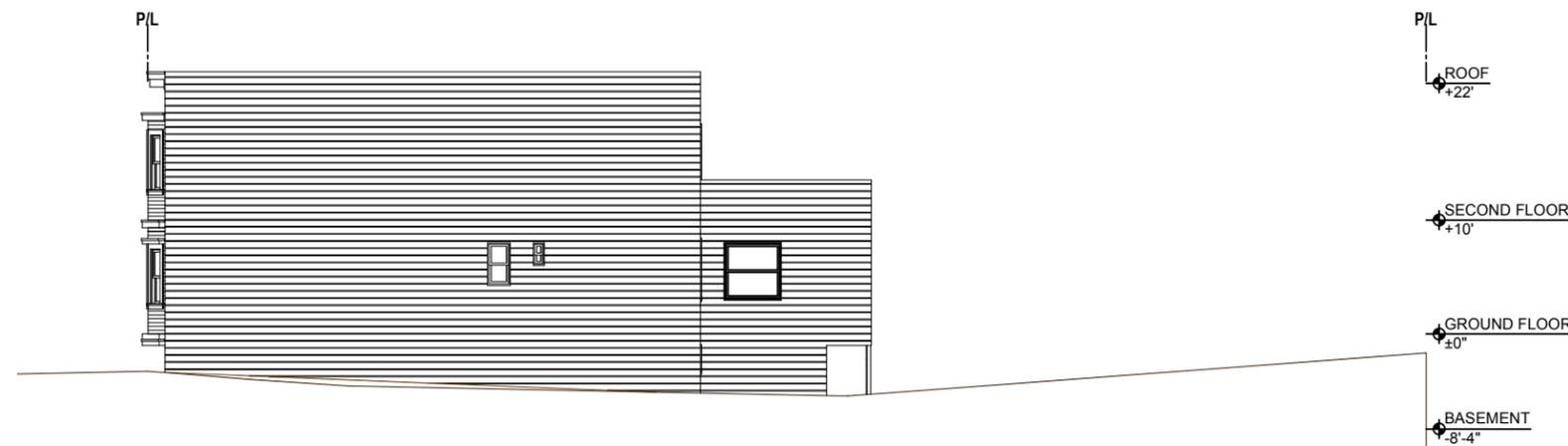
SECOND FLOOR EXISTING / DEMOLITION PLAN



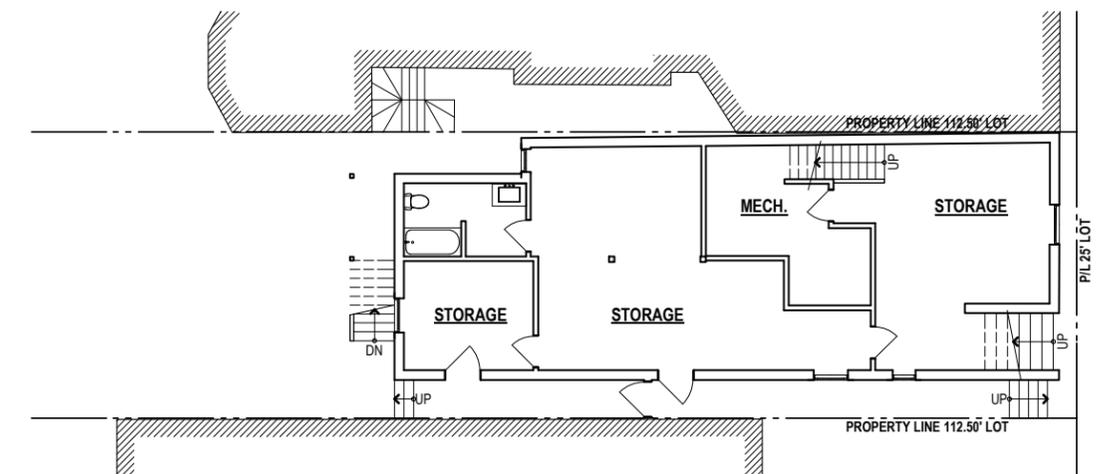
(E) LEFT ELEVATION



GROUND FLOOR EXISTING / DEMOLITION PLAN



(E) RIGHT ELEVATION



BASEMENT EXISTING / DEMOLITION PLAN



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EXISTING / DEMOLITION PLANS

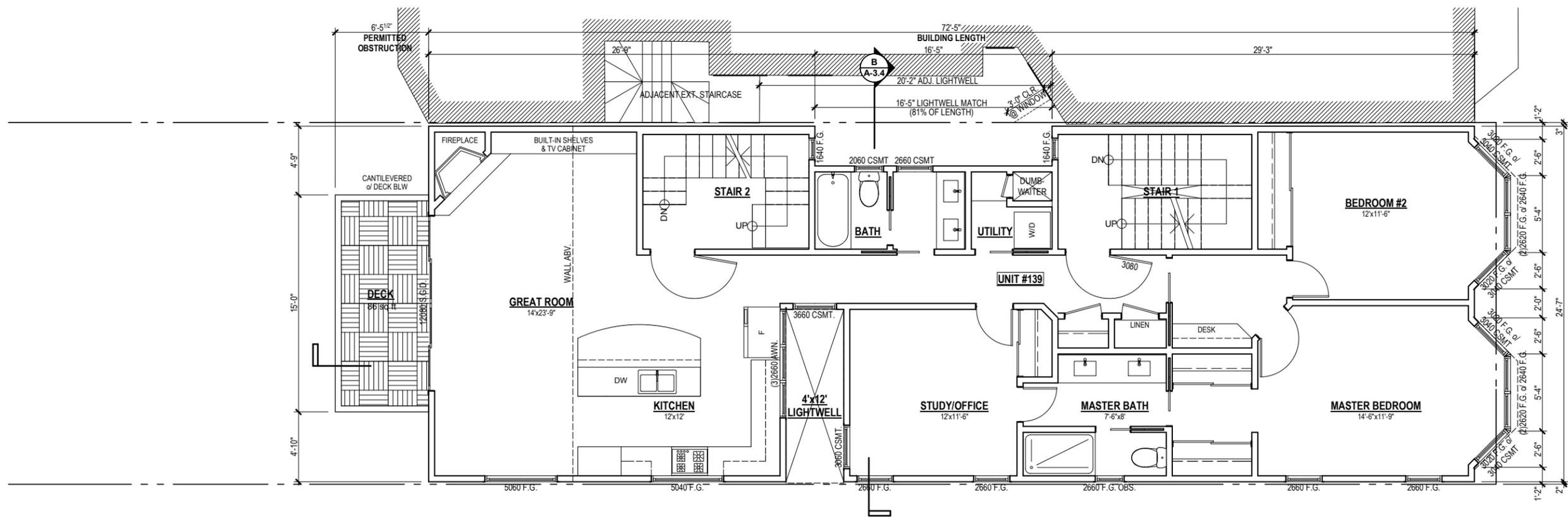
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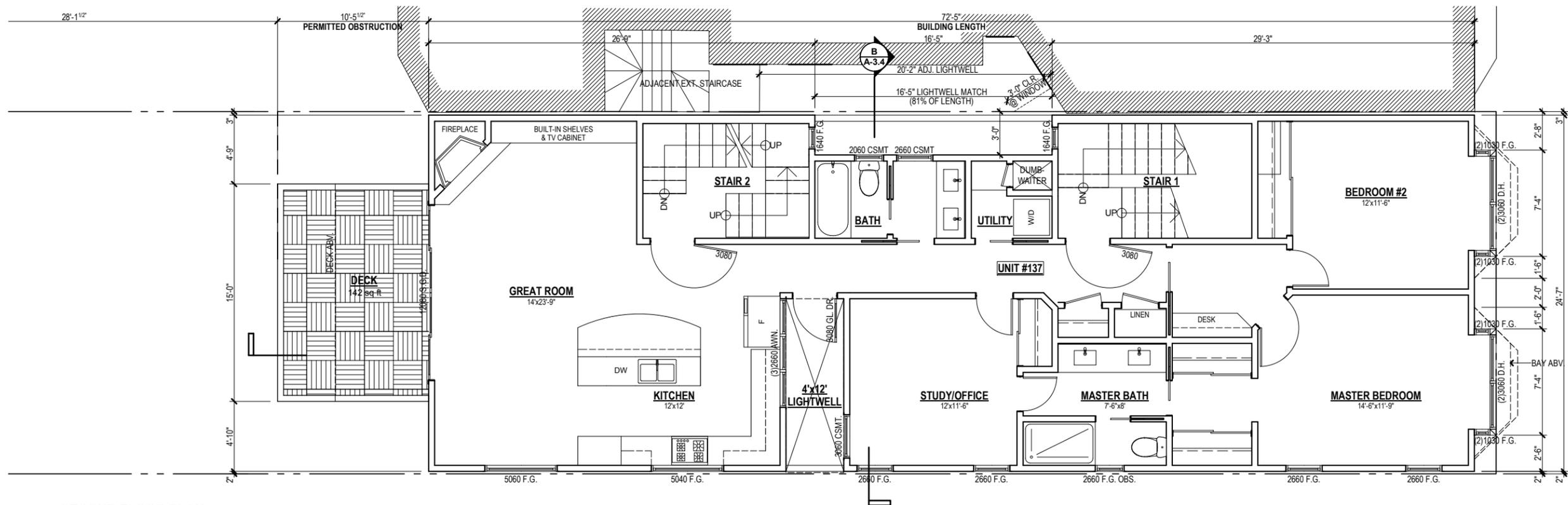
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A-1.0



THIRD FLOOR PLAN



SECOND FLOOR PLAN



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SECOND & THIRD FLOOR PLANS

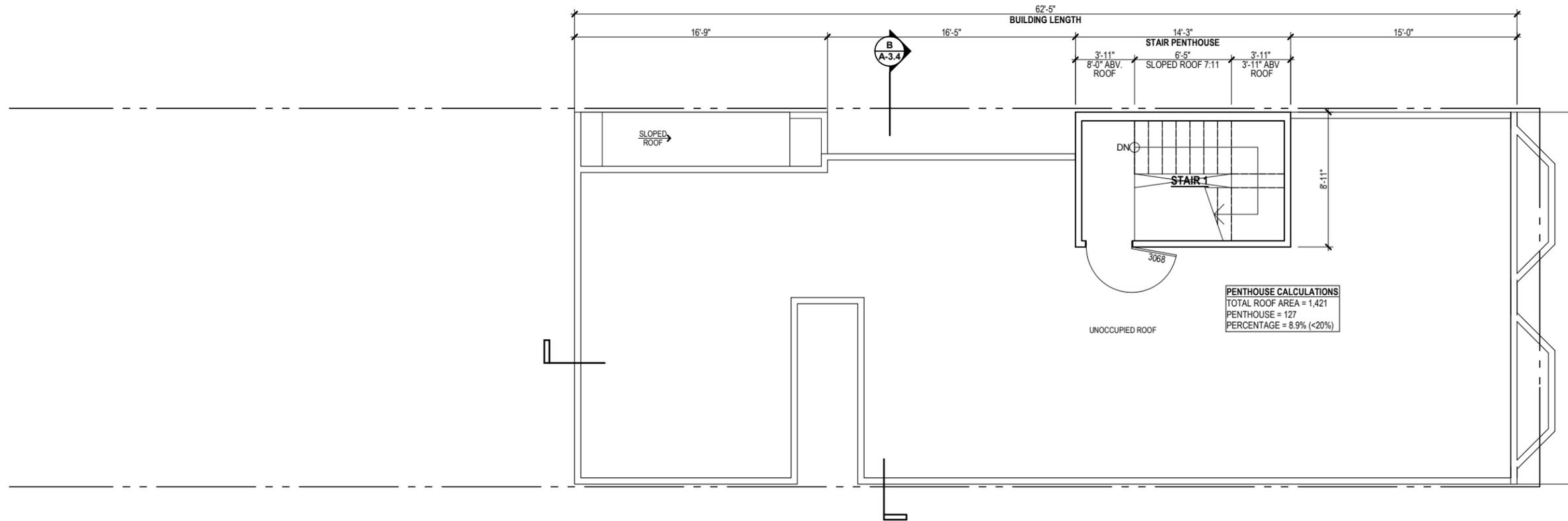
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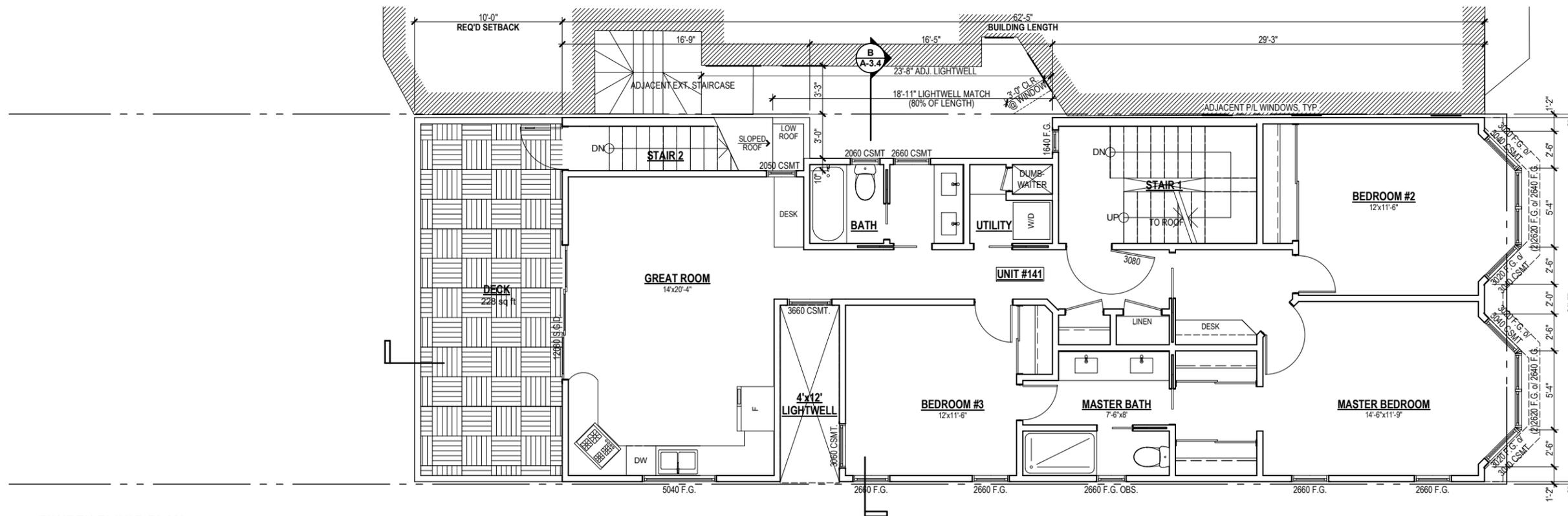
J.S.



A-2.1



ROOF PLAN



FOURTH FLOOR PLAN



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FOURTH FLOOR & ROOF PLANS

SCALE: 1/8" = 1'-0"



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A-2.2



FRONT ELEVATION



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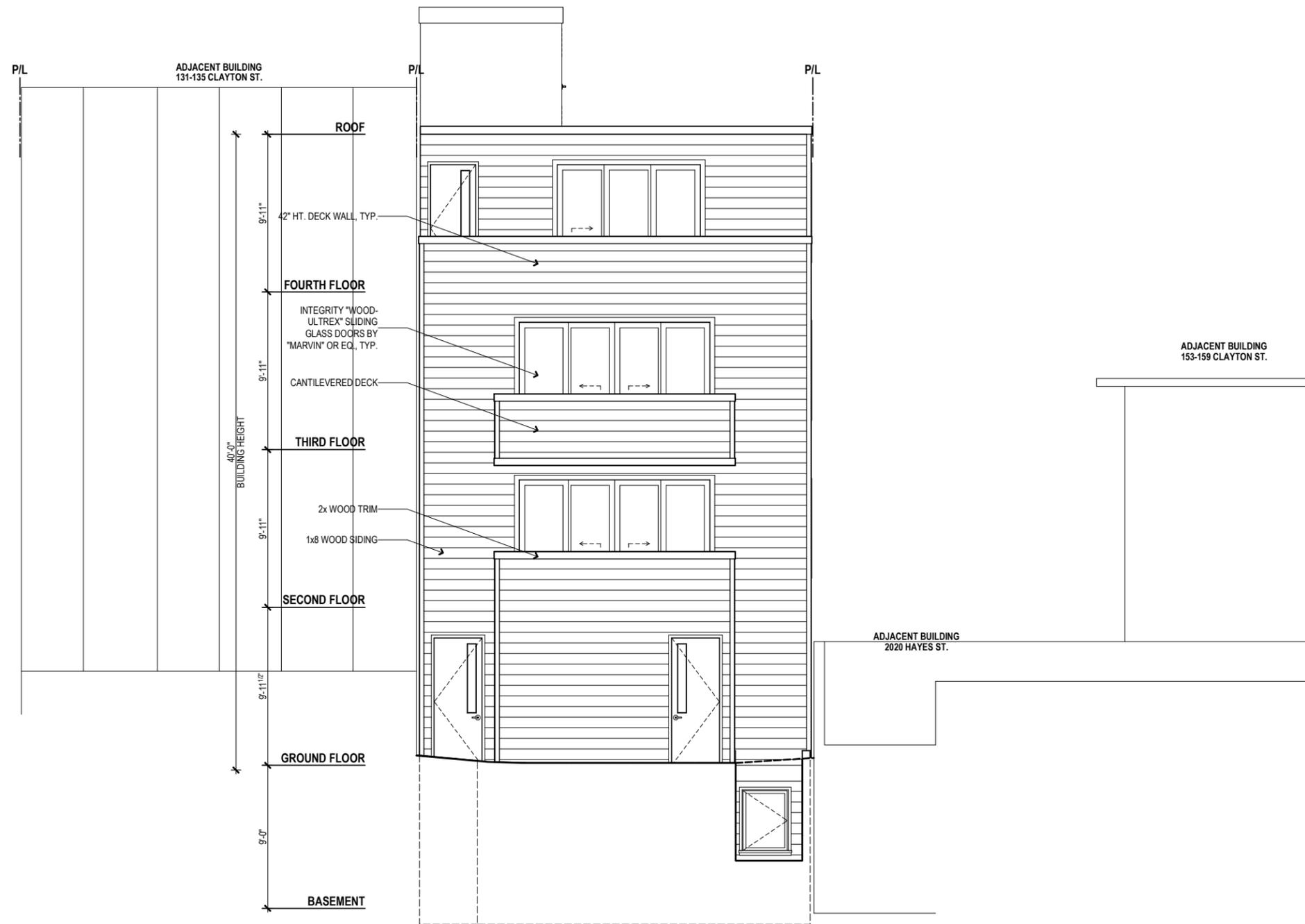
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

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A-3.0



REAR ELEVATION



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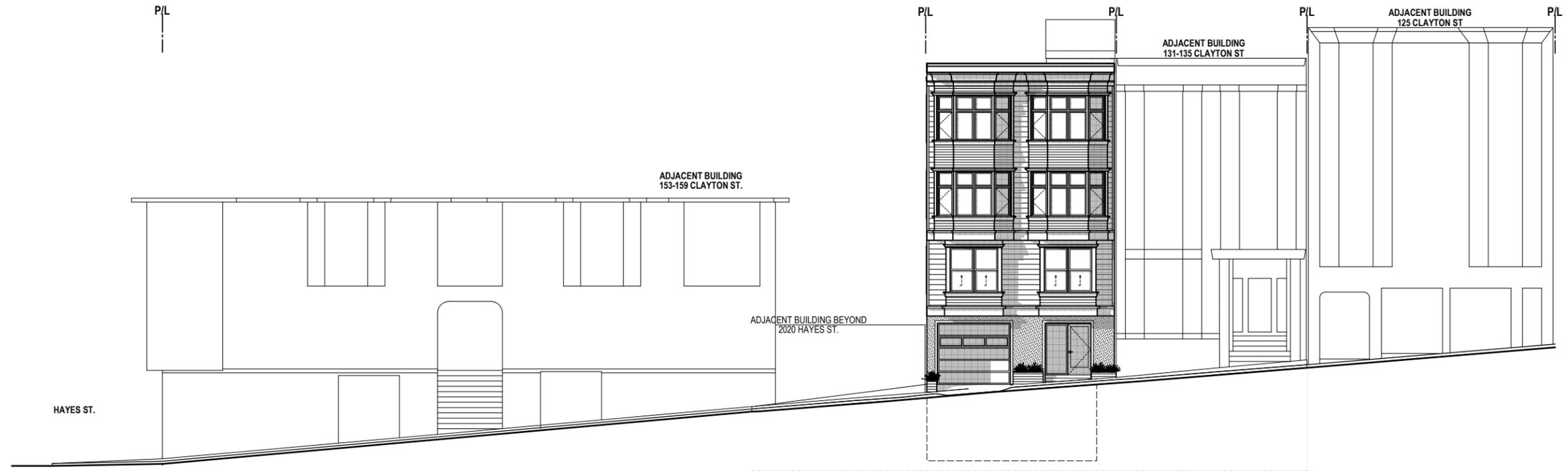
REAR ELEVATION

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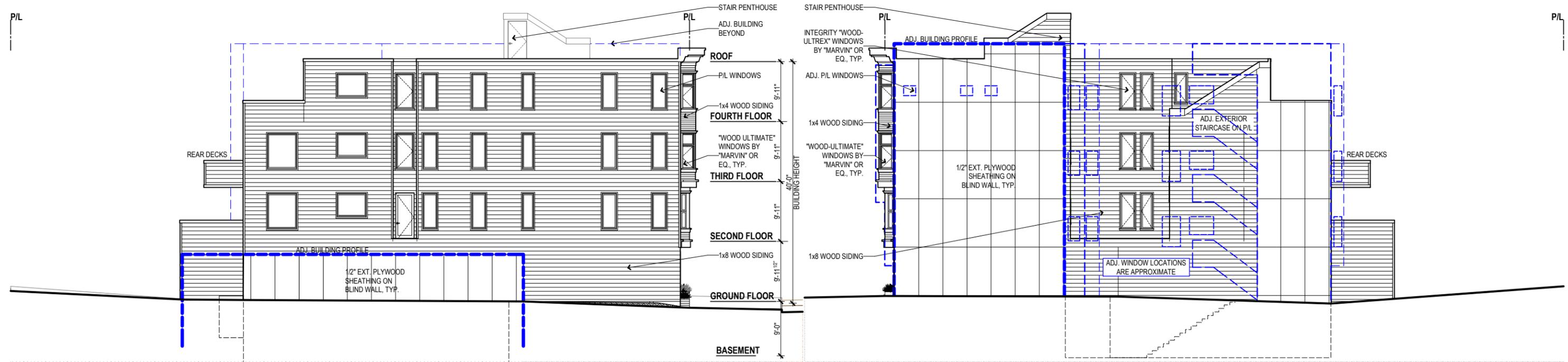
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J.S.

A-3.1



FRONT CONTEXT



LEFT ELEVATION

RIGHT ELEVATION



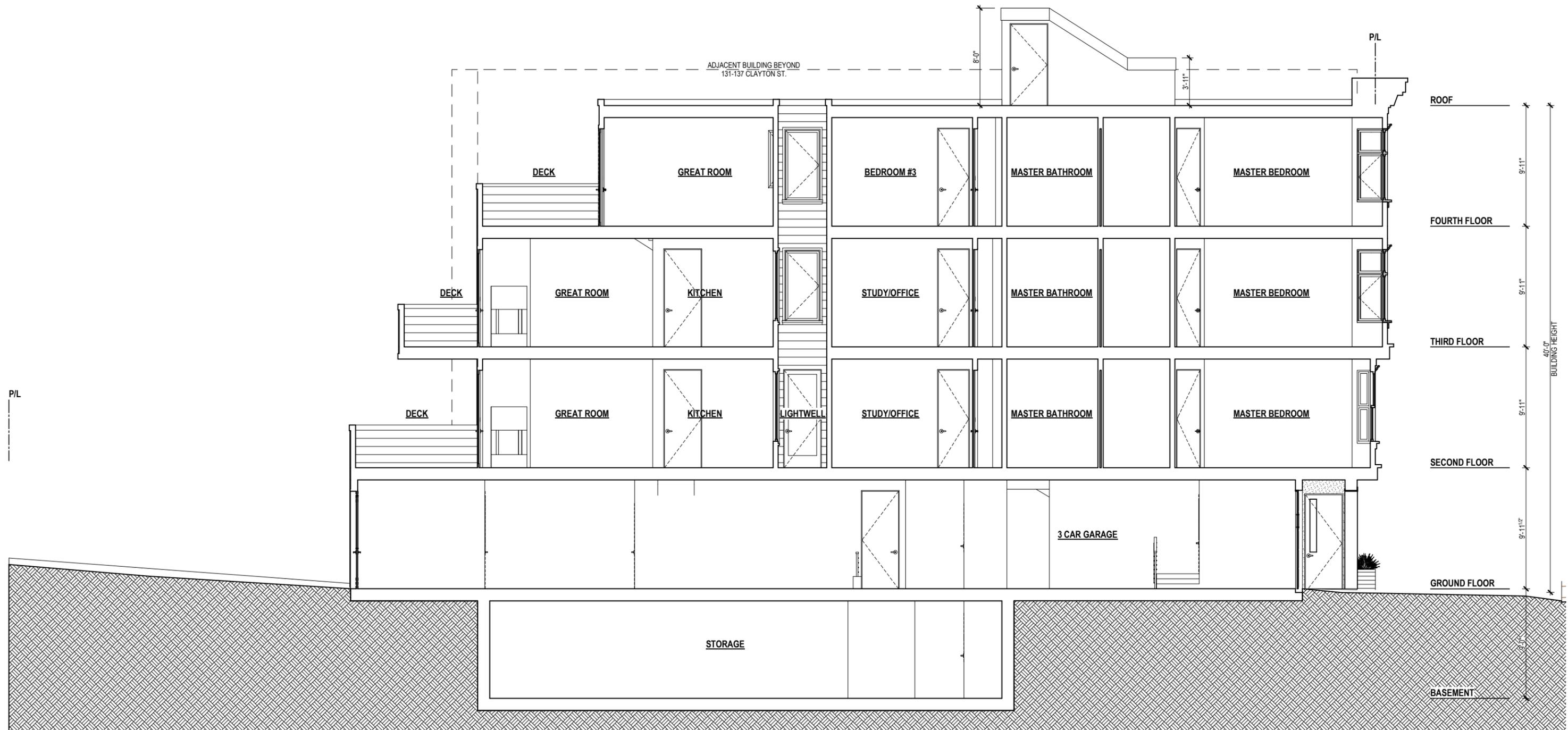
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FRONT ELEVATION CONTEXT & SIDE ELEVATIONS
 SCALE: 1/16" = 1'-0"

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A-3.2



LONGITUDINAL SECTION A



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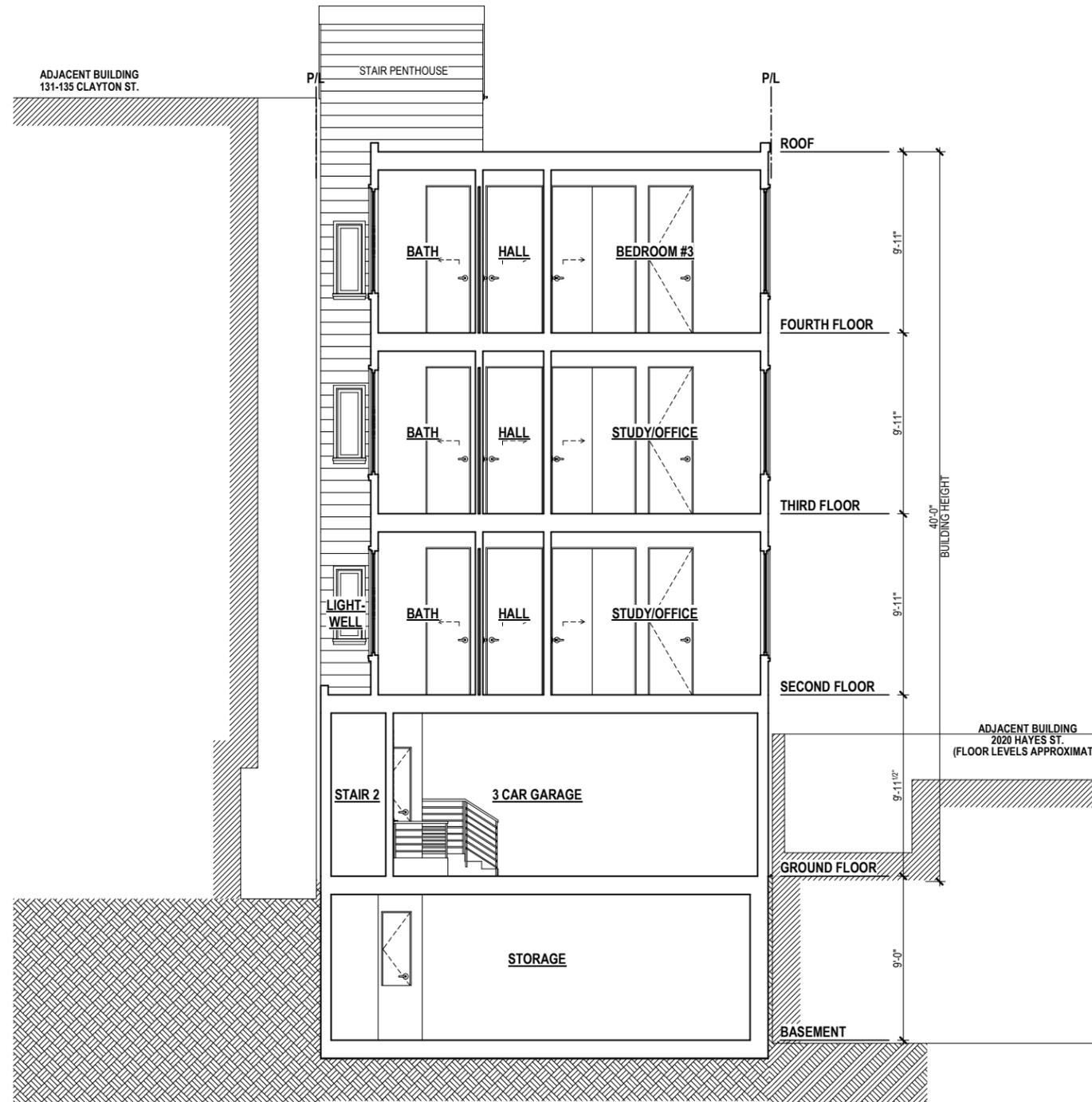
LONGITUDINAL SECTION

SCALE: 1/8" = 1'-0"

10/21/16

J.S.

A-3.3



CROSS SECTION B



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CROSS SECTION

SCALE: 1/8" = 1'-0"

10/21/16

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A-3.4